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Wednesday 17 March 2021

CONTENTS

	Col.
HUMAN RIGHT TO A HEALTHY ENVIRONMENT	1
<i>Motion debated—[Ruth Maguire].</i>	
Ruth Maguire (Cunninghame South) (SNP)	1
Kenneth Gibson (Cunninghame North) (SNP)	3
Maurice Golden (West Scotland) (Con)	5
Sarah Boyack (Lothian) (Lab)	7
Mark Ruskell (Mid Scotland and Fife) (Green)	9
The Minister for Rural Affairs and the Natural Environment (Ben Macpherson)	10
PORTFOLIO QUESTION TIME	14
JUSTICE AND THE LAW OFFICERS	14
Domestic Abuse (Court Delays)	14
Covid-19 (Routine Testing of Police Officers)	15
Domestic Homicide Reviews	16
Knife Crime (North Ayrshire)	17
Miners' Strike (Pardons)	19
Covid-19 (Reintroduction of Local Restriction Levels)	20
Covid-19 (Reoffending and Youth Justice in Dundee)	21
CONSTITUTION, EUROPE AND EXTERNAL AFFAIRS	23
Independence Referendum (Publication of Draft Bill)	23
"Breaking Point" (Response)	25
European Union Exit (Impact on Opportunities for Young People)	26
European Union Withdrawal (Relationships with Non-EU Countries)	27
United Kingdom Internal Market Act 2020	29
Visa Requirements (Work and Student Internships)	30
Settled Status Scheme (Deadline)	31
Brexit (Support for Companies)	32
SCOTLAND'S RAILWAY	37
<i>Statement—[Michael Matheson].</i>	
The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson)	37
TESTING STRATEGY	48
<i>Statement—[Mairi Gougeon].</i>	
The Minister for Public Health and Sport (Mairi Gougeon)	48
BUSINESS MOTION	60
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
DOMESTIC ABUSE (PROTECTION) (SCOTLAND) BILL: STAGE 3	61
DOMESTIC ABUSE (PROTECTION) (SCOTLAND) BILL	80
<i>Motion moved—[Humza Yousaf].</i>	
The Cabinet Secretary for Justice (Humza Yousaf)	80
Liam Kerr (North East Scotland) (Con)	83
Neil Bibby (West Scotland) (Lab)	85
John Finnie (Highlands and Islands) (Green)	87
Liam McArthur (Orkney Islands) (LD)	88
Fulton MacGregor (Coatbridge and Chryston) (SNP)	90
James Dornan (Glasgow Cathcart) (SNP)	92
Alex Neil (Airdrie and Shotts) (SNP)	94
Rhoda Grant (Highlands and Islands) (Lab)	96
Adam Tomkins (Glasgow) (Con)	97
Humza Yousaf	99
SCOTTISH LAND COMMISSIONERS (REAPPOINTMENT)	103
<i>Motion moved—[Roseanna Cunningham].</i>	
STANDING ORDER RULE CHANGES (URGENT SCOTTISH PARLIAMENTARY CORPORATE BODY QUESTIONS)	104
<i>Motion moved—[Bill Kidd].</i>	
Bill Kidd (Glasgow Anniesland) (SNP)	104

STANDING ORDER RULE CHANGES (PUBLIC PETITIONS SYSTEM)	106
<i>Motion moved—[Bill Kidd].</i>	
Bill Kidd (Glasgow Anniesland) (SNP).....	106
Gail Ross (Caithness, Sutherland and Ross) (SNP).....	106
STANDING ORDER RULE CHANGES (EQUALITIES AND HUMAN RIGHTS COMMITTEE REMIT)	108
<i>Motion moved—[Bill Kidd].</i>	
Bill Kidd (Glasgow Anniesland) (SNP).....	108
Ruth Maguire (Cunninghame South) (SNP).....	108
BUSINESS MOTION	110
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTIONS	111
<i>Motions moved—[Graeme Dey].</i>	
Donald Cameron (Highlands and Islands) (Con)	111
The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell)	112
The Minister for Parliamentary Business and Veterans (Graeme Dey)	113
DECISION TIME	119
CLYDEBANK BLITZ (80TH ANNIVERSARY)	129
<i>Motion debated—[Gil Paterson].</i>	
Gil Paterson (Clydebank and Milngavie) (SNP)	129
Maurice Corry (West Scotland) (Con)	132
Jackie Baillie (Dumbarton) (Lab)	134
Tom Arthur (Renfrewshire South) (SNP).....	135
Kenneth Gibson (Cunninghame North) (SNP)	137
Ross Greer (West Scotland) (Green)	139
Gillian Martin (Aberdeenshire East) (SNP).....	142
Bill Kidd (Glasgow Anniesland) (SNP).....	143
The Minister for Parliamentary Business and Veterans (Graeme Dey)	145

Scottish Parliament

Wednesday 17 March 2021

[The Deputy Presiding Officer opened the meeting at 13:00]

Human Right to a Healthy Environment

The Deputy Presiding Officer (Christine Grahame): Good afternoon. I remind members that social distancing measures are in place in the chamber and across the Holyrood campus, and to take care to observe those measures, including when entering and exiting the chamber. Please use only the aisles and walkways to access your seat and when moving around the chamber.

The first item of business is a members' business debate on motion S5M-24212, in the name of Ruth Maguire, on the human right to a healthy environment. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the recommendations of the First Minister's Advisory Group on Human Rights Leadership, which were published in 2018; welcomes the subsequent establishment of the Scottish Government's National Taskforce for Human Rights, which has focused on developing these into specific recommendations for legislation; looks forward to receiving the Taskforce's recommendations and to advancing the discussion of how to further human rights in Scotland's devolved context; notes the view that the concept of a Human Right to a Healthy Environment must be central to these developments, given what it considers has been the recent progress in international thinking on environmental rights, including the UN's Special Rapporteur's "16 principles"; notes what it sees as the unequal impacts of the COVID-19 pandemic have been in putting important aspects of environmental rights in the spotlight, including the need to care for global biodiversity and the importance of access to good quality and local greenspace, particularly as the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill progresses through the Parliament; acknowledges the importance of the right to a healthy environment for children and young people's human rights, including in Cunninghame South, and welcomes the reported plan to bring forward proposals for a human rights bill in the next parliamentary session, to help underpin what it believes is Scotland's role as a world leader on environmental matters.

13:00

Ruth Maguire (Cunninghame South) (SNP): I thank members across the chamber who signed the motion and enabled the debate to go ahead. I am also grateful to all the organisations that provided briefing materials and shared their views on the topic of a right to a healthy environment. In particular, I acknowledge the Environmental

Rights Centre for Scotland, Scottish Environment LINK and Movement for Health.

The pandemic and measures that have been put in place to keep everyone safe have shone a light on existing inequalities and fragilities in some of our systems, and our citizens who are already in vulnerable situations—they are often those with the least resources—have undoubtedly been most at risk of harm. However, even prior to the pandemic in Scotland, people living in our communities with the greatest economic challenges disproportionately suffered from the impacts of polluting factories and proximity to contaminated, derelict land and landfill. Those least responsible for causing environmental damage—children, the elderly and those suffering from ill health—are, in turn, most negatively impacted by environmental health hazards. In that way, an unhealthy environment exacerbates existing health inequalities. Furthermore, the Covid-19 pandemic has demonstrated the inextricable links between human and ecosystem health.

Now, more than ever, our need for a healthy environment must be protected in law as a human right. After a momentous day for human rights yesterday, when the Scottish Parliament unanimously approved the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, it is a pleasure to highlight that, if re-elected, a Scottish National Party Government will introduce a new Scottish human rights act that will include a right to a healthy environment for everyone. The proposed framework will demonstrate global human rights leadership and place Scotland at the forefront of human rights legislation and, most importantly, practice.

The unequal impacts of the pandemic have brought important aspects of environmental issues to our attention, from global biodiversity loss to the importance of local access to good-quality green space. I want to concentrate my remarks on the importance of local access to quality green space and the relationship between the environment and our health. In doing so, I want to talk specifically about walking and wheeling.

I acknowledge the blog of the chief officer of Paths for All, Ian Findlay, which I read this morning. Sadly, Ian passed away on 5 March. I know that he was very highly regarded, and I note that Paths for All intends to honour his legacy by working to make Scotland a happier and healthier place. I think that we can all get behind that.

As Ian said in his blog, human health

"has 3 dimensions, physical, mental and social health."

We know that being physically active has a huge positive impact on all three, particularly when we

manage to get outdoors. We also know that being physically active has an immediate and positive impact on our resilience by enhancing our immune system.

People who exercise regularly have a lower risk of developing many long-term conditions, such as heart disease, type 2 diabetes, stroke and some cancers. Research shows that physical activity outdoors can also boost self-esteem, mood, sleep quality and energy, as well as reduce symptoms of stress, depression and dementia.

As much as 40 per cent of long-term conditions can be caused by inactivity. Physical activity improves physical function and cognition. It may improve quality of life in adults with schizophrenia and physical function in adults with intellectual disability, and it improves quality of life in adults with major clinical depression.

Access to the natural environment has an important role to play in health. Accessible parks, paths and green space, walking, wheeling and outdoor play, which is important for our children and young people, are available to all at low or no cost to citizens, and deliver huge benefits to society. Investment in protecting and sustaining our natural environment and ensuring that it is accessible to all could save our healthcare system money and, more important, could save lives. Ensuring that everyone can access their local parks, paths and countryside is critical from the perspectives of both healthcare and equity.

The right to a healthy environment is a large and important topic, so it has been possible for me to touch on only one aspect in the time that I have. Of course, recognising such a right is only one part of the Scottish Government's bold and ambitious plans for a human rights act.

It is clear that taking a human rights-based approach to policies and decisions on embedding and progressing a human rights culture, in which such rights are placed at the heart of our society, will improve the lives of the people of Scotland. That cannot be done by the Government alone. I know that such ambitious plans will require us all—rights holders, local authorities, health boards, courts, the judiciary, scrutiny bodies, the third sector and the Scottish Parliament—to come together. I hope that that can happen as soon as possible following the election.

I again thank colleagues for their support for the debate. I look forward to hearing their contributions.

13:06

Kenneth Gibson (Cunninghame North) (SNP): I congratulate my colleague Ruth Maguire on bringing this important debate to the chamber.

Like many other members, I have closely followed the work of the First Minister's advisory group on human rights leadership, and I welcomed its recommendations made in 2018. Equally, I am sure that the Scottish Government's national task force for human rights leadership will provide many valuable insights when it presents its recommendations on the furthering of human rights in the context of Scotland's current devolution settlement.

Our view that everyone has a set of inalienable rights and freedoms is relatively modern. If we look to history we can see that advances in such protections often came in times of turbulence, when social and political rights that had previously been taken for granted were jeopardised. That is true from early discourses on the American and French revolutions to the post-war development of the Universal Declaration of Human Rights and the impact of the civil rights movement.

The establishment of internationally recognised human rights is, without doubt, one of the defining achievements of the 20th century. However, they reflect our lack of recognition, at a global level, of the scale of the risk posed by environmental damage. United Nations member states have never formally recognised the human right to a healthy environment in a global instrument.

That is not to say that there has been no progress. The Stockholm declaration that followed the 1972 UN conference provided a non-binding set of principles and recommendations for environmental policy. As a result, more than 100 countries now have a constitutional right to a healthy environment. The United Kingdom participated in Stockholm but, almost 50 years later, still does not recognise such a right in law. If human rights are born from a recognition of jeopardy to our fundamental needs, given the climate crisis we have surely reached the point where we can no longer deny the existence of such jeopardy. Climate breakdown has already led to increased coastal erosion and landslides, biodiversity is under severe threat, and in parts of Scotland air pollution is at levels that are damaging to human health.

Without a healthy environment we cannot thrive. As we look ahead to a new parliamentary session, it is vital that we show our commitment to protecting the environment through the recognition of an inalienable right. Defining the human right to a healthy environment in law is both necessary and an incredible opportunity. Under the Scottish National Party Government's leadership, Scotland has worked hard to cultivate a reputation as a world leader on environmental matters. I believe that proposals for a human rights bill should be considered by the Scottish Parliament early in the

next session. Crucially, such a bill must contain details of the right to a healthy environment.

With the 26th UN climate change conference of the parties—COP26—taking place early in the next parliamentary session, all eyes will be on Glasgow and Scotland. Recognising the human right to a healthy environment at national level would cement Scotland's desire to engage with climate policy on the global stage and enable us to push for decisive international action.

Tackling the climate crisis must involve worldwide effort, and Scotland's contribution is important. However, the benefits of a well-defined right to a healthy environment would be felt at all levels. We are witnessing a cultural change, with growing demand from citizens and grass-roots organisations for environmental sustainability—for people to be able to walk in clean streets and parks and on clean beaches. Through the success of the Lamlash Bay no-take zone in my constituency, I have seen the hugely positive impact that progressive environmental policy can have. National acknowledgement of the right to a healthy environment would enable policy and decision makers across Scotland properly to consider the impacts of our actions on our environment.

If we are to survive the climate crisis, we must act now, and we must all act. This is a huge and daunting task with no easy answers. However, a commitment to recognising the right to a healthy environment fundamentally paves the way for real change. I look forward to reading the recommendations of the Scottish Government's task force, and hope to be back in the chamber in the next parliamentary session debating how best to incorporate the right to a healthy environment into our human rights legislation.

Once again, I thank my colleague Ruth Maguire for bringing the debate to the chamber.

13:10

Maurice Golden (West Scotland) (Con): The pandemic has shown us the value of a healthy environment for our physical and mental wellbeing. Conversely, we recognise more than ever the impact that environmental damage can have on us. I therefore welcome Ruth Maguire's motion and thank her for giving us the opportunity to debate this important issue. I also congratulate her on securing the debate.

A healthy environment is especially important for the most vulnerable people in Scotland, those who are living in areas of high deprivation, children, the elderly and—more evidently than ever during the pandemic—those who have poor health. The irony is that, although they often

contribute the least to environmental damage, they suffer the most from it.

Environmental damage such as dangerously high levels of air pollution can exacerbate existing health conditions. In 2019, six of Scotland's streets were above the legal limit. In fact, 2020 was the first year in which Scotland did not record illegal levels of air pollution, but that was thanks to a nationwide lockdown rather than any environmental work.

Rubbish piles up as councils struggle to maintain clean streets with ever-smaller budgets. As the binmen are forced out, rats and other vermin move in, often in the poorest areas. We see green spaces being bulldozed, farmers being denied the support that they need to care for our countryside and Scotland's biodiversity being threatened. All of that is putting our natural heritage at risk at a time when the pandemic has shown us how important it is for our physical and mental wellbeing.

If we are all agreed on the need for a healthy and resilient environment for all, we need to stop talking about it and make it happen. I have made many proposals during the past year. I have suggested having air quality monitors at every school, as well as setting a biodiversity baseline, establishing nectar networks, holding a mass urban tree-planting effort, providing fair funding for councils and giving communities the ability to say no to losing their green spaces.

That last point leads me to an important aspect of any right to a healthy environment, which is that individuals must be empowered to defend it. Despite the SNP Government's assertions, Scotland has been criticised for not properly implementing the Aarhus convention, which protects people's right to access and enjoy the environment. Specifically, Scotland has breached the category on access to justice because of the often prohibitively high cost of bringing legal action. For example, the John Muir Trust was forced to abandon an appeal relating to a wind farm when the legal bill climbed to £500,000.

Neil Findlay (Lothian) (Lab): Why did the member vote against equal rights of appeal?

Maurice Golden: Would the member care to repeat that? I did not hear what he said.

Neil Findlay: Why did the member vote against equal rights of appeal in the planning process if he is so concerned about the rights of communities?

Maurice Golden: The planning process needs further reform, and I hope that we can take care of that during the next parliamentary session. I am sure that the member will be lobbying me in that regard, and I would be quite happy to look at any

improvements that would protect our natural environment.

This is an important point, because there is little point in declaring that people have the right to a healthy environment if it cannot be enforced. Fortunately, now that we have left the European Union, we have the opportunity to address that through the establishment of a new environmental court that will specifically handle environmental cases, widen access to justice and speed up proceedings.

With COP26 in Glasgow and the pandemic giving us the chance to build back better, it is absolutely right that Scotland has these conversations. We have a duty to protect the environment so that we each have the right to benefit from it.

13:14

Sarah Boyack (Lothian) (Lab): First, I add my name to those congratulating Ruth Maguire on securing this important debate, especially as Parliament is running out of time. The speeches that we have heard so far have been a really good contribution to the debate.

In her opening remarks, Ruth Maguire paid tribute to Ian Findlay. He was a fantastic leader of Paths for All, he made a huge contribution to public life in Scotland and he will be sadly missed.

In stating that

“Our house is on fire”,

Greta Thunberg established the link between the climate emergency and every one of us as citizens. There are people who live in an environment in which, day by day, the quality slips further from what many would define as healthy. That makes the debate really important. I agree with the key principles in Ruth Maguire’s motion and wish that we had more time to flesh out the topic in Parliament.

It is good to see international co-operation on the issue and that the UN has created a framework that we can move forward with. I hope that, in the early days and weeks of the next session of Parliament, we will see legislation come forward so that we can have an urgent debate and the next Government can set out the framework whereby we will see those environmental rights implemented.

The other thing that we will need is funding for proactive policy initiatives to make that framework a reality. We do not want to wait until legal cases are brought. World-leading legislation will mean very little to people who are living in poor conditions and needing to engage in legal battles if they do not have access to legal aid. Therefore,

we need the legislation, the policy implementation and the funding to ensure that people have recourse to legal support.

It is great that the motion specifically references “the need to care for global biodiversity and the importance of access to good quality and local greenspace”.

As colleagues have said, the pandemic has shown how important it is for people to have regular access to high-quality and attractive green spaces near their homes.

A key issue that we need to see action on is air quality. As we build our recovery from the pandemic, enabling people to have clean air must be a priority. I note the points that Maurice Golden made about the reduction in the amount of traffic during the pandemic, which has improved our air, but we need to focus on the fact that recovery from the pandemic might see people less keen to use public transport and more tied to their cars. Therefore, we will need to see action on public transport as well.

Enabling people to recover their health and wellbeing must be a real priority in the next session of Parliament. The World Health Organization states:

“Air pollution is a major environmental risk to health. By reducing air pollution levels, countries can reduce the burden of disease from stroke, heart disease, lung cancer, and both chronic and acute respiratory diseases, including asthma.

The lower the levels of air pollution, the better the cardiovascular and respiratory health of the population will be, both long- and short-term.”

At the moment, too many people live in areas where the streets are polluted by traffic. I hope that the minister will address that issue specifically in his summing up.

I want to see immediate action on the aspects of the environment that impact on other rights, which I hope will be included in the human rights bill that is mentioned in the motion. That means taking a joined-up approach to improving housing environments, so that we retrofit and make older homes as energy efficient as possible using heating systems that are good for people’s air quality; build new housing to the highest energy performance standards; and link homes to heat networks to end fuel poverty and ensure that we have good-quality air around people’s homes.

We need to look at food, too, and shape our food industry so that it benefits our environment and ensures that not a single person in Scotland goes hungry.

The UN framework talks about action. Our framework must take a human-rights-based and people-centred approach and not be just a legal framework. The job of our next Parliament will be

to act swiftly to reduce inequalities and ensure that access to a healthy environment is a right for every citizen in our country.

13:19

Mark Ruskell (Mid Scotland and Fife) (Green): I, too, thank Ruth Maguire for bringing the motion to the chamber for debate. As the last environment debate, it is a really fitting end to the session. Establishing a right to a healthy environment could create an incredible legacy for future generations.

I, too, associate myself with Ruth Maguire's comments about Ian Findlay. He made an incredible contribution to communities across Scotland, and his legacy will not be forgotten.

Human rights are born out of struggles against slavery, colonialism, sectarianism and patriarchy. Often, when our societies are in crisis and our rights are under threat, that provides the impetus to enshrine those rights in law. We are under threat as we have never been before in human history. The global picture is grim—we are currently on track for 3°C of global warming by the end of the century. The mass extinctions and the uninhabitable regions of the planet that will result are unthinkable. There has never been a more important time to enshrine in law a right to a healthy environment. My only concern is whether it is coming too late, but we have to act now and do what we can.

Throughout my time in politics, I have been privileged to work with communities that have come together to fight environmental injustices. In this session of Parliament, I have been privileged to work with communities that are living in the shadow of Mossmorran. They are struggling to get a good night's sleep and even to exist because of the noise pollution that comes from the plant. I am proud to have worked with communities that are trying to protect their green spaces and to protect the marine environment, whether from the dredging of kelp forests or from the clear threat of ship-to-ship oil transfers in our seas.

Throughout that time, I have noted the effort and sacrifice that communities have to make for years—often for decades—to fight those injustices. Often, those communities need to become experts in planning and environmental law to make their case, and they have to crowdfund for judicial reviews and public inquiries. Therefore, it is welcome that the Environmental Rights Centre for Scotland has been established. It underlines the fact that, alongside a substantive right to a healthy environment, we will also need procedural rights. Citizens need democratic tools with which to protect their environment. The Aarhus convention should give us those tools,

access to information and access to decision making, as well as access to justice. The cost of securing legal representation is a great burden for many communities, which is why, in the next session of Parliament, my party will be pushing further the case for environmental courts.

The global crisis also affects individuals. I will conclude by talking about one individual, in particular. Ella Kissi-Debrah lived in Lewisham. By all accounts, according to those who loved her, she was a funny, busy, clever, curious, sporty and musical child. She was a very healthy child until the age of seven, when she contracted a rare and life-threatening form of asthma. Ella died in 2013 at the age of nine. The inquest into her death was held only last year, and its damning conclusion was that the pollution in Lewisham had been illegal for years but successive Governments had failed to provide vulnerable people such as Ella and her family with the information that they needed, and they had failed to take action to lower the pollution levels.

Ella's was the first legal case to find that pollution levels had directly caused a death. However, there are tens of thousands of other people across the country who die far too young due to air pollution and hundreds of thousands more who have poor health as a result of air pollution. Often, in black, Asian and minority ethnic communities, people are living in poverty and next to congested roads. For the memory of Ella and for the sake of millions of people across the world, they deserve the right to a healthy environment, they deserve justice, and they need to see them in the next session of the Scottish Parliament.

13:23

The Minister for Rural Affairs and the Natural Environment (Ben Macpherson): I record my thanks to Ruth Maguire for securing this important debate. I am sorry that I am not in Parliament in person today, but it has been excellent to listen to all the contributions, including the important and constructive points that have been made by colleagues on the various themes in the motion.

The Scottish Government welcomes the publication of the national task force report and all 30 recommendations that are contained in it. On my own behalf, and on behalf of colleagues, I say that we will carefully consider the findings of the report.

Our ambition is that a future Scottish Parliament will agree to a new world-leading human rights act in the coming session, thereby putting Scotland firmly at the forefront of global human rights leadership. We are hopeful that all parties will work to deliver that ambition in the next session.

Colleagues have, understandably, made points about the Aarhus convention. The Scottish Government has committed to working with stakeholders and to introducing a bill on legal aid reform, which will include consideration of court fees for Aarhus cases. That will form part of the procedural aspect of the human right to a healthy environment. Members have made important points in that regard.

Our collective response to the task force's recommendations will build on our existing work to protect our environment. Last year, the Scottish Government launched our 2045 environment strategy vision, which describes our long-term ambitions for restoring Scotland's natural environment and playing our full role in tackling the global climate and nature crises—the twin crises of climate change and biodiversity loss.

The vision highlights that adapting to live within the planet's sustainable limits will require transformative changes across our economy and society. In implementing those changes, we can transform our country for the better and ensure that everyone benefits from the rich natural resources that we have here in Scotland. We can build a stronger and more resilient economy in building on our green recovery from Covid.

We can tackle the inequalities that colleagues have mentioned, and we can improve the health and wellbeing of Scotland's people. As we do so, we can meet our moral obligations to tackle climate change and to act as good global citizens.

The task force's report marks an important step in our journey towards implementing a strengthened and ambitious framework for human rights in Scotland, including the pioneering recognition of the human right to a healthy environment. By including that right, we seek to ensure that everyone benefits from the healthy ecosystems that sustain human health, wellbeing and children's development, as well as to ensure that they can access information, participate in decision making and access justice. Environmental rights are an important element of human rights, and they deserve to be recognised clearly in our strategies and delivery.

Scotland's natural environment is our life-support system and provides the essentials that we need to survive and thrive—from the air that we breathe, the food that we eat and the water that we drink to the materials that we use to build our houses and make our clothes. Our environment supports our health and wellbeing in countless ways by providing free spaces for exercise, play and inspiration. It also underpins our economy by supporting the productivity of many sectors and thousands of jobs.

However, recent global assessments have clearly shown that our natural world is in crisis, with the health of the planet's ecosystems declining faster than it has at any point in human history. We therefore need to work collectively to restore the resilience and richness of nature in Scotland—for its own sake as a good in itself, but also because it is fundamental to our health, wellbeing and prosperity. We need to ensure that everyone can enjoy the life-supporting benefits that our environment provides.

Our commitment in the Scottish Government to high environmental standards and to increasing wellbeing and equality in Scotland is world leading. We have the toughest and most ambitious legislative framework on climate change in the world; we are all obliged to make the changes that we have set out in law happen.

The right to a healthy environment is already implicit in our environment strategy. As we work to deliver our ambition for a healthy environment that “supports a fairer, healthier, more inclusive society”,

we will explore opportunities to ensure that everyone in Scotland can access the essential benefits of a healthy environment and all that it provides.

From tackling health inequalities in relation to air quality, to accessing green space, to promoting active travel, connection with nature and outdoor play and education, the human right to a healthy environment will be central to the Scottish Government's approach.

The introduction of a new environmental governance regime under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 will help us to maintain our high environmental standards, in line with the European Union, following the UK's recent—and unfortunate, in the view of many, including the Scottish Government—departure from Europe. As colleagues will know, the continuity act commits Scottish ministers to reviewing the efficacy of the new governance arrangements, including consideration of whether the law on access to justice in environmental matters is effective and sufficient.

As several colleagues, including Kenneth Gibson, mentioned, there is an international dimension to all this. Although we in Scotland have done much to implement the international standards that are included in the report, including the framework principles on human rights and the environment and the Aarhus convention, there is more that can, and must, be done. Development and implementation of the framework will be complex, and we will require to consider carefully some aspects in particular if we are to do it justice.

It is vital that we are not complacent, and that we continue to push ourselves. We have heard from members today about our collective commitment to do more to ensure that human rights are embedded in everything that we do. In responding to that challenge, we must live up to the call from the task force report to improve the everyday experience and lives of individuals and communities, and to improve wellbeing across communities in Scotland.

We look forward to working with stakeholders, and with the next equalities committee, to ensure that we can deliver on our ambitious goals in a way that is best for the people of Scotland.

Today's debate has been important and useful, and we will undoubtedly need to continue the discussion—as we should—in the next session of Parliament, with the involvement of those who will be elected in a number of weeks.

I thank all members who have contributed to the debate. In particular, I thank the Equalities and Human Rights Committee and Ruth Maguire for bringing the debate to the chamber. I, along with my fellow ministers who have responsibility for the various aspects that the motion covers, look forward to continuing to work together to bring about the change that we collectively seek.

13:32

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Justice and the Law Officers

The Deputy Presiding Officer (Lewis Macdonald): Good afternoon. I remind members to follow the social distancing procedures that are in place across the Holyrood campus, particularly when entering and exiting the chamber and accessing and leaving their seats.

Our next item of business is portfolio questions. In order to get as many people in as possible, I ask for short and succinct questions and answers. I remind members to type R in the chat box or to press their request-to-speak button if they wish to ask a supplementary on a particular question. The first questions are on justice and the law officers.

Domestic Abuse (Court Delays)

1. **Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government what discussions it has had with the Crown Office and Procurator Fiscal Service regarding any court delays in cases relating to domestic abuse. (S5O-05114)

The Cabinet Secretary for Justice (Humza Yousaf): Before I answer on the substance of the question, I pay tribute to Linda Fabiani's interest in raising issues of domestic abuse, both in relation to the relatively new domestic abuse offence that was passed by the Parliament in 2018 and on a range of other relevant issues such as non-harassment orders. She has been a champion for the rights of victims and survivors of domestic abuse and I am sure that, even after she departs this Parliament, she will continue to champion those worthy causes.

The Scottish Government is in regular dialogue with its justice partners, including the Crown Office and Procurator Fiscal Service, about the impact of Covid-19 restrictions on court proceedings, including cases that relate to domestic abuse. We understand the impact that delays have on victims and witnesses, and on the accused. That is a key driver behind our commitment to invest £50 million in our recover, renew, transform programme to increase capacity, drive further reform and, ultimately, tackle the backlog that has built up. A few weeks ago, I hosted a constructive round-table event to discuss proposals from the criminal justice board on increasing that capacity, and I will continue to take forward similar discussions with a wide range of stakeholders across the justice system—including, of course, those third sector organisations that represent victims and survivors of domestic abuse.

Linda Fabiani: I thank the cabinet secretary for that detailed answer. I know that he recognises the added stress that delayed court cases cause to victims of alleged domestic abuse, in the form of uncertainty, family worries and, in too many cases, fear. Of course, such delays happened pre-pandemic, but the situation has got worse, for understandable reasons. When he meets the Crown Office and Procurator Fiscal Service and other partners, will the cabinet secretary always stress the absolute importance of quick and speedy resolution of such cases? That is so important to victims and their families.

Humza Yousaf: Linda Fabiani is right to raise those concerns. I am in regular discussions with the Lord Advocate, the Crown Office and other justice partners about the issue. The Lord Advocate can, of course, speak for himself, but in any discussion that I have had with him, he has completely and absolutely understood the trauma that survivors and victims of domestic abuse face and suffer. That is why, despite the restrictions on court proceedings, domestic abuse cases will be prioritised—Linda Fabiani might have noted that. I will certainly continue to work with our partners to make sure that we do everything in our power to lessen the trauma that domestic abuse survivors face when it comes to reporting their case to the police and, ultimately, coming to a trial at court. I absolutely commit to Linda Fabiani that we will do that.

Covid-19 (Routine Testing of Police Officers)

2. **Keith Brown (Clackmannanshire and Dunblane) (SNP):** To ask the Scottish Government what discussions the justice secretary has had with ministerial colleagues regarding offering routine Covid-19 testing to police officers. (S5O-05115)

The Cabinet Secretary for Justice (Humza Yousaf): I have very regular discussions with my ministerial colleagues on the Government's response to the pandemic, and I have been liaising closely with Police Scotland and other police and justice partners on Covid-19 issues, including on the testing of police officers. Testing for police officers and staff began on 6 April 2020 and will continue for as long as is necessary. Any police officer or member of staff who is concerned after having a Covid-19 interaction can access a test, even if they are asymptomatic.

Keith Brown: The cabinet secretary will know that police work is such that social distancing is often not possible. Police officers must enter homes or visit hospitals and get close to people, all of which can put them at far greater risk of contracting and spreading the virus.

Will the cabinet secretary explain what consideration has been given to prioritising police

officers to receive the vaccine and whether local health boards should be encouraged to offer excess vaccine, which would otherwise be wasted, to front-line police officers?

Humza Yousaf: I have had positive engagement with Police Scotland and the Scottish Police Federation, both of which have raised the issue with me. The chief constable has also raised it in conversations with other ministers.

For good reasons, we are following the guidance issued by the Joint Committee on Vaccination and Immunisation. Everyone accepts that the age-based roll-out of vaccinations has worked well and gets the vaccine to as many people as possible as quickly as possible.

The member's second point is an important one. We have been liaising with our partners in public health and local health boards to ensure that end-of-day or excess vaccines can be offered to the police. That has so far been successful. The latest figures show that more than 1,000 police officers have benefited from excess vaccines. Those discussions with local health boards will continue.

Domestic Homicide Reviews

4. **Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what progress it has made with its commitment in the 2017 equally safe delivery plan to develop multi-agency domestic homicide reviews. (S5O-05117)

The Minister for Community Safety (Ash Denham): It remains a Scottish Government priority to prevent and eradicate violence against women and girls. That is why we have committed to develop multi-agency domestic homicide reviews to improve our multi-agency response and our understanding of how we can prevent such deaths from occurring in the first place.

Although that commitment was initially put on hold due to the pandemic, officials are now in the process of convening a steering group, including Police Scotland and key partners, in order to drive forward that critical work.

Claire Baker: Although the minister has highlighted recent progress, the lack of overall progress is disappointing. The delivery of the equally safe plan was a priority in 2017-18, but we have seen very little action on the issue.

A joint letter sent by the Victims Commissioner and the Domestic Abuse Commissioner for England and Wales to the United Kingdom Government last week pointed to a culture of misogyny in the criminal justice system, including in the response to domestic homicide. The commissioners called for an independent review of every domestic homicide.

Will the Scottish Government commit to introducing a review of every domestic homicide in Scotland and will it address the deficiencies in the justice system regarding outcomes for crimes that disproportionately impact on women?

Ash Denham: The member raises an important issue. I will discuss it with the cabinet secretary and come back to the member with more detail.

Members will understand why work was paused during the pandemic. It has recommenced, and we will soon convene a short-life steering group that will drive the work forward. The safety and wellbeing of women and children who experience domestic abuse is a priority for the Scottish Government. It is important that they are protected and that support services remain open so that people can access the help that they need to stay safe from harm.

Knife Crime (North Ayrshire)

5. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government how many knife crimes there were in North Ayrshire in the most recent year for which information is available, and how this compares with the peak year for such offences since 1999. (S5O-05118)

The Cabinet Secretary for Justice (Humza Yousaf): The police recorded 130 cases of offences of possessing an article with a blade or point in a public setting in North Ayrshire in 2019-20. Due to earlier changes in data collection, long-term comparisons can be done only for cases where the weapon was not used by the perpetrator. Such cases almost halved between the peak year of 2008-09 and 2019-20.

Other sources show the progress made in reducing the devastating impact of knife crime on communities in Ayrshire, with emergency hospital admissions due to assault with a sharp object down by two thirds across Ayrshire and Arran since 2009-10. Over a similar period, the proportion of people in Ayrshire who thought that knife carrying was common in their local area fell from 31 per cent to 7 per cent.

Kenneth Gibson: The fear of knife crime has plummeted under the Scottish National Party Government by more than 75 per cent, as the cabinet secretary said. Can he advise the Parliament of the measures that have been implemented by the Scottish Government, Police Scotland and others that have delivered that success?

Humza Yousaf: The member is right that it has plummeted, and much of that is down to the public health approach to tackling violence that has been taken by not just the Government but the Parliament, which I think endorses that approach. We have invested £21 million in violence reduction

programmes across the country since 2008. That includes the Scottish violence reduction unit, which I referred to, as well as investments in the no knives, better lives programme, Medics Against Violence and the mentors in violence prevention programme. Any member of Parliament who has seen those projects at first hand will know what great value they are in helping us to reduce the abhorrent effects of knife crime that have blighted too many communities across Scotland.

Over the past decade, our no knives, better lives programme has reached more than 100,000 young people in schools in every local authority area to highlight the issues and consequences of knife carrying. The programme encourages young people to make positive changes in their lives. We will continue to take that public health approach and to fund interventions for young people in particular, which will benefit the member's constituency as well as other constituencies across Scotland.

Liam Kerr (North East Scotland) (Con): In the year when the cabinet secretary was appointed to his role, 111 crimes relating to offensive or bladed weapons were recorded in Aberdeen. This year's statistics for the equivalent period show 303 knife crimes, which is a 173 per cent rise in just two years, yet only 38 per cent of criminals who are convicted of handling offensive weapons went to prison in 2018-19. How does the cabinet secretary defend a presumption against short prison sentences and writing off 35 per cent of community payback order work hours when it is clear that that approach is not deterring dangerous knife crime in places such as Aberdeen?

Humza Yousaf: The member has often tried to articulate the debate through the prism of soft versus hard justice. That does not work. His approach would of course result in more people in prison—I accept that—but fewer people would be rehabilitated. That would mean more people committing crimes and more victims of crime, including more victims of knife crime. We tend to follow the evidence that is in front of us. Our approach is not a hard or soft justice approach; it is a smart justice approach. Because we have followed that approach, violent crime has almost halved in a decade, as I said to Kenneth Gibson. That is the effect of the approach that we have taken.

I will let Liam Kerr continue to appeal to the gallery that he chooses to appeal to in terms of the right-wing press, his supporters and perhaps members of his party. However, we will not follow a soft or hard justice approach; we will follow the smart justice approach that has resulted in Scotland having one of the lowest levels of crime in 40 years.

Miners' Strike (Pardons)

6. Neil Findlay (Lothian) (Lab): To ask the Scottish Government what progress has been made on the pardoning of miners convicted of offences relating to the strike in 1984-85. (S5O-05119)

The Cabinet Secretary for Justice (Humza Yousaf): In October last year, I announced that the Scottish Government had accepted in principle the recommendation that was made by an independent review panel that, subject to suitable criteria being established, legislation should be introduced to pardon miners who were convicted for matters relating to the 1984-85 strike. I also committed to giving careful consideration to what the qualifying criteria should be for the pardon, and to consult widely on that.

I am pleased to confirm that I launched a public consultation on 12 March, which will run until 4 June. Responses to the consultation will help to shape the qualifying criteria and the future legislation that will give effect to the pardon.

I also confirm that, last week, I wrote to the Home Secretary to make her aware of the consultation and to once again urge her to commit to holding a full United Kingdom public inquiry into the policing of the strike.

Neil Findlay: Events have overtaken my question, but it is good news that the consultation has started. How will the cabinet secretary ensure that the consultation goes out to the people who are most impacted? Can he confirm that the timeline that the civil service is working to allow the legislation to proceed in the new session of Parliament, irrespective of who makes up the Government?

Humza Yousaf: I recognise—I suspect that the whole Parliament recognises—Neil Findlay's efforts in championing the cause on behalf of miners up and down Scotland. I know that the issue is personal to him, as he has a family history of and tradition in mining. It would be churlish not to recognise that, as it would be not to recognise that his efforts have been instrumental in getting us to this point.

On the substance of the question, I have met Nicky Wilson of the National Union of Mineworkers, with whom I know that Neil Findlay is very familiar. My officials met the NUM again at half past 10 this morning and discussed the very issue that Mr Findlay raises.

Obviously, we are still in the middle of a pandemic and restrictions still apply, so we are working closely with the NUM to make sure that we can reach out to as many miners and affected miners as possible. So far, the consultation, which was launched only a number of days ago, has

received more than 150 responses. That is positive.

On the second part of Neil Findlay's question, we launched the consultation pre-election so that whatever Government comes in post-election will have the responses available, which will mean that it will be able to do the analysis quickly and, I hope, introduce a bill to give effect to a pardon to the miners who deserve it as quickly as possible.

Annabelle Ewing (Cowdenbeath) (SNP): I, too, welcome the launch of the consultation, and pay tribute to all who have campaigned so hard to get to this point. I, of course, include Neil Findlay in that regard.

To pick up on Neil Findlay's question, what specific steps will be taken to raise awareness of the consultation in former mining communities in my Cowdenbeath constituency? It occurs to me that one possible vehicle would be to write to the secretaries of the relevant community councils.

Humza Yousaf: That is an excellent suggestion, which I will take away and mention to my colleagues and my officials. I pay tribute to the fact that Annabelle Ewing has also championed this cause. Every time I have made a statement or answered a question, she has always stood up for the mining communities in her Cowdenbeath constituency and beyond.

I will take note of Annabelle Ewing's suggestion and pass it on to my officials. I am sure that it is one that we can take up.

Covid-19 (Reintroduction of Local Restriction Levels)

7. Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): I, too, appreciate that my question may have been overtaken by the First Minister's remarks yesterday.

To ask the Scottish Government what preparations Police Scotland is making for the reintroduction of Covid-19 local restriction levels. (S5O-05120)

The Cabinet Secretary for Justice (Humza Yousaf): I engage with Police Scotland regularly around Covid-19 regulations. Operational policing decisions are, of course, a matter for the chief constable. However, Police Scotland has advised me that officers will continue to work alongside its national and regional partners to support people through the move out of the current stay-at-home period and back into the restriction levels.

Police Scotland has advised that contingency plans are in place for national and local policing divisions to ensure resource and response capability during the transition, and that it will consider a number of pertinent themes, including

the reopening of hospitality, retail, the night-time economy and so on and so forth.

Officers will continue to respond to breaches of legislation, including large indoor and outdoor gatherings, taking enforcement action where it is proportionate and necessary to do so in order to support the national health emergency and protect the citizens of Scotland.

A range of important stakeholders will be involved in the monitoring of compliance with regard to the reintroduction of the restriction levels across Scotland. As Dr Allan alluded to, the First Minister mentioned in her statement yesterday that the Government will enter into discussion with island communities on that very issue.

Dr Allan: As the cabinet secretary alluded to, particular questions are still being discussed around the level of restrictions that might apply to travel to and from islands. Can he say more about what the police will do once there is greater clarity on the level of restrictions?

Humza Yousaf: As they have done previously, the police will work, where necessary, with local authorities and with the transport providers—in the case of Dr Allan’s constituency, that means the ferry operators and the aviation sector.

I am sure that, at a local level, the police will engage with Dr Allan on his constituency because, where necessary, they will take enforcement action where there are particularly egregious breaches of the travel restrictions.

However, we must remember that, although the police have a role to play, so do local authorities and transport providers. It is incumbent on all partners to be collectively engaged in the discussions that the First Minister alluded to in her statement yesterday.

Covid-19 (Reoffending and Youth Justice in Dundee)

8. Shona Robison (Dundee City East) (SNP): To ask the Scottish Government what additional support it has provided to support efforts to reduce reoffending in Dundee and ensure continuity in delivering a fair and balanced approach to youth justice, in light of the Covid-19 pandemic. (S5O-05121)

The Cabinet Secretary for Justice (Humza Yousaf): We have had considerable success when it comes to young people in our criminal justice system. That includes, for example, a fall of 75 per cent in the number of 12 to 17-year-olds proceeded against in Scotland’s courts.

Throughout the pandemic, Government officials have maintained contact with Dundee City Council through the Dundee city vulnerable adolescent partnership, and quarterly national youth justice

advisory group and whole-system approach local leads meetings. Those meetings address specific issues and support the sharing of good practice.

I understand that support for children and young people in Dundee has continued during the pandemic. I appreciate the efforts and put on record my thanks to all those in Dundee and others across Scotland who have worked with children and young people to maintain a consistent level of service during the past year.

Shona Robison: The cabinet secretary will be aware of the work of the Tayside arrest referral service, which is provided by Action for Children and which offers a tailored, holistic approach to support young people at risk, and initiatives such as The Circle, which brings together organisations across the spectrum at its hub. Does the cabinet secretary agree that those community-based support models offer great potential? What further support is the Scottish Government providing to them and to others in Dundee to continue to build on that potential?

Humza Yousaf: I recognise the excellent work that is being done by the Tayside arrest referral service and The Circle.

I agree that services must attend to the needs as well as the actions of young people in trouble. We promote desistance by giving positive alternatives to young people and minimising the number of future victims.

Scottish Government officials are in contact with Dundee City Council to discuss the services that are provided across the city for young people at risk and whether any additional support is required.

Neil Findlay (Lothian) (Lab): Like other cities, including Dundee, Edinburgh has problems with antisocial behaviour. Today, Lothian Buses has announced that buses in Edinburgh will come off service at 7.30 in the evening because of attacks on buses and bus drivers. That is an urgent situation for people in Edinburgh. What intervention can the cabinet secretary make to try to address that situation?

Humza Yousaf: Neil Findlay is absolutely right: that could have quite an impact on public health workers and many other people who need that public transport. I will ensure that I speak to Police Scotland—I am due to speak to it imminently—and that my officials take up the issue with local policing divisions. Ultimately, of course, issues to do with tackling antisocial behaviour are operational matters for Police Scotland. I am certain that it will be working with local transport providers.

Let us make it very clear that, regardless of my intervention or Police Scotland’s intervention, all of

us agree that any type of attack—whether that be an assault or a verbal or spitting attack—on our transport providers, particularly during the pandemic, is to be condemned.

Constitution, Europe and External Affairs

The Deputy Presiding Officer: I remind members to press their request-to-speak button if they wish to ask a supplementary question.

Michael Russell will be making his final substantive contribution in the chamber. I will invite him to make some valedictory remarks after he has answered the final question.

Independence Referendum (Publication of Draft Bill)

1. **Jeremy Balfour (Lothian) (Con):** I wish Michael Russell well in his retirement. I am sure that he will still be very actively involved in the political scene in Scotland. We recognise the contributions to the Parliament that he has made over a number of years.

To ask the Scottish Government whether it will provide an update on when it will publish the draft bill for an independence referendum announced in its programme for government for 2020-21. (S5O-05122)

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): I thank Mr Balfour for his kind words.

The Scottish Government will publish the draft independence referendum bill as announced in the programme for government before the pre-election recess begins.

Jeremy Balfour: Does the cabinet secretary not accept that it is completely irresponsible timing to bring forward that bill when the priority needs to be recovering from the Covid-19 pandemic and putting all our energy into getting businesses back on their feet, supporting people into work and investing in our schools to help children to catch up, with so much lost teaching time?

What is the cabinet secretary's number 1 priority: Scotland's recovery from the tragic effects of the pandemic, or his party's obsession with indyref 2?

Michael Russell: My urgent priority—as it should be for all of us in the chamber—is to ensure that Scotland recovers from the pandemic. That has to be done according to what the Scottish people choose rather than what Boris Johnson chooses—that is the big difference. If we look at what will take place, I would rather move forward from the pandemic and rebuild Scotland in a way that is commensurate with the people of

Scotland's urgent necessities rather than Boris Johnson's obsessions.

The Deputy Presiding Officer: We have two supplementaries to that question.

Colin Smyth (South Scotland) (Lab): Ian Blackford has said that another independence referendum could take place this year. He cited the cabinet secretary's comment that there should be six months between the legislation and the referendum. Does the cabinet secretary agree with Mr Blackford that there could—or should—be a referendum this year? If the urgent priority is to focus on the national recovery from Covid, surely that should be the focus of the next session of Parliament.

Michael Russell: I welcome Mr Smyth to his new role as his party's spokesperson on the constitution. However, this is "Hail and farewell", as far as I can see, because I do not think that I will have an opportunity to take questions from him again.

Unfortunately, I start by disagreeing with Mr Smyth. He will have heard what I said in response to Mr Balfour. The urgent necessity is for Scotland to build forward from the pandemic in a way that will give it a sustainable future. That cannot be done by a United Kingdom Government, and I am disappointed that the Scottish Labour Party still believes that it can.

Gail Ross (Caithness, Sutherland and Ross) (SNP): I, too, add my thanks and wish the best of luck to Mike Russell, who has been a great support to me over the past five years and before that. I am sure that I will see him before we both go.

The report of the Smith commission included a clear commitment that

"nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose".

Does the cabinet secretary agree that all parties in the chamber should honour the commitment that they signed up to, and that they should not stand in the way of people's right to have a say over their future?

Michael Russell: I thank Gail Ross for her remarks. I wish her the best, too. We have been friends over a long period, and I am sure that we will continue to be so as we both go on to different things.

Gail Ross rightly quoted the report of the Smith commission, which said:

"nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose".

I emphasise the words

“should the people of Scotland so choose”—

not the Prime Minister, the UK Government, Douglas Ross or the Scottish Conservatives, but the people of Scotland. That is why the Scottish Government is clear that if there should be majority support for an independence referendum in the next parliamentary term there could then be no moral or democratic justification whatsoever for any UK Government, or any of the aforementioned, to ignore the rights and will of the people of Scotland.

“Breaking Point” (Response)

2. Claudia Beamish (South Scotland) (Lab): I would like to pay my respects to Mike Russell and to wish him well. In particular, I recognise all the work that he has done on protecting our environment and shaping our response to the sad demands of Brexit.

I turn to my question. To ask the Scottish Government what its response is to the recent report by the Disasters Emergency Committee, “Breaking Point”, and how this will impact on its international development strategy. (S5O-05123)

The Minister for Europe and International Development (Jenny Gilruth): The Scottish Government shares the concerns expressed in the Disasters Emergency Committee’s report about the impact of Covid-19 on the world’s most fragile states.

Through our humanitarian emergency fund, which is aligned to the DEC, we provide assistance to support the response to some of the worst humanitarian crises. I recently updated the Parliament on the results of our review of our approach to international development in light of Covid-19. We will keep the DEC report in mind as our approach to international development evolves

Claudia Beamish: This year, Scotland will host the 26th United Nations climate change conference of the parties—COP26—and the build-up to it. As a sub-state of COP26, Scotland must set an example for the rest of the world to follow in its approach to support for countries on the front line of climate impact. However, the climate justice fund has stayed at £3 million despite non-governmental organisations’ call for it to become £10 million this year. What discussion is planned, or has been had already, with Scottish Government colleagues on global justice ahead of COP26, given the parallels between the global challenges of Covid-19 and climate change for countries that are particularly challenged?

Jenny Gilruth: With regard to COP26, Claudia Beamish said that Scotland needs to set an example to the world and I think that she is absolutely right. We are keen to work with our

international development partners and do just that.

The climate justice fund sits in Roseanna Cunningham’s portfolio area and, in terms of the response to the requests that come from organisations at the moment, I imagine that the parties’ manifestos will address that key point in future.

My portfolio has made a number of contributions to international development. The Disasters Emergency Committee launched a fundraising appeal following a cyclone that left a trail of destruction back in 2019, meaning that more than 400,000 people lost their homes and vital infrastructure was destroyed by major flooding. A further £50,000 was allocated to support emergency flood relief in Malawi, in addition to the £175,000 that will be delivered through the University of Strathclyde hydro nation programme.

Claudia Beamish is absolutely right to raise the issue of climate justice and, as she says, it is important that we use COP26 to showcase Scotland’s key work in those areas. The UK Government also works with us on those matters.

European Union Exit (Impact on Opportunities for Young People)

3. Bob Doris (Glasgow Maryhill and Springburn) (SNP): As other members have done, I thank Mike Russell for his substantial contribution to the Parliament for many years, not least of which has been his commitment to Scotland’s constitutional future.

To ask the Scottish Government what assessment it has made of the impact of the United Kingdom’s exit from the European Union on the opportunities for young people from Scotland to live, work or study in the EU. (S5O-05124)

The Minister for Parliamentary Business and Veterans (Graeme Dey): Our analysis makes it clear that the UK’s exit from the EU is extremely damaging for Scotland. Our further and higher education students, schoolchildren and young people will be particularly affected by the UK Government’s decision not to participate in the Erasmus plus mobility programme, through which, between 2014 and 2018, 13,957 participants from across Scotland gained valuable international experience. The UK Government’s replacement Turing scheme is a watered-down imitation, which offers no support for our adult learning or youth work sectors.

The Scottish Government welcomes the announcement that the UK will associate to the horizon Europe programme. However, even with that association confirmed, the overall loss of freedom of movement within EU countries will act

as a barrier to young researchers and students, and will result in additional expenses for young people who are looking to further their careers or expand their horizons abroad.

Bob Doris: As the minister said, one of the EU's benefits for young people was Erasmus plus. For instance, the scheme recently assisted 56 young people from Royston Youth Action in my constituency to visit Finland, Austria and Estonia for what were life-affirming experiences; I know that lifelong friendships were forged.

I am deeply concerned that the UK's Brexit will make similar visits far less likely in the future. Despite these difficult post-Brexit circumstances, what opportunities now exist to benefit young people who live in areas such as Royston?

Graeme Dey: The replacement scheme for Erasmus plus falls considerably short of what we have lost. In fact, it offers no provision whatsoever for youth work or projects such as those that are undertaken by Royston Youth Action, nor does it offer support for adult education or staff mobility. That loss of opportunity for our most vulnerable communities is deeply concerning.

Throughout our discussions with the UK Government, the Scottish Government has been clear that support for our adult education and youth work sectors is vital. My colleague, the Minister for Further Education, Higher Education and Science, has been working with Welsh and Northern Irish ministers to challenge the UK Government but we have yet to receive a satisfactory response on how it will address that substantial gap.

The Scottish Government has always been clear that mobility is about more than just higher education students, and Erasmus plus was the best way to enable people from across Scotland to take part. The UK Government scheme leaves our most disadvantaged learners with no support. The Scottish Government is currently in communication with the European Commission to see how we might maximise Scottish participation in the elements of the programme that remain open to us.

European Union Withdrawal (Relationships with Non-EU Countries)

4. Gordon Lindhurst (Lothian) (Con): I enter into the spirit of the afternoon's proceedings by also wishing the cabinet secretary—indeed, everyone—all the very best for the future.

To ask the Scottish Government what impact the United Kingdom's withdrawal from the European Union has had on Scotland's relationships with countries outwith the EU. (S50-05125)

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):

I thank Mr Lindhurst, and I wish him well, too.

The UK's decision to leave the EU has undoubtedly posed challenges to Scotland's ability to engage closely with international partners, whether directly or through arrangements that have been agreed by the EU. Despite that, the Scottish Government stands firm in its outward-looking and values-based approach. We will continue to strengthen our international relationships within the EU and beyond, to work ever more collaboratively with others on the challenges that face our post-Covid world, to increase our international trade and investment activity and, ultimately, to achieve our overarching objective of sustainable and inclusive economic growth in Scotland.

Gordon Lindhurst: We need to recognise the benefits that we have already seen—for example, the United States Government's recent lifting of tariffs on many goods, which should result in millions of pounds from exports of cashmere and of cheese and other delicacies. Will the cabinet secretary commit the Scottish Government to working positively to benefit the whole of Scotland from the advantages that have already been seen?

Michael Russell: Gordon Lindhurst should differentiate between the removal of trade tariffs that were imposed because of a trade dispute—thus, the reversion to the previous situation—and the question whether there are any benefits in becoming a third country outside the EU. The answer is that there are no such benefits; there are no such benefits for Scotland and, actually, there are no such benefits for the UK. Although I admire the member's optimism, I do not agree in any sense with his accuracy.

Richard Lyle (Uddingston and Bellshill) (SNP): Having known Mike Russell for many years, I also wish him well.

A close relationship between the UK and the EU is in everyone's interests. Will the cabinet secretary join me in calling on the UK Government to take a more co-operative approach to its relationship with the EU in order to develop better outcomes for people in Scotland and across the UK?

Michael Russell: Richard Lyle makes a very sensible point. I have written to Lord Frost about that matter just this weekend. I do not know whether the response will come before I finally leave Parliament, or come in anything other than the usual dismissive terms, but there is no doubt that the way in which the business is being conducted by him and by Boris Johnson is counterproductive and damaging.

United Kingdom Internal Market Act 2020

5. Fulton MacGregor (Coatbridge and Chryston) (SNP): I also wish the cabinet secretary well and look forward to continuing to work with him as he helps us, as I am sure he will, to deliver independence.

To ask the Scottish Government to what extent it expects the United Kingdom Internal Market Act 2020 to impact on the powers of the Scottish Parliament. (S5O-05126)

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): Last week, we published a paper, “After Brexit: The UK Internal Market Act and Devolution”, which sets out how the act will impact fundamentally on the power of the Scottish Parliament. It will constrain our ability to take decisions that reflect the needs of Scotland’s businesses and people.

The Scottish Parliament’s ability to ensure high food standards and to prevent, for example, sale of single-use plastics, could be rendered obsolete, which would undermine Scotland’s ability to shape its future. The UK Government also announced plans to use the 2020 act’s spending powers to deliver the levelling up fund, which is bypassing any Scottish Parliament involvement in about £400 million of expected consequential funding.

Since the Brexit vote, there has been a systematic attack on the Scottish Parliament’s powers and on devolution. That is why we will continue to resist the damaging effects of the UK Internal Market Act 2020 in every way possible.

Fulton MacGregor: Does the cabinet secretary share my concern that the UK Government and UK Parliament are now regularly legislating in devolved policy areas and adjusting the powers of the Scottish Parliament without its consent?

Michael Russell: Indeed, I do. There was a further example of that yesterday afternoon, when there was a series of Trojan horse amendments that were, I believe, called “probing” amendments, but which were designed to do what Fulton MacGregor described. I pay strong tribute to my friend and colleague John Swinney, who saw them off with aplomb.

The Deputy Presiding Officer: There is a supplementary question from Dean Lockhart.

Dean Lockhart (Mid Scotland and Fife) (Con): I also add my best wishes to the cabinet secretary for the next stage in his career, and I acknowledge his contributions to the Scottish Parliament and to public affairs in Scotland. I have shadowed Mike Russell for only six months, but it has been an eventful and interesting time.

I turn to my question about the UK internal market. As the cabinet secretary is aware, the UK

internal market accounts for more than 60 per cent of Scotland’s trade, but Scotland has only one trade promotion office in the rest of the UK, compared to 32 trade offices in other markets across the world. Does the cabinet secretary agree that having more trade offices in other parts of the UK would help to increase Scotland’s trade with our single most important market?

Michael Russell: That is an interesting proposal. If Dean Lockhart wishes to encourage the Scottish Government to open offices right across these islands, who am I to object? His usual approach to the issue—he has taken me a bit by surprise with that question—is to demand that we must recognise that that trade is so important that we would disrupt it by not being in the same political union. However, if that were true, the UK would not be leaving the EU, so I am glad that he has moved on from that tired and erroneous argument to a new argument.

I shall consider carefully in the very short time that I have in office whether we should open an office in every burgh in which that would be possible throughout these lands—*[Laughter.]*—because it is an interesting prospect.

Visa Requirements (Work and Student Internships)

6. Colin Beattie (Midlothian North and Musselburgh) (SNP): I congratulate Mike Russell on his huge contribution to the Parliament over the years, and to the debate on Scotland’s constitutional future. He will be missed.

To ask the Scottish Government what recent representations it has made to the United Kingdom Government regarding visas for people wishing to work in Scotland, and whether it is able to clarify the visa requirements for student internships to ensure that these international exchanges can continue. (S5O-05127)

The Minister for Europe and International Development (Jenny Gilruth): Scotland must be able to attract talented people from across the world to work and study here, and migration policy should support mobility, collaboration and innovation.

The UK Government did not seek an extensive mobility framework with the EU, which has created barriers to cross-border exchanges in both directions, and there is no clear visa route for young Europeans to undertake internships in the UK. We have urged the UK Government to enable mobility of European students to the UK, especially now that we are, sadly, no longer full participants in the Erasmus+ programme.

As we face the biggest economic crisis in decades, the UK Government must allow for the

level and type of migration that the economy and our communities need in order to prosper.

Colin Beattie: What steps is the Scottish Government taking to ensure that visa issues resulting from exit from the EU are resolved swiftly to ensure that native speakers who work in foreign language teaching in Scotland do not face further barriers to working here?

Jenny Gilruth: We welcome the UK Government's recent announcement that some regulated qualifications framework roles in levels 3 to 5, including secondary school modern foreign language teachers, will be added to the shortage occupation list from 6 April this year. Although that falls far short of the benefits of free movement, those skilled teachers will now be exempt from the minimum salary threshold of £25,600 when applying to work in the UK.

However, the UK Government's decision to delay further the inclusion of all recommended RQF level 3 to 5 roles means that many workers who are vital to our economic recovery will have no route to enter the UK until the list is reviewed in 2022. Denying access to those uniquely skilled workers risks acute labour shortages across many sectors, and will compound the damaging effects of Brexit and the Covid-19 pandemic across Scotland.

Settled Status Scheme (Deadline)

7. Gail Ross (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government what action it is taking to raise awareness ahead of the June 2021 deadline of the European Union settled status scheme. (S5O-05128)

The Minister for Europe and International Development (Jenny Gilruth): More than 250,000 applications have been made to the EU settlement scheme by people in Scotland, but many more people have yet to apply. That is why we have provided more than £1 million of support through our stay in Scotland campaign.

To increase awareness of the deadline, the Scottish Government is running a campaign on radio, on digital services and on social media. I wrote to MSPs on that matter last week, and I encourage all members to share that information via their social media channels.

We are also supporting our partners to inform EU citizens about the need to apply before the deadline. Together with our partners, we fund a network of qualified advisors to help people to apply to the scheme. Anyone can call the EU citizens support service for advice and support on 0800 916 9847.

Gail Ross: I know that the minister will agree with me that it is essential that we treat EU citizens

with dignity and respect, and that we do all that we can in Scotland to educate people and encourage them to apply in time. However, what can be done to assist those who, through no fault of their own, miss the June deadline?

Jenny Gilruth: I agree with Gail Ross: EU citizens who fail to apply to the scheme before the deadline will, at best, face the hostile environment and will, at worst, be subjected to enforced removal. The Windrush scandal demonstrated the United Kingdom Government's callousness; we must do everything that we can to prevent the same thing from happening again to our European friends and family. That is why I am pleased to say that the Scottish Government will continue to fund our third sector partners after the EUSS deadline in order to assist our EU citizens in making late applications.

The Scottish Government has long argued that the UK Government should adopt a declaratory system, which would allow our EU citizens to retain their rights without the need to apply. We are concerned that some people might remain unaware of the scheme, or might think that it is not for them. The pandemic might have impacted on people's ability to apply by the deadline in June. In the light of that, we are calling on the UK Government to extend the deadline.

Our message to EU citizens in Scotland is clear: Scotland values you, and you will always be welcome here.

Brexit (Support for Companies)

8. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the Scottish Government whether it will provide an update on the action it is taking to support companies that have been the most impacted by a loss of business due to Brexit. (S5O-05129)

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): The Scottish Government is deeply concerned by emerging evidence that Brexit is having a severe impact on the ability of Scottish companies to trade effectively and competitively with the European Union, with lasting consequences. The Scottish Government will continue to work hard to address the problems and blockages that are being faced by companies where it is in our power to do so. We are working with our partner agencies, business organisations and others to assess the impact of Brexit and to help companies to adapt to new trading arrangements.

Richard Lyle: It has been reported that exports to the EU are down by 40 per cent. Does the cabinet secretary believe that United Kingdom politicians who misled voters and firms to support Brexit should now apologise for misleading them?

The Deputy Presiding Officer: I call Michael Russell to answer his final question and make his final remarks.

Michael Russell: I do indeed hope that they will apologise, but many of my hopes have come to nothing in recent years, so I am not holding my breath for that.

Presiding Officer, thank you for allowing me to spend just a few moments on what I think will be almost my final remarks in the chamber, after 18 years as an MSP. I say “almost”, because I may have to move a motion this evening.

First, I want to say sorry. I know that that will surprise people, but I noticed in a recent article that one member singled me out as the person they most disliked in the Parliament. Given that one of my many faults is that I find it hard to resist a good line, I know that I have rubbed some people up the wrong way, sometimes on several occasions and sometimes even my own colleagues, so I start by saying sorry to those whom I have upset or offended, on any side of the chamber. I suppose that retirement is a fresh start—and who could resist that? I just hope that I can now behave myself for the last few days in this place.

I stress, as much as possible, the importance of polite, courteous and constructive speech, here perhaps more than anywhere else. It is not easy for politicians, and the polarising effect of social media, the pressures of lockdown and the frustrations of Brexit, among other impositions, have made this place more fractious and less friendly than it once was. However, freedom of speech does not just mean being free to be nasty to each other; we should try to be as constructive, civilized and courteous as possible. That approach is what the people of Scotland thought they were getting back in 1999. We have not been able to live up to that as much as we might have done, but perhaps this institution can recapture that spirit, for itself and for the health of democracy, in the next session. It is a worthy ambition, but there are other ambitions that the Parliament should have, too.

Scotland has benefited greatly from the restoration of its Parliament after almost 300 years of recess. I have been grateful for the opportunity to play a role in securing that and in helping to nurture the infant institution. It has grown well, but it has further to grow.

It will be no surprise to anyone that I believe that this place must have the full powers of a full and normal independent Parliament before we can do our job for the people of Scotland to the full extent that this country needs, particularly as we rebuild post-pandemic. If some disagree with that—and

some still do—we should surely be ambitious for Scotland and its democracy.

Scotland is a better country than it was when the Parliament was restored, and I think that it is a better country since the Scottish National Party entered government in 2007, but we can all do more, both in how we use our current powers and with the powers that we need to regain.

Increasingly, democracy is not just about what powers but about who gets to exercise them. We need to recognise that democracy is changing fast. The horrid experience of Covid and the resulting lockdown has accelerated a desire in communities across the country for change. They are telling us that nothing should be done to them or agreed for them that has not been decided with them.

Of course, the same imperative drives the issue of independence. It is also true, in Scotland, that nothing should be done to us or for us that has not been decided by us, but we must ensure that that imperative is answered across the country at every level. That is the developing challenge. The radical views of the citizens assembly are a sign of things to come. Power will have to shift and be shared, not just by the Parliament but by each party in the Parliament. Westminster must accept that in terms of Scottish self-determination, and this Parliament must accept it for all our communities, and embrace and enable it.

Edwin Morgan, our great first makar, told us, when we took possession of this wonderful building, to open our doors. He wrote:

“We give you our consent to govern, don’t pocket it and ride away.
We give you our deepest dearest wish to govern well,
don’t say we have no mandate to be so bold.”

Boldness will be needed again—indeed, its time has arrived.

Finally, I will thank a few people for what I have experienced. I thank all my colleagues in this place and in the Government, at least a few of whom I hope to regard as friends still; I hope that they will think the same of me. I thank my two deputy ministers, and others with whom I have worked—I am sure that Graeme Dey and Jenny Gilruth in particular have great futures ahead of them once I am no longer holding them back.

I thank the many parliamentary officers and staff who have done so much for me over the years, including in my role as a founder member of the first Parliamentary Bureau, of which I am the last member still in this place, and subsequently in attempting difficult, but not impossible, tasks such as taking a complex bill through all its stages in a single day, as we did together last April.

I thank all the imaginative and dedicated civil servants at every level with whom I have worked in six different ministerial roles. In particular, I thank those who have led my private offices during that time, who have become key advisers and friends: my private secretary since 2007, Scott Sutherland, Darren Dixon, Laura Holton, Ellen Burt, and the one who has suffered Brexit with me, and suffered me for most of the past five years, Kirsty Hamilton.

In my constituency, I express my thanks to Ron Simon, who set up my office in Dunoon and who, tragically, is no longer with us. I also thank my extraordinary and talented team: Heather Wolfe, Keir Low and, above all, Marie-Claire Docherty. I am going to miss them all. I also thank my family, of course, who may now see more of me, if they so wish.

Finally—it is honestly finally, Presiding Officer—I thank those who allowed me to come here, not to speak for myself but to speak for them. Not only is Argyll and Bute, encompassing as it does not only 23 inhabited islands but a large part of the western seaboard of Scotland, the most beautiful constituency in Scotland; its people are among the very best. It has been a huge honour, and nearly always a huge pleasure, to have served them to the best of my ability over the past decade, and to have served the people of the South of Scotland, whom I represented for two sessions before that. I say to them: thank you for trusting me—I hope that I have, in the greatest part, done what you wanted, expected and needed, and I hope that you choose Jenni Minto to do even more.

I have quoted Edmund Burke in the chamber before, but it does no harm for me to do so again, and remind us of his wisdom. Addressing the electors of Bristol in 1774—the very electors who threw him out five years later—he wrote this:

“it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents ... It is his duty to sacrifice his repose, his pleasures ... to theirs; and above all, ever, and in all cases, to prefer their interest to his own.”

I said my first words in what was then the newly convened Scottish Parliament on 13 May 1999—the second sitting day, when I raised a point of order concerning the election of the First Minister. I spoke for the first time in this chamber as the newly appointed Minister for Environment—the best job that I ever had—on 31 May 2007. I must have spoken here hundreds of times since, although, not being Stewart Stevenson, I have not kept count.

Now I am speaking for the last time, although I may move a motion later on. I am grateful to you all for listening. Thank you. [*Applause.*]

The Deputy Presiding Officer: Thank you very much, Mr Russell. That concludes portfolio questions.

Scotland's Railway

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Michael Matheson on Scotland's railway. The cabinet secretary will take questions at the end of his statement; there should therefore be no interventions or interruptions.

14:54

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): I wish to update the Parliament on arrangements for Scotland's rail services over the coming period and as we look to the future. In doing so, I look to provide certainty to rail staff, rail users and the businesses and communities that are served by our railway.

Covid-19 has impacted all parts of Scottish society, and rail services are no different. I thank rail workers across Scotland for their efforts in ensuring that passenger and freight rail services have continued to run throughout the pandemic.

We must recognise the fundamental impact that our difficult, but necessary, decisions to restrict travel have had on the financial position of passenger rail services, with revenue dropping to less than 10 per cent of pre-pandemic levels.

Throughout the restrictions, the Scottish Government has provided essential funding to ensure the continuation of passenger rail services and to provide security of employment for rail staff. The funding has been provided through emergency measures agreements, which temporarily vary both the ScotRail and Caledonian Sleeper franchise agreements.

The current agreements are due to end on 31 March 2021. I can now confirm that we will seek to put in place further agreements until 19 September 2021. Any further agreements beyond that date will be subject to approval by ministers and additional consequential funding being made available to the Scottish Government.

It is right that we focus our collective efforts at this time on tackling this horrendous virus, but we should take a moment to reflect on a time in the future when circumstances will allow passengers to return to our railway. In future, I want to see a commuter offer that matches modern working patterns. I want to see our railway play a central role in tourism and railway heritage, enabling our visitors and rail enthusiasts to explore all that is great about Scotland. I want our railway to support businesses, through connectivity and innovation in technology and railway manufacturing. I want to see our rail freight sector continue to deliver the goods for Scotland.

It remains my strongly held view that a public sector controlled, integrated passenger railway is the model that will best deliver that for Scotland. Such a model would enable a more cohesive, fleet of foot, strategic decision-making structure between rail infrastructure and services, with full accountability to the Scottish Government.

However, that model cannot be delivered under the existing legislative framework, which is reserved. That is why we have repeatedly sought the full devolution of rail powers to this Parliament. Our requests to the United Kingdom Government have so far been rejected.

On more immediate matters, the current ScotRail franchise is expected to end in March 2022. I am therefore required at this time to make decisions on what will come after the current ScotRail contract. As I have stated many times, I believe that the current franchising system is no longer fit for purpose. Keith Williams, who led the UK rail review, has said publicly:

"franchising cannot continue in the way that it is today."

He expressed the same view to me when I met him in June 2019. Despite UK ministers stating on 9 December 2020 that the white paper would be "out within six weeks", still we wait.

The impact of the pandemic and the continued uncertainty about pending reform makes any franchise competition especially unwise at this time. The cost and risk involved would be significant and I will not divert scarce time and resources to pursue a competition that risks failing. I therefore confirm that we will not hold a franchise procurement competition to secure successor arrangements for the ScotRail franchise.

In December 2019, the Scottish ministers decided not to rebase and continue the current ScotRail franchise beyond the scheduled break point expected in March 2022. I know that Abellio was disappointed by that outcome, but its response has been professional, particularly in dealing with the impact of the pandemic. I place on record my thanks to Abellio and its staff.

I have carefully considered the possibility of directly awarding a contract to Abellio to continue to run services beyond March 2022 and, in particular, how that option would align with our recently published revised franchising policy statement. Based on those considerations, I have concluded that a direct award to Abellio would not be conducive to the fulfilment of our policy objectives.

My officials have been working closely with rail industry partners over time to explore the potential for a greater integration of rail services and the benefits that that may bring. We have the energy

and commitment to progress that with pace, but the continued UK Government delay in concluding its rail review has hampered our progress.

Following detailed consideration of all options against the background of the current legislation, the revised franchising policy statement and the continuing uncertainty arising from the Covid-19 pandemic and the delay in the UK white paper, I consider that the award of a franchise agreement to any party at this time would be detrimental to the fulfilment of our rail policy objectives.

Over the past year, my officials at Transport Scotland have been making preparations to ensure that operator-of-last-resort arrangements are ready to be deployed. I therefore confirm that the operator of last resort will run ScotRail services after the end of the current franchise contract. That means that from the expiry of the current franchise, ScotRail services will be provided within the public sector by an arm's-length company owned and controlled by the Scottish Government.

That will provide stability and certainty for passengers and staff, and will place the operation of ScotRail services in public hands from the end of the current contract. ScotRail staff will transfer to the new Scottish Government-owned company with their terms and conditions protected. That period of stability will provide a platform from which we can assess the scale and pace of recovery from Covid-19 and progress options for reform—in particular, my preferred model of an integrated public sector-controlled railway. Standing the lack of clarity in relation to rail reform proposals, I am not able at this stage to confirm how long I expect operator-of-last-resort arrangements to be in place. That will be considered further as the shape and pace of reform becomes clearer.

The rail industry has faced unprecedented challenges through Covid-19 and I thank rail workers across our country for their efforts. As we look to a period of necessary and overdue reform, it is my duty to secure the continued operation of stable and efficient rail services within the existing legislative framework.

In taking the approach that I have announced today, we will secure the stable delivery of rail services within public hands and under Scottish Government control, which will provide certainty for passengers and rail staff. I firmly believe that that approach will best serve the interests of passengers and taxpayers in the future.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. We have about 20 minutes for that. It would be helpful if any member who wishes to ask a question could press their request-

to-speak button or type R in the chat box, if they are remote.

Graham Simpson (Central Scotland) (Con): I too thank all the staff on Scotland's railways for the work that they are doing during the pandemic.

I thank the cabinet secretary for advance sight of his statement, in which he seems to be blaming the UK Government for the problems in Scotland's railways. However, it is the Scottish Government that has presided over cancelled services, delayed services, stop skipping—the list goes on.

Now, the Scottish Government is putting forward this proposal. Nearly £500 million has been spent on emergency measures that were designed, rightly, to keep services going during the pandemic. Therefore, will the cabinet secretary confirm that the emergency agreement that is in place with ScotRail could be extended to March next year? I know that he has said that it will not be, but could it be, in order to ensure stability for railway staff and customers? Can he also say what the cost of the new body that he will set up will be, and how he will ensure that it will be viable when it is competing for money with other public services?

Finally, the cabinet secretary mentioned the Williams review, which we are all awaiting with interest. Could his plans change when that report is published?

Michael Matheson: Mr Simpson suggested that we are in some way trying to blame the UK Government for some of the challenges that we have on Scotland's railways. He will be aware that ScotRail is one of the highest-performing train operating companies in the whole of the UK. The UK Government can take responsibility for its own rail failings, which are significant across a range of its franchises. I do blame the UK Government for being wedded to the need to ensure that rail services operate within the private sector. It believes that that is the way in which it should operate, not for practical but for dogmatic reasons. That constrains our ability to configure Scotland's rail services in a way that can best meet the needs of our communities and the travelling public who make use of the services. That is why we need a much more integrated rail system in Scotland. We should have infrastructure and passenger services that are much more aligned rather than following the fractured, broken approach that we have as a result of the UK Government's policy agenda and the legislation within which we have to operate.

I will deal with each of the other points that Mr Simpson raises. The EMA that I have set out will cost in the region of £173 million between now and September. That could be less, depending on passenger recovery rates. As I said, given the lack of sight that we have from the UK Government on

future consequential for Covid recovery, at this stage, we do not have a line of sight beyond September, so we cannot say whether we can run it forward into March of next year. However, should that funding be available, our intention is to complete the process to March of next year.

On the cost of the new body, that will be met internally within the existing rail budget. It will not be an additional cost over and above what we are already investing in rail.

We are awaiting the outcome of the Williams review, which has been completed—it has been completed for almost a year. The reason why we are waiting appears to be serial incompetence on the part of UK Government ministers who are unable to publish a white paper that is informed by the review. The consequence of that is that we are prevented from taking forward reforms that could improve rail services in Scotland, and others are prevented from taking forward reforms that, I suspect, would very much improve rail services in parts of England. I hope that Mr Simpson will use his hotline to his colleagues in Westminster and tell them to get their finger out and start moving forward with their rail reform programme, including here in Scotland.

Alex Rowley (Mid Scotland and Fife) (Lab): I welcome the cabinet secretary's announcement, which I believe will be widely welcomed by rail users and workers. We should remember that, when Scottish National Party ministers awarded that contract to Abellio, they said that the services would be world leading, but the reality was that we have been plagued by cancellations, overcrowded services and spiralling fares, which have forced that franchise to be axed.

Given where we are now, first, does the cabinet secretary agree that the trade unions—the workers and their representatives—need to be part of the discussion and planning moving forward? Secondly, will he commit to addressing the issue of affordability? Many constituents across Mid Scotland and Fife tell me that they can no longer afford to use the railways.

Michael Matheson: I am grateful to Mr Rowley for his contribution. This is the first opportunity that I have had to welcome him to his portfolio. I wish him well and look forward to working with him over the next 10 days or so before Parliament goes into recess.

On the first of the specific points that he raised, trade unions will of course be involved in the planning process and in considering the arrangements that will be put in place as we move towards bringing ScotRail into public hands next March. I will ensure that the trade unions are able to make representations in the process of taking the planning forward

Secondly, I recognise the issue of the affordability of using our rail services. In Scotland, we have a cap on rail fare increases, which means that, on average, rail fares in Scotland are about 20 per cent cheaper than they are anywhere else across mainland UK, as a result of our specific policy on that issue. Mr Rowley will be aware of the limited increase to rail fares in Scotland as a result of the change in January, which was the lowest for any part of the UK, including the increase that his colleagues introduced in Wales. However, there is a need for us to minimise the cost increases to the travelling public, because we want to encourage people to use our rail services, given the environmental benefits that can come from making greater use of public transport overall.

The Deputy Presiding Officer: I have allowed the first couple of questions to be of some length, but I have 13 minutes and 11 questioners, so members can do the arithmetic. I would like short questions and short answers.

John Mason (Glasgow Shettleston) (SNP): Can the cabinet secretary expand on what will happen between now and March 2022? Can he assure us that there will be a smooth handover and that passengers will not be impacted?

Michael Matheson: Considerable work has already been undertaken around planning for the operator of last resort. Those plans will now be activated and arrangements will be put in place to start to populate a management structure with staff who will take forward the management of the transfer. It is intended that we do that through as smooth a process as possible, because we want to minimise disruption to staff and passengers. I am confident that that can be achieved if we work together in order to do it. That process, and the structures that are necessary to make the transfer as smooth as possible, will start to move forward over the next couple of months.

Alexander Burnett (Aberdeenshire West) (Con): Creating yet another public body to take the blame for Scottish Government failings is the usual way for the SNP, but why has it taken so long—after 14 years in Government and nearly 3 million minutes of delays in the past nine years? Can the cabinet secretary not just apologise to commuters and taxpayers for the delays and money wasted and explain how the body will help commuters in the north-east?

Michael Matheson: I am somewhat surprised at Alexander Burnett's question. He clearly has little knowledge of Scotland's rail network and how effective it is compared with the vast majority of train operating companies across the UK, and of the £8 billion of investment that we have made in our rail network since 2007. The people in the north-east of Scotland have had significant

benefits from that investment, with new railway stations and infrastructure, new and refurbished rolling stock and the renovation of Aberdeen railway station that we are taking forward.

We will continue to make sure that we are ambitious about Scotland's rail infrastructure; that will continue when it is under public control—the control of the Scottish Government—and we will continue our record investment of almost £5 billion between now and 2024.

Kenneth Gibson (Cunninghame North) (SNP): Will the cabinet secretary advise the Parliament what targets will be set for improvements in rail services by the new arm's-length company and over what timescale they will be set?

Michael Matheson: For any rail service to operate effectively, there has to be a matrix of performance targets to drive forward the delivery of services, in much the same way that targets operate at present for franchises. Targets are embedded in the existing emergency measure agreements around punctuality, passenger experience, affordability, quality of rolling stock and other measures. Those measures will be built into the matrix that will be provided for in the changed contract arrangements. In that way, we can ensure that we hold fully to account those who are responsible for running our rail services, and we can ensure that they are driving forward improvements.

Colin Smyth (South Scotland) (Lab): I welcome today's announcement. The cabinet secretary is a late convert to something that I have been calling for him to do for some time. If he is genuinely in favour of public ownership, why has he not ended the Serco Caledonian sleeper franchise and used the powers that he holds to run those services through an operator of last resort, in the way that he has done for the Abellio ScotRail franchise?

Michael Matheson: We have taken the decision in this way because of the end of the Abellio ScotRail contract in March 2022. Following the change in contract for the ScotRail services, we will review the existing franchise arrangements that we have in place for the Caledonian sleeper.

I very much hope that we now have Colin Smyth on board and that he accepts that there should be full devolution of rail powers to Scotland and not the approach that has been taken previously, whereby Network Rail remains a UK body and rail powers are centralised in London. Instead, to allow us to make decisions in the interests of the people who use Scotland's rail network, all aspects of our rail services should be devolved to the Scottish Parliament.

Annabelle Ewing (Cowdenbeath) (SNP): I very much welcome the cabinet secretary's announcement. However, will he clarify what the implications will be for the promised improvements to the Fife circle, which is an issue of particular interest to my Cowdenbeath constituents?

Michael Matheson: Annabelle Ewing raises a good point. As a result of moving ScotRail services into public ownership, the investment in Fife will continue. For example, our investment in the reopening of the Levenmouth line will continue; that work has already started. Annabelle Ewing will be aware that, in the phase 1 report of the second strategic transport projects review process, I set out the partial electrification of the Fife circle, alongside the use of battery electric trains, to improve not only the environmental aspects of services but punctuality and the quality of the rolling stock, all of which will benefit people in Fife. That investment will continue with the move into public ownership of ScotRail.

John Finnie (Highlands and Islands) (Green): I warmly welcome the cabinet secretary's statement. We support the full devolution of rail powers. The cabinet secretary said that he would allow the trade unions to make representations. Rather than the trade unions responding to decisions that have already been taken, will he ensure that they are round the table shaping the new service?

Michael Matheson: I recognise John Finnie's long-standing interest in the matter and his shared view of the need to have a publicly controlled integrated rail network in Scotland. I will ensure that the trade unions are part of the process in taking forward the change to public ownership of ScotRail services.

This might be the final opportunity that I have to respond to my colleague John Finnie before he retires from the Parliament. I wish him well for the future. Throughout the years, I have always enjoyed our engagement across the chamber and in committees.

Willie Rennie (North East Fife) (LD): [*Inaudible.*]—privatisation is the “poll tax on wheels”—[*Inaudible.*]—a Conservative MP over 25 years ago. It is about time that the Conservatives finally listened to his advice. As passenger numbers were in decline before the pandemic, how will the new model help to integrate different modes of transport and make public transport more attractive?

The Deputy Presiding Officer: Cabinet secretary, did you get most of that?

Michael Matheson: I think that I got most of the latter part of Mr Rennie's question.

Passenger numbers on our rail network have been increasing, largely because of the expansion of services, opening of additional routes and expansion of timetables. We have seen that growth over a number of years; we want to build on it and to maintain it as we come out of the pandemic. A key part of that will be in making sure that we have a range of products to help to incentivise commuters back on to our rail network, when they are able to use it—as they return to their places of work and as we ease the restrictions. I assure the member that I am keen to make sure that passengers return to our rail network in the numbers that were there prior to the pandemic and that we will be considering all the measures that we can put in place in order for that to happen.

Emma Harper (South Scotland) (SNP): Will the cabinet secretary expand on the limitations that arise from the network not being 100 per cent accountable to Scottish ministers, such as across my South Scotland region, in which the Stranraer to Ayr and Dumfries to Glasgow lines are owned by Network Rail?

Michael Matheson: An on-going problem within the rail network in Scotland and across the whole UK is the fractured nature of how passenger services operate and the fact that they are not aligned with the infrastructure provision that is run by Network Rail. Fundamentally, that has to be addressed if we are to resolve those issues. The vast majority of delays and problems on our rail network are caused not by the rail operating company but by infrastructure failures. We need to address that effectively. That is why an integrated rail body that can deliver our rail services in the south-west of Scotland—such as in Emma Harper's region—are absolutely critical. That is what we must have the powers to do here in Scotland, as part of any rail reform package that is brought forward by the UK Government.

Bill Bowman (North East Scotland) (Con): In the coming weeks, the rail trade unions may press ahead with strike action in their claim to get more money for overtime. Does the cabinet secretary support such action or view it as counterproductive, given that the railway in Scotland is suffering from the most significant crisis in its history?

Michael Matheson: I recognise and respect the right of trade unions to make representations on behalf of their workers. That is fundamental in any basic society. However, I would encourage both the trade unions and the employers to remain engaged in trying to find a resolution to those issues. I am aware that one of the trade unions has already agreed to a limited period of extension of the existing arrangements, given the difficulties that the pandemic has caused, such as with the

limited ability to train drivers, which has an impact on rest-day arrangements. I encourage the other trade unions to follow suit. However, we should also respect the right of trade unions to take forward matters and to make representations on behalf of their members.

Stuart McMillan (Greenock and Inverclyde) (SNP): Does the cabinet secretary share my disappointment that some other members, including those from the Labour Party, will not join us in calling for a Scottish rail service, in Scotland's hands, with a full transfer of rail powers?

Michael Matheson: The fundamental issues that hamper our ability to reform Scotland's rail sector and rail services are the fractures between the different component parts that I previously mentioned and the limits to our powers under the existing railways legislation. The best way to shape our rail services and the delivery of our rail network in Scotland, in a way that reflects our needs and aspirations and the desires of our communities and those who use those services, is for that to be done here in Scotland. Instead of having timetabling carried out in Milton Keynes and then sent up to us, or decisions being made by Network Rail in its centralised headquarters and then passed down to us here in Scotland so we just have to suck it up, if you like, decisions should be arrived at here in Scotland that reflect our needs and circumstances and—importantly—there should be accountability for that to the Parliament and its members.

The Deputy Presiding Officer: I will just manage a very brief question from Neil Findlay.

Neil Findlay (Lothian) (Lab): After years of being told that this was not possible, it now happens. It is very welcome news that the railways will be coming back into public organisation. It is absolutely essential that trade unions have representation on the board of any new company—not just consultation but representation on the board—to ensure that we do not get into the mess that we got into with Abellio.

Given that I am on my feet, I will ask this: will the cabinet secretary sort out the bus situation in Edinburgh, which is a disaster?

The Deputy Presiding Officer: That was opportunistic.

Michael Matheson: I must correct Mr Findlay. No one has ever said that this is not possible. We are using the operator of last resort process. We can put that measure in place, but it will not reform our rail services as they should be reformed under public sector control.

I warn Mr Findlay not to delude himself into thinking that that is the answer. Unless he

supports the full devolution of control of rail powers to this Parliament, his aspirations will not be achieved. I hope that he will take that position, which has not been the position of his party. I hope that he will be able to convert his fellow members to supporting that position on the full devolution of powers.

I can assure him that we will look to engage trade unions in the process. I assure the member that it is our intention to do that as constructively as possible to ensure that the voice of unions is properly heard.

The Deputy Presiding Officer: That concludes questions on the statement. I thank the cabinet secretary and members. We got everyone in, plus one more. That is good going.

Testing Strategy

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Mairi Gougeon, providing an update on Scotland's testing strategy. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

15:26

The Minister for Public Health and Sport (Mairi Gougeon): Since the Cabinet Secretary for Health and Sport last updated Parliament, in November, we have made significant progress in rolling out our testing strategy and programme.

The strategy that was published in August last year gave five rationales for our priorities for testing for Covid-19 in Scotland: testing to diagnose anyone with symptoms of Covid-19; testing for clinical care of patients; testing to protect those who are most vulnerable to harm from Covid-19; proactive testing to find cases among people without symptoms; and testing for surveillance, to monitor prevalence and understand disease transmission.

I will say more about progress on each of those rationales, but a key aim of the strategy was to increase the daily capacity for polymerase chain reaction testing in Scotland to at least 65,000 by the winter of 2020. That has been achieved.

Since the beginning of December 2020, our focus has been on expanding the coverage of our testing programme and the available testing capacity in Scotland into the areas where we believe it can have the greatest impact as part of our response to the pandemic. That has been aided by the availability of new types of testing technology, including rapid result lateral flow tests, which has allowed us to significantly expand the coverage of people with and without symptoms.

Under our test to care scheme, we have now extended testing to all those who have been admitted to hospital emergency departments, acute assessment centres, maternity units and emergency mental health units, as well as to all medical and surgical elective admissions.

As part of test to protect, all healthcare workers in patient-facing roles in our hospitals, in the Scottish Ambulance Service and in community-based Covid assessment centres, the healthcare professionals who visit care homes and staff working in hospices are now offered twice-weekly testing. The extension of testing to our primary care workforce—including our general practitioners, dentists, optometrists, pharmacists and pharmacy technicians—is also well under way and is on track to be completed by the end of this

month. I can announce today that we will now implement testing of all remaining healthcare workers, including those in non-patient-facing roles, providing access to regular testing for more than 170,000 people who are employed by NHS Scotland.

We have also extended testing in social care, offering testing for up to two designated visitors a week for our 42,000 care home residents across Scotland. We have supplemented existing PCR testing of care home staff by providing additional lateral flow testing. We have also completed—a month ahead of schedule—the roll-out of testing to the care-at-home workforce, who are critical to supporting and caring for people so that they can continue to live as independently as possible in their own homes.

Proactive case finding remains a key part of our response to the pandemic. Since 18 February, all close contacts of index cases have been able to book a PCR test between days three and five after exposure to a confirmed positive case.

At a community level, test to find is a core part of the rationale for targeted community testing. Proposals are developed with local partners to address problems of stubbornly high transmission, rapidly rising transmission or specific transmission risks in communities, and I can advise Parliament that proposals for targeted community testing have now been agreed with 20 local authorities across eight health board areas. We have 28 asymptomatic test sites and 12 mobile testing units providing access to community testing, with more sites planned to open soon.

As well as continuing to offer campus testing to students at times of large population movement, we have now extended access to PCR testing to students prior to their travelling to accommodation at university or college. Plans are also being developed to roll out regular testing for university and college students and staff.

To manage the risk of importation of the virus from abroad, from 15 February, quarantine testing was introduced for people arriving in Scotland from outside the common travel area. All such people are tested twice during their quarantine period, on day 2 and day 8 of the 10-day quarantine, with all day 2 positive test results being sent for sequencing in order to detect any possible variants of concern.

The most recent expansion, which was announced in February, extended routine testing to support the maintenance of essential services, to mitigate wider social and economic harms and, crucially, to provide an additional protective layer to support the easing of restrictions for key groups and sectors.

To support the safe return of schools, we have introduced twice-weekly at-home testing for all staff in primary, secondary and special schools and for all secondary school pupils, with the secondary 1 to 3 cohort due to commence testing after the Easter break. Staff in school-based early learning and childcare settings can also receive testing as part of the offer, and I can announce today that, from the end of this month, access to testing will be extended to all stand-alone facilities in the public, private and third sectors that provide early learning and school-age childcare services.

Further roll-out of regular asymptomatic testing is also now available to food production and distribution businesses, whose workplaces, by their nature, can present a higher risk of transmission due to factors such as low temperatures, high humidity and limited ventilation. More than 60 businesses are now registered with the scheme and are undergoing the relevant training and induction processes.

In the public sector, to support the continued safe running of essential services, we have now implemented regular testing in the control rooms of the Scottish Ambulance Service, Police Scotland and the Scottish Fire and Rescue Service, as well as in NHS 24 call centres.

In the early part of this year, we have seen the emergence of new and more transmissible variants of the virus and outbreaks in closed settings. To help to address those, we plan to introduce testing of staff who are working in prisons to reduce the risk of asymptomatic prison staff importing the virus into the prison environment. That will start with three prisons, so that we can assess the operational feasibility and public health impact of that type of testing.

We have made rapid and significant progress across all five priority areas for testing, and it is therefore appropriate that we now publish an updated and refreshed strategy. The fundamental purpose of our strategy and testing programme will not change. Testing on its own is not a panacea. It does not stop transmission in and of itself; it gives us information to help us to take action to stop that spread and to enable us to take the right decisions at the right time. That purpose will become even more important as we determine how best to integrate and deploy our testing strategy and programme to support the safe easing out of lockdown restrictions in the next phase of the pandemic.

The activity that I have just set out will continue. We will continue to test to diagnose people who are ill so that, if they have Covid, they isolate to stop the spread. We will test for the clinical care of people in hospitals and to protect those who are most vulnerable to the worst harm. We will keep testing to find cases wherever we are most likely

to find them, whether or not the person has symptoms. We will test to support our essential services and the people who work in them and to mitigate the wider social and economic harms that are caused by the pandemic. We will also continue to test to monitor prevalence, which is crucial to safeguarding the progress that we have made through all our efforts to do the right thing and adhere to the protective measures that are in place and through the success of our vaccination programme.

As transmission continues to reduce, as we hope it will, the next phase will mean a return to more sporadic outbreaks and there will be a continuing risk of importing new variants that could undermine our progress. Whole-genome sequencing improves our ability to address both of those threats. We also need to be ready for the threats of the future, not just for the next three months but for the next three years and beyond. Health threats will continue to emerge, so we must build a legacy that will help us to prepare for those future threats and that will help to build a world-class public health system in Scotland.

Today, the First Minister has announced that, next year, we will invest more than £13 million in developing a truly world-leading Scottish whole-genome sequencing service. Sequencing has already proven to be a powerful method of detecting new variants that are of concern and of investigating links between strains in outbreaks. It helps us to understand transmission better and to design treatments, it gives us early warning of new strains, and it builds a legacy for the future. Scotland's sequencing science is already world leading. With the investment, we will build on that science to create a service that can help in our next critical stages of responding to the pandemic, that can sequence up to 1,000 cases a day if necessary, and that helps us to deal with the risks of today and tomorrow. The service will underpin our updated approach to testing. That approach will continue to be refreshed as we adapt to the pandemic conditions that we face and seek to incorporate and deploy emerging technologies.

There are two core messages that we want everyone to note from the updated strategy that we have published today. The first is how far we have come. At the start of the pandemic, before test and protect was launched, Scotland had a daily testing capacity of 350 tests. By the end of this month, the daily testing capacity across the entire system will be at least 250,000 tests a day. We now have eight drive-through regional test sites, 42 mobile testing units, 33 walk-through local test sites and 21 small-scale test sites located across the country. I say a heartfelt thank you to everyone who has helped to design, develop and deliver the sites and all our testing capacity—there are literally thousands of workers

and volunteers all over Scotland involved in that shared national endeavour.

The second message is that we all need to know when, how and where to get a test. As we learn to live with the threat of the virus and seek to return safely to our everyday activities and lives, we must keep testing and must test more and in more circumstances. Put simply, testing must become part of our everyday lives, offering an important layer of protection in the months ahead, alongside vaccination and other measures including social distancing, self-isolation, hand washing and face covering.

Testing will help us to return to activities that have been largely restricted over the past year, and it will help us to increase social contact, which is vital for our mental wellbeing and relationships. In short, testing will help us to move on from the present and into the future.

The Deputy Presiding Officer: We have around 20 minutes for questions. I ask members who are present in the chamber and who wish to ask a question to press their request-to-speak button. Members who are contributing remotely should type R in the chat function.

Donald Cameron (Highlands and Islands) (Con): I thank the minister for the advance copy of her statement. This week, we passed the one-year point from when the United Kingdom first entered a nationwide lockdown. On a more positive note, as of today, 26.5 million people in the UK have received their first dose of the vaccine, which is almost half the adult population, with nearly 2 million people in Scotland having received theirs. However, we must remain vigilant, and it is critical that we continue to utilise testing as much as possible, given its crucial role in combating the virus.

I welcome the various announcements that have been made today, although they have been a long time in coming. For example, community testing was first announced in December, three months ago. Why has it taken so long to put community testing in place?

The Scottish Government currently has access to testing capacity of around 77,000 tests a day. We have just been told that, by the end of March, the daily capacity across the entire system will be at least 250,000 tests a day. Can the minister explain why only 17,000 people were tested yesterday? That shows that the Government is nowhere near making full use of the existing testing capacity.

Mairi Gougeon: I thank Donald Cameron for raising those questions. He asked about community testing and why we have not been able to roll that out sooner. We had the first pilot for community testing last December. Of course, like

any such projects that we undertake, it was really important that we evaluated the lessons to see what we could replicate as quickly as possible.

A really important aspect of our targeted community testing is the fact that we have done it in conjunction with health boards and local authorities. As I said in my statement, we have managed to roll out community testing to 28 local authority areas, which is no mean feat, given that we are only into March.

The engagement has been really important in making sure that we are testing in the right places and where that is most appropriate for local circumstances. I hope that the member recognises those points and accepts them.

In his second question, about the utilisation of capacity, the member makes an important point. As I outlined in my statement, we have seen a huge increase in our capacity, including in relation to our PCR testing and lateral flow devices. The strategy document that we have released today is vital in that respect, because it outlines how we intend to use that capacity. I also highlight the importance of retaining an element of that capacity, especially in the next few stages as we ease out of lockdown. Should there be other outbreaks for which we need to utilise that testing resource, it is important that we have that capacity. We have set out today in our plan how we intend to utilise the capacity.

Jackie Baillie (Dumbarton) (Lab): I thank the minister for the advance copy of her statement.

Scottish Labour has long called on the Government to take seriously the need for more testing, so I welcome much of what the minister has announced. The vaccine has been great news, but the experts are clear that the virus will be here for some time yet, so we need robust testing and tracing to find and isolate outbreaks.

The Scottish Government's own Covid-19 advisory group has said that

"It would be desirable to test more people ... even if this increased test positivity"

and that that expanded testing and community testing could be "a game changer". However, community testing is still too small in scale. Last week, fewer than 6,000 asymptomatic tests were carried out at community sites. They uncovered 155 positive cases. How many more are going undetected?

Does the minister accept that there is a need to expand community testing even further and to advertise it to local people, especially as restrictions lift? After all the effort to scale up Scotland's testing capacity, why is the Government content to let more than 50,000 gold-

standard PCR tests go unused every day, as asymptomatic cases go untested?

Finally, from November to January, only 30 per cent of self-isolation support grant applications were awarded. That is woeful, and I am worried that some people will refuse tests and not self-isolate as a result. It would be very helpful if the minister outlined what she will do urgently to rectify that problem.

Mairi Gougeon: Jackie Baillie has raised a number of really important points.

We want more people to take part in community testing. We want to roll it out throughout Scotland and ensure that we work with local authorities and health boards to do that in an effective way that will work.

The advertising element is absolutely critical. We need people to know that community testing facilities are available in their communities and that they can access them. We have worked with health boards on communications to ensure that they are doing all that they can locally, and the Government is doing what it can to advertise community testing and to encourage people to take part in it, when it exists in their areas. We are more than happy to look at the matter to see what more we can do to push the message even further out.

Jackie Baillie talked, as Donald Cameron did, about our PCR capacity and the fact that not all of it is being used. The prevalence of the virus has fallen in recent weeks, thanks to the efforts of everybody who has been sticking to the restrictions and guidelines, and thanks to progress in our vaccination programme. Prevalence falling means, of course, that there are fewer people with symptoms isolating and booking tests, because there are fewer people who are ill with Covid. As I said in my previous response, we know from experience that that can change. We need resilience in our testing system so that we can respond if demand increases again.

PCR testing is only one aspect of our testing programme. There is also extensive lateral flow testing for people without symptoms in schools and workplaces throughout the country. We will continue to use all our testing capacity as effectively as possible.

Jackie Baillie's last point was about self-isolation, which is absolutely critical in relation to all the areas that we are looking at in tackling the pandemic. It is critical alongside vaccination, our testing programme and all the other non-pharmaceutical interventions, including social distancing and the wearing of face coverings. Self-isolation is key to the approach.

On the figures that we have for people who are self-isolating, a UK-wide survey showed that 80 per cent of people were adhering to self-isolation advice. We are undertaking our own work to identify exactly what the situation in Scotland is.

We need to ensure that people are aware of the support that is available to them, and it is crucial that we get that right. However, we have significant packages in place, and we are trying to help as many people as possible and to get the message about the support that is available out as much as possible.

The Deputy Presiding Officer: There are 12 minutes left, and 10 members want to ask questions. That tells members how short their questions should be. There must be single questions and short answers, please.

Clare Adamson (Motherwell and Wishaw) (SNP): The virus has adapted, there are new variants of concern, and no doubt others will emerge in the coming weeks and months. How will the genomic sequencing scheme help us to detect new variants?

There is use of surge testing in England where there are community or localised outbreaks that are linked to new emerging variants, but that approach did not feature in today's statement—

The Deputy Presiding Officer: No—that is not a short question. Can we have an answer to the first bit, please, which I think was about genomic sequencing?

Mairi Gougeon: Our expert advisers on genomics have told us that there is no scientific rationale for mass testing to try to find cases in order to eliminate new variants of concern. If a variant is identified through whole-genome sequencing, local health protection teams carry out enhanced contact tracing. That case is then reported through the four-nations twice-weekly publication on variants of concern. Our approach—which involves extending the circles of investigation and testing for positive cases of a variant of concern—has a clearer scientific rationale than mass testing of entire geographies. Essentially, it is also a quicker way of controlling and containing outbreaks.

The Deputy Presiding Officer: Thank you. Now, let us have short questions from now on. Mr Whittle, you will set an example. You will be followed by George Adam.

Brian Whittle (South Scotland) (Con): An outbreak at Kilmarnock prison involved almost 200 cases of Covid. Those included 40 staff, 18 of whom were asymptomatic. Why does the Scottish Government therefore still feel the need to assess operational feasibility and the impact on public health when the evidence is already clear?

Mairi Gougeon: Our whole approach to testing and where it is carried out has been based on the best clinical advice. We take a risk-based approach to the testing that we roll out, which we try to do as best we can, guided by such intelligence. That is the key to what has been set out in our strategy, including our approach on targeted community testing, working with local health boards and local authorities to see where testing can best be utilised and focusing it on areas in which there is high prevalence.

George Adam (Paisley) (SNP): I will try to be quick and to set an example, Presiding Officer.

From the minister's statement, it appears that the updated testing strategy suggests that testing will become part of everyday life. Will she explain further how that will work in practice? What role does she envisage testing playing in helping us to continue to respond to and suppress the virus?

Mairi Gougeon: Right from the beginning, test and protect has been an absolutely critical part of our response to the pandemic. It will continue to be vital as we cautiously ease restrictions and move out of lockdown.

Of course, we must remember that the virus has not gone away. Anyone with symptoms should still isolate and book a test as soon as possible. Extending asymptomatic testing, including through community testing, will help us to find cases that might otherwise be missed. Finding such cases and supporting people who are affected to isolate and to break the chains of transmission will really help us to suppress the virus.

Pauline McNeill (Glasgow) (Lab): Will the Scottish Government support lateral flow testing as a way of allowing people to fly from our airports safely? If not, given the undercapacity in PCR testing, would the Government prefer that? Will it allow some testing at airports in order to save our connectivity?

Mairi Gougeon: Again, our strategy sets out the rationale for the types of tests that we use and where we use them, whether they be PCR tests or tests that use lateral flow devices. When it comes to opening up areas, including areas of the economy, those are all factors that we take into active consideration. We will look at all those aspects and consider them further.

Stuart McMillan (Greenock and Inverclyde) (SNP): Today's news about the expansion of testing is certainly welcome. However, how will the data on testing be gathered and reported? How will it be used to inform our approach to testing and to managing the virus in the future?

Mairi Gougeon: Data on testing is absolutely vital and will continue to be reported in the usual ways. Daily data on confirmed results of PCR

testing will be published on the Scottish Government's website, and data on all aspects of lateral flow testing will be published in Public Health Scotland's weekly Covid-19 statistics report. New data will be added to that from today and will be built on with additional data in the period ahead.

As we have set out in our strategy update, work is also continuing on development of an evaluation framework for the testing strategy, drawing on routine testing data, national surveys and local evaluations. Monitoring and evaluation across the whole testing programme will be used to inform our on-going approach to testing and managing the virus in the future.

Mark Ruskell (Mid Scotland and Fife) (Green): I welcome the extension of asymptomatic testing for early learning and childcare settings, but what has been announced today falls way short of a workplace testing strategy for Scotland. Why will food businesses receive asymptomatic tests for their staff but people who work in waste management centres or bus depots will not, despite the fact that such settings have experienced serious outbreaks of Covid in recent months?

Mairi Gougeon: As I outlined in my statement, there are particular reasons for our rolling out of testing to food production and distribution, which are to do with the types of environment that exist there and the fact that the incidence of outbreaks has been high there. We therefore felt that that was the most appropriate area to look at first.

We must consider the situation by looking at the capacity that we have and how to best utilise it, so that we roll out workplace testing in accordance with our strategy. We essentially take a risk-based approach so that we can make sure that we use our capacity in the most effective way, and so that we can open the economy in a sustainable way.

I am more than happy to look at all the other areas that Mark Ruskell talked about. As part of our targeted community testing, we have been discussing with health boards and local authorities whether there are particular sectors in their regions that we can consider for the roll-out of testing. I would not say that anything has been ruled out, but we must take that risk-based approach and make sure that we make the best and most effective use of the capacity that we have.

Alex Cole-Hamilton (Edinburgh Western) (LD): We have heard several times this afternoon that we are using only a third of our daily testing capacity. Although I understand that the Government will not prioritise key workers such as front-line police officers in the vaccine roll-out, perhaps it can prioritise them in the testing roll-out.

We are testing control room staff—that is understandable—but when can we start testing our vital front-line police officers?

Mairi Gougeon: Alex Cole-Hamilton raises another important point, but that is not to say that we do not think that testing should not be done in those important areas. As I outlined in my statement, in rolling out testing to the call centres of all the emergency services, we were guided by the clinical advice on where the most appropriate use of testing would be and what type of testing that should be. We keep that under review. We are in constant discussion with the emergency services and other key sectors about where testing could best be used. Therefore, I would not rule anything out; the situation is one that we are monitoring constantly.

Emma Harper (South Scotland) (SNP): I welcome the expansion of testing to workers in food processing, as they have been critical during the pandemic.

How will the minister ensure that we reach agency or temporary workers who might be reluctant to take up the offer of testing because of the potential impact on their earnings if they have to self-isolate?

Mairi Gougeon: I want to elaborate on the response that I gave to Mark Ruskell when he asked about the food sector. The aim of the testing programme in that area is to contribute to the reduction of coronavirus-related risk in high-risk settings and, in doing so, to enhance the resilience of critical food supply. That will help to reduce the risk of the significant impacts on businesses and their employees that can occur when there is an outbreak.

We are engaging directly with all companies that have expressed an interest in testing to help them to understand the guidance and the practical steps that they need to take to proceed, and to ensure that they are aware of the importance of supporting any employees who are required to self-isolate as a result of a positive test. As I said to Jackie Baillie, that includes making companies aware of the extensive package of measures that are available to support people who need practical and financial support to self-isolate. We recently expanded eligibility for that and, as I said in my statement, 60 companies have registered an interest. Their average employee number is around 200 people, and they are located across 26 different local authorities in Scotland.

Edward Mountain (Highlands and Islands) (Con): Testing patients who attend hospital, especially those who go to accident and emergency, will reduce the need for red and green routes. Is the minister confident that the proposed

testing is robust enough to make red and green routes redundant?

Mairi Gougeon: I believe that the testing that we have put in place is robust. If the member wants to raise any particular concerns with me about that, I will be more than happy to correspond with him.

David Torrance (Kirkcaldy) (SNP): I welcome the expansion of testing to all emergency service control room staff. Will it also be extended to all front-line emergency service workers?

The Deputy Presiding Officer: Did you get that, minister?

Mairi Gougeon: I think that I picked it up, so I will respond to David Torrance as best I can.

The Scottish Fire and Rescue Service and Police Scotland identified their operational control rooms and command, control and co-ordination functions as being business critical for the delivery of emergency services. Therefore, asymptomatic testing of that group of staff is a vital part of business continuity, as it will ensure that any potential cases of Covid-19 are quickly identified in those critical operations of our emergency services.

We have also implemented regular testing for all Scottish Ambulance Service staff as part of our roll-out of healthcare worker testing, and we are actively considering expanding testing in the police and fire and rescue services to specific staff groups where other Covid mitigations such as physical distancing or working outside are challenging. That includes areas such as driver training and staff who carry out wellbeing assessments.

As I have said in previous responses, our approach is driven by the expert clinical and scientific advice that we receive. We continue to monitor the situation and keep it under review.

The Deputy Presiding Officer: I thank members. We got in all the questions in the time. I also thank the minister—I put you under a bit of pressure, but you got through it.

Business Motion

15:57

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-24394, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Domestic Abuse (Protection) (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Domestic Abuse (Protection) (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 and 2: 30 minutes

Groups 3 to 5: 1 hour

Groups 6 and 7: 1 hour and 30 minutes—[*Graeme Dey*]

Motion agreed to.

Domestic Abuse (Protection) (Scotland) Bill: Stage 3

15:58

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 proceedings on the Domestic Abuse (Protection) (Scotland) Bill. Members should have before them the bill as amended at stage 2, the marshalled list of amendments and the groupings of amendments. As usual, the division bell will sound and proceedings will be suspended for five minutes for the first vote of the afternoon. The period of voting for each division will be one minute. Any member who wishes to speak in a debate on any group should press their request-to-speak button as soon as I call that group.

Members should now refer to the marshalled list.

Section 1—Persons to whom domestic abuse protection notices and orders may relate

The Presiding Officer: Group 1 is on domestic abuse protection orders and notices: places where person A and person B cohabit. Amendment 1, in the name of the cabinet secretary, is grouped with amendments 2 to 6.

The Cabinet Secretary for Justice (Humza Yousaf): At stage 2, amendments were made to the bill to introduce a requirement that, for the police to make a domestic abuse protection notice—DAPN—or the court to make a domestic abuse protection order—DAPO—person A and person B must live together some or all of the time. Amendments 1 to 6 address concerns that were raised by the police about the potential width of the power to make DAPNs and DAPOs by explicitly restricting the use of the power to cases in which a suspected perpetrator of domestic abuse and the person at risk of domestic abuse live together.

16:00

That approach was adopted because it is in such cases that a person at risk is most likely to benefit from the breathing space that a DAPN or a DAPO provides to take the longer-term steps that are necessary to address their safety and their housing situation without interference from an abusive partner or, indeed, an abusive ex-partner.

We consider that a possible unintended consequence of those amendments to section 1 is the risk that it could be read as requiring person A to live with person B in person B's home. That is not our policy intent. Our policy intent is that it

should be possible for a DAPN and a DAPO to be made regardless of where person A and person B live together. For example, if person B lives with person A in person A's only home for three days a week and in their own home for the rest of the week, but person A has keys and regular access to person B's home, it might be necessary to make a DAPN or a DAPO that requires person A, the suspected perpetrator, to surrender the keys to the home of person B, the person at risk, and prohibits them from entering or coming within a certain distance of that home. Amendment 1 makes it clear that a DAPN or a DAPO can be made if person A and person B live together in any place where either of them lives to any extent.

Amendments 2 to 6 are intended to ensure consistency in the drafting to avoid any possible confusion about which of the places where person B lives is the home of person B, when the focus should be on whether it is necessary to make provision in respect of any of the places where person B lives. I know that that is somewhat complicated, particularly if people have not been following the bill, but I hope that that clarifies the matter. The amendments make it clear that, in a case where person B—the person who is potentially at risk—lives in more than one place, the provisions in question can be made in respect of any or more than one of those places, provided that such provision is necessary.

I should make it clear that provisions can be made in a DAPN only if the senior constable who makes the notice considers it necessary for the purpose of protecting the person at risk from such abusive behaviour by the suspected perpetrator. Therefore, where the person at risk sometimes lives at their own home and sometimes at the home of their partner or ex-partner, I expect that it would not normally be necessary to use the power to prohibit their partner or ex-partner from entering both their own home and their partner or ex-partner's home.

I move amendment 1.

Amendment 1 agreed to.

Section 5—Content and effect of notice

Amendments 2 to 6 moved—[Humza Yousaf]—and agreed to.

Section 8—Making of domestic abuse protection order

The Presiding Officer: Group 2 is on domestic abuse protection orders: consent and matters to be taken into account by sheriff. Amendment 9, in the name of the cabinet secretary, is grouped with amendments 10 to 19.

Humza Yousaf: If you will forgive me, Presiding Officer, I will take a bit of time to explain how we

have arrived at the position that we have. With your indulgence, given the nature of how we have arrived here, I will be happy to take interventions if members wish to intervene.

At stage 2, amendments were introduced that required the consent of a person at risk before a domestic abuse protection order could be made. As I said at stage 2, it was a finely balanced decision for the Scottish Government to lodge those amendments. After further reflection, I have lodged amendments 9 to 11 to remove the requirement for consent from the person at risk before a full DAPO can be imposed and replace it with a provision that requires the court to take into account any view of a person at risk as to whether they wish an order to be made when assessing whether to make a DAPO. However, making a DAPO will not—this is crucial—require consent.

Amendments 12 to 14 provide that, where person B does not wish an order to be made, the sheriff must take that into account and any of the reasons for that view of which the sheriff is aware. However, amendment 11 makes it clear that a lack of consent would not stop a DAPO from being imposed if the court is satisfied that that should happen, having applied the relevant tests in section 8.

Amendments 15 to 19 amend sections 12 to 14 to ensure that a consistent approach is taken where an application for variation, extension or discharge of a DAPO is made to a court. The overall effect of those amendments is that the court, in assessing an application for a DAPO, is required to take into account the views of person B, the person at risk, and the reasons for those views.

The need for consent is not a requirement, however. In other words, withholding consent is not in effect a veto on a DAPO being imposed. Those views could be provided to the court either directly or indirectly, for example through a support agency. In considering whether to make a DAPO in a case where person B does not support the making of the order, the sheriff could take account of the extent to which person B's reasons for not supporting the making of the order are likely to be a consequence of the long-term effects of the abuse, especially the effects that coercive and controlling behaviour can have on the victim of domestic abuse.

I wish briefly to explain why I have adjusted my views on this very sensitive area of the bill. In many cases, it may be that the views offered by person B inform a decision that no DAPO is to be imposed, but I now consider that that must be for the court to determine on a case-by-case basis. Having reflected on the matter very carefully ahead of stage 3, I believe that ensuring discretion for the court is the only way in which the

fundamental purpose of the scheme of DAPOs can be delivered in each and every relevant case, which will enable the state to meet its responsibility to protect people at risk.

The amendments that I lodged at stage 2 were informed by discussions with Scottish Women's Aid, which reiterated its view—and it has reiterated it again in a briefing sent to MSPs—that it is important to ensure that the process for making a DAPO respects person B's autonomy and their right to make their own decisions about their safety. Furthermore, the Scottish Government has had practical concerns, in that it is unclear how effective a DAPO could be if person B did not support it being made.

The question was and remains how far we want the bill to go in this area. As I said when I was speaking at stage 2, I have always considered the arguments for and against providing for an absolute requirement for consent to be very finely balanced. Although we remain of the view that one of the benefits of the system involving the DAPO is that it enables people who are experiencing domestic abuse to become more empowered, we have concluded that an absolute requirement for consent, leaving no discretion whatsoever to the court, would unduly curtail the ability and indeed the obligations of the state to fulfil its responsibility to protect those at risk of domestic abuse.

In reaching that view, I have considered the European convention on human rights, which, crucially, imposes a positive obligation on the state to protect individuals from each other. The state has a positive obligation to take appropriate steps to protect vulnerable people affected by domestic abuse—which includes women and children—from threats that pose a risk to their lives, to their right to be free from inhuman or degrading treatment or to their physical integrity. Significantly, for the purposes of the present issue, the European Court of Human Rights has specifically held that states need to put in place legal regimes that permit proceedings to be brought, even where allegations have been withdrawn.

It is important to remember that in order to make a DAPO, the sheriff will have to have been satisfied of the tests in the bill, which are that, first, person A, the suspected perpetrator, has engaged in behaviour that is abusive of person B, the person at risk; secondly, there is an immediate or imminent risk of person A engaging in further abusive behaviour towards person B; and, thirdly, it is therefore necessary to make the order for the purposes of protecting person B from the abusive behaviour of person A.

Liam Kerr (North East Scotland) (Con): I am grateful for the articulation of the point, which I am following with interest.

I am slightly struggling with one thing. The cabinet secretary amended in the requirement for consent at stage 2; he is now amending out that requirement. According to the letter of 15 March, that is as a result of legal advice saying that the provisions must comply with the ECHR. I get that, but what has changed between stage 2 and stage 3? Had that legal advice not been given at stage 2, or has the legal advice changed in some way?

Humza Yousaf: As the member will be aware, I cannot directly reference legal advice, and I was careful in my letter to him and the committee around that. It was simply a matter of further reflection. We had a discussion with Scottish Women's Aid at or before stage 2, and we were persuaded by its concerns around consent and empowerment, as the committee probably was, too.

However, on further reflection—as Liam Kerr knows, the bill has, through no fault of anyone in the chamber, been expedited to a truncated timetable—we felt that we had gone too far. I will give an important example. We could have a situation in which the sheriff believes that all the tests have been met and person B is at imminent risk of danger from a suspected perpetrator, and that it is therefore necessary to grant a DAPO. However, regardless of whether the sheriff is convinced that there is an immediate or imminent risk, they cannot impose a DAPO if consent is withheld. That is my concern. If a perpetrator of abuse knows that an effective veto on a full DAPO being applied could be exercised by the person who is at risk, they may, through coercive control, attempt to engineer such an outcome.

All that I can say to Liam Kerr is that, on further reflection, between stages 2 and 3, it became apparent to us that the obligation on the state to protect a person who is at risk could conflict with the requirement for the person's consent, which meant we got the balance wrong at stage 2, and therefore had to rectify that at stage 3 through these amendments. We have considered not just the European convention on human rights, but the Istanbul convention, in particular article 52. We consider that the policy behind the amendments that I have lodged at stage 3 reflects the fundamental purpose of the DAPO scheme, which is based on the Istanbul convention. Article 52 contains no requirements in respect of consent, but focuses entirely on the state's ability to protect those who are at risk.

I will conclude on this point—forgive me, Presiding Officer, for taking my time with this group, because it is important. The question is how the law should balance the autonomy of a person who is at risk of domestic abuse to make their own decisions with the need to provide protection for vulnerable people who are at risk of

domestic abuse, especially in a case in which that very autonomy is compromised by coercive control and perhaps years of abuse. There is a fine balance to be struck. I consider that my amendments in this group strike the appropriate balance and, importantly, take into account the state's duties and obligations to protect people who are at risk of harm.

I move amendment 9.

John Finnie (Highlands and Islands) (Green): At the outset, I declare my membership of the cross-party group on men's violence against women and children. That is relevant, because I feel a measure of discomfort with what I am about to say. It is the only time that I can recall that I will take a different point of view from that of Scottish Women's Aid, for which I have the highest regard. I will try not to repeat the detailed points that the cabinet secretary made, but—with your indulgence, Presiding Officer—I will explain why that is the case. I most certainly want women to be in control. There has been an on-going debate about the issue of consent. Scottish Women's Aid has said:

“The problem with issuing orders without the woman's consent is that non-consensual intervention further disempowers”.

I accept that point—I absolutely get that.

Much of what I was going to say was detailed in the cabinet secretary's letter of 15 March to the Justice Committee. It concerns the issues around the threshold—the cabinet secretary referred it to as a “test”—that would have to be overcome to secure the issuing of a DAPO. I will not repeat the details, but the sheriff would have to be satisfied that the threshold has been reached.

In recent years, the Parliament has led the world in legislating on coercive and controlling behaviour. It is an invidious way in which women are manipulated, and that is often at the back of my mind when we discuss these matters. There are women who are not quite at the point of reaching out for help, but who are trusting others, whoever they might be. In his letter to the committee, the cabinet secretary used the phrase “Our considered view”. I have reflected in the same way—I emphasise again that I note everything that Scottish Women's Aid has said in its briefing to members, and that the empowerment of women is important. It is a fine principle, which ordinarily I would unquestioningly accept. Of course, the legislation is not exclusively about women, but the victims of domestic violence are, overwhelmingly, women.

If the sheriff was satisfied that the high threshold to grant a DAPO was reached, but the victim's consent was not forthcoming because of coercive and controlling behaviour, which can sometimes

take a number of years to emerge, and that victim was subsequently harmed, that would trouble me. If one person is harmed, it is one too many.

I continue to support the principle of empowerment, but I have changed my position in this context. The Scottish Government has set out its rationale; it is for the Government to explain the state's obligations. My concern is that if one victim is created as a result of the existing arrangements, that will be one too many. I support the amendments in this group.

16:15

Rhoda Grant (Highlands and Islands) (Lab): I will not repeat what others said. We need to note that the time of a relationship breakdown—and, in a way, domestic abuse protection orders and notices will bring forward the relationship breakdown by separating the couple—is the most dangerous time for a victim of domestic abuse. It is the time when most murders happen. We must take every step that we can to protect victims of domestic abuse. We must also remember that victims have had their agency taken away for many years and we should not double down on removing their agency.

That said, I think that there are safeguards in the bill to allow what is proposed without destroying the victim's agency. I seek some reassurance from the cabinet secretary. Can he make it clear that sheriffs will receive training? Not all sheriffs understand domestic abuse well, and if they are to carry out the work they really need a deep understanding so that they can take the views of the victim without further undermining that person. Training needs to be in place to ensure that, when action is taken, the victim feels that they have been listened to and understood and can understand why the sheriff is taking action that is contrary to their view.

A victim is open to coercion at such a time—of course they are—and if the perpetrator of the abuse knows what is happening they might stop the domestic abuse protection order process, which could leave the victim in a more vulnerable position. However, we have to ensure that the victim's agency is not destroyed. I seek reassurance in that regard from the cabinet secretary.

Humza Yousaf: I thank John Finnie and Rhoda Grant for making exceptionally important points. I hope that I can provide the reassurance that they seek.

I associate myself entirely with John Finnie's remarks. I genuinely feel uncomfortable about taking a different view from Scottish Women's Aid on any issue and particularly on issues to do with domestic abuse. I spoke to Marsha Scott, the chief

executive of Scottish Women's Aid, this morning, and we agreed to disagree, to an extent. I think that her feeling—and she could put this much better than I can in paraphrasing what she said—is that she is not quite as convinced as we are about the obligations on the state and how we get the balance right in that regard. However, I think that she recognises that if that is the advice that we have been given, we have had no choice but to lodge the amendments in this group.

I should say to John Finnie that I, as a Government minister, must ensure that any bill that I introduce is compatible with the ECHR, hence my lodging the amendments. Indeed, the Parliament has a similar obligation.

Rhoda Grant made her points well. On her first point, I reassure her that the bill makes it very clear that sheriffs must take into account the views of the person who is at risk—I set that out in detail in my earlier remarks. She made a good point about judicial training. That is not within my gift; judicial training is a matter for the Lord President, who exercises that function independently. However, if the bill is passed at stage 3, as I hope that it will be, I will be happy to discuss the matter with the Lord President. We are going into the pre-election period, so I will ask my officials to do that, and I hope that, after the election, whoever is justice secretary, depending on the results, will follow the matter up with sheriffs.

John Finnie and Rhoda Grant made excellent points and I am pleased that, on balance, everybody understands why we have got to this position, which is the right position to get to so that the state can fulfil its obligation of protecting people who are at risk of harm.

Amendment 9 agreed to.

Amendments 10 to 14 moved—[Humza Yousaf]—and agreed to.

Section 12—Extension, variation or discharge of order

Amendments 15 to 17 moved—[Humza Yousaf]—and agreed to.

Section 13—Extension, variation or discharge of order: further provision

Amendment 18 moved—[Humza Yousaf]—and agreed to.

Section 14—Interim extension or variation of order

Amendment 19 moved—[Humza Yousaf]—and agreed to.

After section 16

The Presiding Officer: Group 3 is on domestic abuse protection orders and the power to specify additional applicants. Amendment 20, in the name of Liam Kerr, is the only amendment in the group.

Liam Kerr: My amendment 20 provides the Scottish ministers with a power to designate other bodies as being able to apply to a court for a domestic abuse protection order. That was something I initially sought to introduce at stage 2. Although support for the principle was indicated by both the cabinet secretary and Rhoda Grant, who was then justice spokesperson for Labour, I was persuaded by the cabinet secretary that such a regulation-making power should be future proofed.

It was also pointed out that, given the importance of the issues that have to be considered, it would be better for the procedure to be affirmative rather than negative, to give the Parliament a greater chance to scrutinise and be reassured that any bodies that were being added were fully ready to take that responsibility for training, resources and all the other matters that have been discussed. I found that argument persuasive and withdrew my amendments on that point to work with the cabinet secretary and his team to produce something better. We did so and I believe that that has been achieved, and I am grateful to the cabinet secretary and his team.

At present, the bill empowers the police but no other agency or organisation to apply for a DAPO. During the committee sessions, the idea of extending that power was raised, in particular by Scottish Women's Aid and Police Scotland. The amendment specifically provides that local authorities, local authority landlords and registered social landlords could be empowered to apply for DAPOs. It was suggested at stage 1 that that would be appropriate.

Subsection (2)(d) of the section that the amendment introduces provides that the Scottish ministers can use the power to provide

“any other person who the Scottish Ministers consider appropriate”

with the power to apply to a court for a DAPO.

Subsection (3) introduces a requirement to consult those who it is proposed will be given that power prior to making the regulations. That is intended to ensure that those organisations that it is proposed are given the power have an opportunity to provide views prior to the making of the regulations.

Subsection (5) ensures that regulations made under that power will be subject to the affirmative procedure.

In short, that was what I sought to achieve at stage 2 and what I think can properly be achieved now. I therefore commend my amendment to the Parliament.

I move amendment 20.

Humza Yousaf: I will be brief, Presiding Officer. I thank Liam Kerr for initially lodging the amendment at stage 2 and then agreeing to withdraw it and work with the Government ahead of stage 3. I absolutely support what he is trying to do and he has articulated it very well and gone into the detail of the amendment, so I will not rehearse that.

Amendment 20 appropriately future proofs the legislation to allow other persons to be added to the list of those who can apply for a DAPO where appropriate to do so. I am also pleased that the level of scrutiny has been strengthened, requiring the affirmative procedure. I may be the first Government minister in history to argue for more scrutiny of an order than the Opposition has asked for, but it is the right thing to do. That recognises the significance of the issues that have to be considered in making use of such a power and will give the Parliament a much greater chance to scrutinise and be reassured that any person whom the Scottish ministers may seek to give the ability to apply for a DAPO on behalf of a person at risk are suitably equipped and trained for such an important responsibility. I thank Liam Kerr for the constructive manner in which he has engaged with the Government. We will support amendment 20.

The Presiding Officer: Does Liam Kerr wish to add anything by way of winding up?

Liam Kerr: I have nothing to add.

Amendment 20 agreed to.

The Presiding Officer: Group 4 is on domestic abuse protection orders and notices and their relationship with orders regulating contact or residence. Amendment 21, in the name of Rhoda Grant, is the only amendment in the group.

Rhoda Grant: Domestic abuse protection notices and orders are designed as emergency interventions to protect people from domestic abuse, and we must ensure that that purpose cannot be undermined.

A number of organisations expressed concerns that the intention that domestic abuse protection notices and orders should take precedence over all other orders was not expressed in the bill and felt that that should be the case. That is especially the case with notices that are not required to be heard by a court.

Although I believe that we should explicitly say in the bill that all orders tying person A to their home are superseded by a domestic abuse

protection notice or order, the cabinet secretary did not believe that that was required. However, he conceded that orders regarding children should be included in the bill. Therefore, paragraph (a) of the section that the amendment introduces provides that nothing in a court order regulating contact with, or the residence of, a child limits the prohibitions or requirements that can be made in a domestic abuse protection notice or order.

Paragraph (b) provides that it is not a defence for breaching the domestic abuse protection notice or order that person A was doing something that they were entitled to do under another court order.

It is clear that, in order to provide the protection that is required, domestic abuse protection orders and notices must take precedence over any other orders tying person A to the home.

I move amendment 21.

Humza Yousaf: At stage 2, Rhoda Grant lodged an amendment intended to make clear the provisions of a DAPN and that they must be complied with irrespective of any pre-existing court order that might contain a contrary provision. I was happy in principle for the bill to ensure that those who have a DAPN served on them are in no doubt whatsoever that the existence of, for example, a pre-existing child contact order does not mean that the DAPN could not make provisions preventing contact with that child. However, as Rhoda Grant has suggested, I indicated that I had some technical concerns around that amendment. I am pleased to say that I consider that amendment 21 very much addresses those concerns and makes it clear that the existence of a court order regulating contact with, or the residence of, a child does not limit the requirements or prohibitions that can be included in a DAPN or a DAPO.

For example, if a person who is subject to a DAPN or DAPO that prohibits them from contacting a child contacts that child, it would not be a defence that they were acting in accordance with an entitlement in a child contact order. I thank Rhoda Grant for the constructive way in which she has worked with the Government on the matter and I will support amendment 21.

Amendment 21 agreed to.

The Presiding Officer: Group 5 concerns reporting on the operation of part 1. Amendment 22, in the name of Liam Kerr, is the only amendment in the group.

Liam Kerr: Amendment 22 is about reporting on the operation of part 1 and introduces a reporting requirement for the Scottish ministers to examine and monitor the number of domestic abuse protection notices and orders that are made, the number of offences for breaches that are reported, and the number of convictions obtained. Again,

that was something that I brought forward at stage 2, as I was concerned at the lack of such a duty, particularly as there is such a duty under section 14 of the Domestic Abuse (Scotland) Act 2018. Further, Scottish Women's Aid and the Law Society were generally in favour of such monitoring.

Again, the cabinet secretary indicated that he was sympathetic to the principle of information and data being available about the operation of new powers in the bill to help inform the Parliament and the Government when it comes to future policy. Of course, it will also help them to assess the effectiveness of the bill. However, again, the cabinet secretary suggested not moving the original amendment with a view to developing what I had proposed to make the provision as good as it could be and ensure that we capture both what is necessary and what is useful, and to ensure, of course, that the criminal justice agencies are capable of providing the data.

Therefore, amendment 22 provides for a reporting requirement for the DAPN and DAPO scheme. It requires information on the number of DAPNs, DAPOs and interim DAPOs made to be reported and for information to be reported about the number of extensions made to DAPOs. It also requires information to be reported on the number of prosecutions and convictions for offences for breach of a DAPN or a DAPO.

There is also the addition of a requirement to include

"information about the experience of persons who were, in respect of domestic abuse protection notices ... orders or interim ... orders, person B."

All that will place a duty on the Scottish ministers to undertake work to establish the extent to which the system of DAPNs and DAPOs is effective in achieving its purpose of protecting persons who are at risk of domestic abuse.

16:30

Amendment 22 places the duty to report on the operation of the act during the first three years in which it is in effect.

Finally, MSPs will be interested to know that, in light of its interest in that matter, the amendment has been shared with Scottish Women's Aid, which has indicated that it is content with it.

I move amendment 22.

Humza Yousaf: Again, I thank Liam Kerr for the constructive manner in which he has engaged with the Government. I think that we have the balance right between quantitative and qualitative data. It is important that we have that in the amendment and it is really important for us to be able to understand the qualitative experiences of victims of domestic

abuse, so I think that the reporting mechanism, which has become more common in legislation in recent years, is to be welcomed. I welcome Liam Kerr's amendment 22, which the Government will support.

Amendment 22 agreed to.

Section 18—Additional ground for ending tenant's interest in house

The Presiding Officer: Group 6 is on guidance on certain matters connected with tenancy proceedings in cases involving domestic abuse.

Amendment 7, in the name of the cabinet secretary, is grouped with amendment 8. The cabinet secretary will move amendment 7 and speak to both amendments.

Humza Yousaf: Amendments 7 and 8 provide for the Scottish ministers to make guidance in relation to the changes that are introduced by section 18 of the bill, and to consult

“such persons as they consider appropriate”

in the development of that guidance. The amendments also place a duty on social landlords to have regard to any statutory guidance that is published by the Scottish ministers and the new power “for recovery of possession” or termination of a joint tenant's interest in a Scottish secure tenancy, as set out in section 18 of the bill.

Amendment 7 amends an existing section of the Housing (Scotland) Act 2001 on statutory guidance, to expand its remit to include cases where the new tenancy repossession or termination grounds are used.

Amendment 8 separately provides for guidance in respect of the new provisions that the bill introduces as new section 14(5C) of the 2001 act, which provides that landlords must provide “advice and assistance” to the perpetrator and any

“qualifying occupier in relation to the finding of alternative accommodation”.

We lodged the amendments to support social landlords in using the provisions and we will develop statutory guidance in consultation with key stakeholders in advance of bringing the provisions at section 18 of the bill into force. The guidance will cover a wide range of issues and positive practical examples, such as the type and level of evidence that landlords should consider before deciding to use the provisions, dealing with matters such as rent arrears and the types of advice and assistance that must be provided to perpetrators.

Amendments 7 and 8 moved—[Humza Yousaf]—and agreed to.

The Presiding Officer: Group 7 is on the provision of tenancy following termination of tenancy—or of interest in tenancy—in cases involving domestic abuse. Amendment 23, in the name of Rhoda Grant, is grouped with amendment 24.

Rhoda Grant: In cases of domestic abuse, it is often the abuse survivor who has to flee their home and find alternative accommodation in a refuge or homeless accommodation. Often, the victim returns to their abuser because, although living in a refuge might provide safety, it is restrictive in space and freedoms, and homeless accommodation can be grim. That is especially the case if children are involved, because the survivor might feel that it is in their best interest to return home, due to their living conditions.

The bill endeavours to deal with that by trying to remove the abuser and allow the survivor to remain in their home. That raises issues with tenancies, whether they are joint tenancies or tenancies that are solely in the name of the abuser. My amendments seek, in different ways, to ensure that the survivor remains in the tenancy and becomes the legal tenant if that is their wish.

Amendment 23 would have the effect of the tenancy passing to the abuse survivor automatically, on the date that is contained in the eviction order that is issued by the court to end the tenancy of the abuser. That would ensure that the tenancy arrangement continued in the sole name of the survivor, regardless of whether they were a party to the original tenancy agreement.

Amendment 24 would allow for a new tenancy to be created in cases in which there are rent arrears, which would allow the survivor a fresh start, recognising that financial control is often part of domestic abuse. The amendment would allow 28 days for that to happen but stresses that it should happen as soon as practicable. The 28-day period might be required if the abuser has remained in the tenancy, and it might be the case that repairs and safety checks need to be carried out at the property before the survivor can safely take on occupancy.

Amendment 24 makes an exception to that duty in the very rare circumstances in which it is not possible or appropriate for the landlord to offer the tenancy to the survivor. For example, the landlord might be unable to locate the survivor, who may have gone off the radar because of being afraid of being tracked down by the abuser, or the survivor might be unsuitable for the tenancy for another reason. That could create a loophole, but, to avoid doing so, the amendment allows the Scottish ministers to issue guidance on what the exceptional circumstances might be.

The guidance must cover when a tenancy is deemed to be a continuation and when it should be a new tenancy in its own right. Where possible, a tenancy should be a continuation, but when there are rent arrears, those must be shared with the abuser, who cannot walk away and leave the survivor to deal with them. In that situation, it would be desirable to start a new tenancy.

The guidance must be clear that domestic abuse cases often involve antisocial behaviours, including rent arrears, drug or alcohol misuse and noise complaints. The guidance to landlords must ensure that they are aware of those issues and should not use them as a way of avoiding entering into a tenancy with the survivor. The survivor must be supported to continue the tenancy.

I move amendment 23.

Humza Yousaf: I thank Rhoda Grant for articulating her reasons for lodging amendments 23 and 24. I will speak about amendment 24 first, because we intend to support it. We do not intend to support amendment 23—I hope that my explanation will provide members with the reasons for that.

I thank Rhoda Grant for working closely with the Government on amendment 24. As she has said, amendment 24 places a legal requirement on social landlords to offer the tenancy of the family home to the victim within 28 days of the perpetrator being evicted on grounds of domestic abuse. The amendment does not go so far as to require the tenancy to take effect from a particular date. Rather, it provides landlords with the flexibility to deal with cases such as when the perpetrator has remained in the family home prior to eviction, or when the landlord has to carry out essential repairs or legal safety checks prior to the victim moving in. That will provide further assurance to victims that they will be offered the tenancy of the home when a perpetrator is evicted on grounds of domestic abuse.

Amendment 24 relieves landlords of the duty to offer the tenancy if there are exceptional circumstances in which that is not possible or appropriate. An example of that would be if the landlord were unable to locate the victim to make the offer of the tenancy to them. We anticipate that such cases would be very rare, but we have made provision for an exemption to the duty to make the offer so that it is not absolute.

The amendment also requires landlords to have regard to any guidance that is issued by the Scottish ministers about all those matters.

I understand that the intention behind amendment 23, in the case of a joint tenancy, is to create a new tenancy on the termination of the perpetrator's interest in the property, with a view to preventing the victim from becoming solely

responsible for any rent arrears that accrued during the joint tenancy with the perpetrator. All of us recognise the good intention that is being pursued, but the approach has key deficiencies and would have adverse unintended consequences.

First, the amendment does not provide for the creation of a new tenancy; rather, it states that the tenancy would pass in law to the victim, which means that the existing tenancy would pass to the sole tenant. Even if the amendment provided for a new tenancy, the landlord would still have the ability to pursue all or any former joint tenants for rent arrears, should they wish to do so. The amendment would not prevent that.

As for unintended consequences, Rhoda Grant's amendment 23 would not work in all cases, because it does not take into account a situation in which there might be more than two joint tenants. In such a case, the amendment would have the unintended and unfortunate consequence of transferring the whole tenancy, and not just the abuser's interest, to the victim of the abuse.

For example, two friends could live together as joint tenants, then one of them could form a relationship with a person who became a third joint tenant. If abuse was perpetrated, amendment 23 could remove a person's legitimate tenancy rights, as the tenancy would transfer to the victim of the abuse. The tenancy interests of the friend of the victim of abuse would then be removed. I am sure that that is not what Rhoda Grant seeks, but that would be the amendment's unintended consequence.

To achieve the aims that Rhoda Grant seeks, I note that the primary aspects of the legislative changes that we are introducing are to ensure tenancy sustainability and to help landlords to provide on-going support to victims of domestic abuse by proactively pursuing tenancy transfers to allow a victim to remain in their family home and by providing any support and assistance that is required, which includes managing rent arrears. As part of that, landlords will need to follow existing pre-action requirements, which the Government intends to amend to make it a legal duty to take into account the effect that domestic abuse has on the accrual of rent arrears.

For all those reasons, I cannot support amendment 23 and I urge Rhoda Grant to withdraw it. If she does not withdraw it, I urge members to reject it. I support amendment 24 and invite members to do so, too.

Rhoda Grant: Amendments 23 and 24 would work together to provide a range of options for victims. It is important for a tenancy to continue when a victim desires that, because it gives them

security, especially in financial matters, to show that they have lived at an address for a length of time.

The two options would allow for the situations that the cabinet secretary talked about and would work well jointly. Amendment 23 would remove the perpetrator's interest and transfer it to the victim without forming a new tenancy. That is important.

I intend to press amendments 23 and 24. Together, they would provide a safety net. Regardless of the situation, they would provide the victim with options that they could work through with their landlord.

The Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As this is the first division of the afternoon, we will have a five-minute suspension to call members to the chamber and allow members to access the voting app.

16:44

Meeting suspended.

16:51

On resuming—

The Presiding Officer: We will go straight to the vote on amendment 23, in the name of Rhoda Grant. Members may cast their votes now.

The vote is now closed. Members should please let me know if they were not able to vote.

Graham Simpson (Central Scotland) (Con): On a point of order, Presiding Officer. My screen, which I have just refreshed, did not show a vote. I would have voted no.

The Presiding Officer: Thank you, Mr Simpson. I will make sure that that vote is recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)

Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 24, Against 95, Abstentions 0.

Amendment 23 disagreed to.

Amendment 24 moved—[Rhoda Grant]—and agreed to.

The Presiding Officer: That ends consideration of amendments.

As members may know, at this stage in proceedings, I am required under standing orders to decide whether in my view any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. The Domestic Abuse (Protection) (Scotland) Bill does not do so and therefore does not require a supermajority to be passed at stage 3.

We will have a five-minute suspension before we move on to the debate on the bill.

16:54

Meeting suspended.

17:06

On resuming—

Domestic Abuse (Protection) (Scotland) Bill

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-24381, in the name of Ash Denham, on the Domestic Abuse (Protection) (Scotland) Bill.

The Cabinet Secretary for Justice (Humza Yousaf): As is customary, I open the debate by thanking all those who worked hard to get us to this place and to get the bill into shape for stage 3. First, I thank my own bill team, who have not had their challenges to seek in having to deal with legislation in a very truncated timetable. They have worked extraordinarily hard with members across the chamber on the amendments lodged at stage 3. I also thank the members of the Justice Committee, and its clerks, for their scrutiny and diligence and, again, for working constructively with the Government on a number of amendments at stage 3.

I thank, too, those who, crucially, took the time to share their knowledge and experiences during the scrutiny process. Scottish Women's Aid has already been referenced. However, I know that many other organisations, such as the advocacy, support, safety, information services together—ASSIST—service, and survivors and victims, who are predominantly women, have come forward to speak about their experiences of domestic abuse. I am sure that I speak for all members when I say that we applaud their bravery.

These are not normal times, and the pressures that many of us have faced as a result of the coronavirus pandemic have meant that we have struggled to dedicate time to help the Parliament to develop new laws, because there have been other competing priorities. I really thank members for the time that they have given to this bill, because it is absolutely crucial. In a week in which the Parliament has already united to incorporate the United Nations Convention on the Rights of the Child into domestic law, here is another opportunity for us to unite around transformational legislation.

Of course, the pandemic has meant that we have all been spending more time in our homes, which for many people will have been welcome. I have certainly enjoyed the time that I have spent at home with my family. However, sadly, we know that that is not true for everyone. The scourge of domestic abuse remains a blight on Scotland. Earlier in this parliamentary session, in taking evidence on what is now the Domestic Abuse (Scotland) Act 2018, we heard harrowing

examples of the kinds of behaviour in which perpetrators of domestic abuse might engage. We now understand better the totality of what it is like to experience such abuse. Of course it can be physical—we have known that for a long time—but it can also consist of behaviour that is intended to humiliate or denigrate a partner or to exert control over every aspect of that individual's life. It is corrosive, coercive and controlling behaviour.

Although the new domestic abuse offence has improved the criminal justice system's ability to take action against perpetrators of such abuse, we know that we cannot rely solely on that system to deal with it. Inevitably, there are cases in which there will not be the evidence that is required to proceed with a criminal prosecution and so unlock the powers of the criminal court to protect those who are at risk.

When someone is being abused by a partner or an ex-partner with whom they live and it is not possible for criminal action to be taken against their abuser, they may lack the freedom to pursue, for example, civil court action, and they can find that they have very few options. We know that domestic abuse is the leading cause of homelessness for women, and it is easy to see why that is the case. I suspect that I am not the only member of the Scottish Parliament who has had to deal with such cases on a far-too-regular basis.

If the bill is passed by Parliament today, it will provide new powers that can be used to protect people, predominantly women.

Liam Kerr (North East Scotland) (Con): The cabinet secretary talked about the statistics and homelessness. Earlier, I looked at the Scottish Government's forthcoming publications. I might be missing something, but I did not see the usual publication of the Scottish Government's domestic abuse statistics. Last year, they were published on 25 February. Will they be published and, if so, when?

Humza Yousaf: If the member will forgive me, I will take a look at that and get back to him before the end of the session.

The powers that are provided in the bill are significant. Part 1 of the bill creates new powers for the police and the courts to make a domestic abuse protection notice or a domestic abuse protection order. They can remove a suspected—that is an important word—perpetrator of domestic abuse from the home of the person who is at risk, and prohibit them from approaching or contacting the person who is at risk or any children involved. That provides the police and the courts with the powers to take action to remove a suspected perpetrator of abuse from a home that they share with a person who is at risk for a period of up to

three months. That is intended to protect people who are living with an abusive partner or ex-partner, and gives them a breathing space within which they can consider the steps that they can take in the longer term to address their safety and their housing situation without any interference from their abuser.

Part 2 makes provision to allow social landlords to transfer a tenancy to a victim of domestic abuse. As it stands, there are a number of grounds on which a landlord can evict a tenant and reassign the tenancy to another person, but domestic abuse is not one of them. A new ground on which a social landlord can apply for a court order to end the tenancy of the perpetrator is being created. That will allow the victim to remain in the family home as sole tenant. Having the legal ability to end a perpetrator's tenancy in domestic abuse cases will allow social landlords, without requiring the victim to commence the process themselves, to take a more proactive role in supporting and protecting victims of domestic abuse, and to support the victim to remain permanently in the family home.

The bill has been subject to effective scrutiny through a timetable that has meant that the bill has moved quickly from stage 1 just two months ago in January to today's stage 3 proceedings and debate. That has been challenging, and I thank the Justice Committee for its excellent work in proceeding with scrutiny, alongside the many other demands that have been placed upon it.

The bill provides us with a legislative framework to implement a scheme of protective orders for people who are at risk of domestic abuse. However, I am all too aware that, if the scheme is to be effective in improving the lives of those people who are experiencing domestic abuse, how it is implemented will be vitally important. Indeed, a number of the concerns that were raised during parliamentary scrutiny of the bill relate not to the exact wording of the provision but to how it will be implemented in practice. As I said during the stage 1 debate, there will be a Scottish Government-led implementation board that will bring together all the key interests and stakeholders and partners, including Police Scotland, the Scottish Courts and Tribunals Service, Scottish Women's Aid and others to work together to put in place the necessary processes to ensure that protection can effectively be given to those who are at risk of domestic abuse.

We know that legislation alone cannot address the issue of domestic abuse. However, ensuring that appropriate powers are available through the legislation is key. Once it is implemented, the bill will provide our police, courts and social landlords with significant new powers to deal with domestic abuse. Use of those powers will reduce the risk

that the only way that a person can escape from an abusive partner is to flee their own home, often having to take the children with them or, even worse, to leave their children behind, then having to rely on emergency homelessness provision. That cannot be right.

We collectively have a duty to ensure that our law and our law enforcement agencies have the tools to prevent victims from being faced with such an impossible and devastating choice simply for their own safety. We have a duty to ensure that our law can keep people safe in their own homes, and I believe that the bill provides our law enforcement agencies with those tools and allows us to fulfil that collective duty.

I move,

That the Parliament agrees that the Domestic Abuse (Protection) (Scotland) Bill be passed.

17:14

Liam Kerr (North East Scotland) (Con): I confirm that the Scottish Conservatives will vote in favour of the Domestic Abuse Protection (Scotland) Bill at decision time tonight. We share the chamber's condemnation of domestic abuse as a scourge—to use the cabinet secretary's correct word—on our society and welcome any attempt to address it and get justice for victims.

The context in which we are considering the bill is sobering. Recorded incidents of domestic abuse in Scotland have risen over the past three years. Indeed, the number of domestic abuse charges was at a four-year high in 2019-20. The committee heard evidence that Police Scotland is called out to around 60,000 incidents of domestic abuse every year. That is an average of 5,000 a month—1,200 every week.

Each incident that Police Scotland attends consumes, on average, nine hours of police time, and the social costs are massive, to say nothing of the horrific impact on the victims. That is terrifying, and I have no doubt that we are united in our wish to address it. The bill has three basic ways to do so.

First, to protect a person who is at risk of domestic abuse in the immediate term, it gives the power to a senior police officer, on reasonable suspicion, to issue a domestic abuse protection notice on a person who is engaged in abusive behaviour. Breach of such a notice is a criminal offence, and it forces the person to leave the home and stay away.

Secondly, the bill sets out provisions for the domestic abuse protection order. Whenever a DAPN is issued, the police must apply to the court for a DAPO on

“the first court day after the notice is”

issued, and any order can last up to two months, which period is extendable to three months. Breach is a criminal offence. I recall that I proposed an amendment to the bill that ultimately became the Domestic Abuse (Scotland) Act 2018 that called for something similar, so I am pleased that that provision is present.

Thirdly, the bill gives social landlords a new power to evict a tenant when the tenant has engaged in abusive behaviour.

It is a good bill in its principles, and it was further improved, as the cabinet secretary rightly said, at stage 2. For example, at stage 2, I flagged up Police Scotland's representations that other statutory and third-party agencies should be able to apply for a DAPO. The police had pointed out that

“reliance on a single organisation, such as Police Scotland, to apply the legislation, not only creates a significant and potentially unmanageable demand on a single service, but is out of step with the established partnership approach in Scotland.”

I am pleased that Parliament agreed to my amendment 20 today, which gives effect to that.

However, I made the point at stage 2 that it will ultimately be the practicalities that need to be addressed, because legal bodies and the police, in particular, had signalled outstanding issues that might mean that the bill's powers could prove to be difficult to use in practice. As Detective Chief Superintendent McCluskey said, even at the moment, situations can be

“very challenging for officers on the ground.”—[*Official Report, Justice Committee, 22 December 2020; c 29.*]

The Law Society flagged up that DAPNs will be imposed by Police Scotland but noted that exactly what will amount to a sufficiency of evidence and the quality of that evidence in relation to abusive behaviour might not be consistent. If there is ambiguity, there is a risk of variations in the use of the bill's provisions, depending on the operational decisions taken day by day and case by case by Police Scotland. The Law Society argued that that leads to a risk that there could be inconsistent practices across Scotland, as well as a lack of certainty.

All of that feeds into resource concerns. Scottish Women's Aid makes that point forcefully and well in its briefing for the debate, saying that the police must

“be adequately resourced to be able to respond appropriately”

when assessing and imposing DAPNs or dealing with DAPOs and on enforcement. That will require training, which requires money and time. As Scottish Women's Aid makes clear, that education and training will be required not only for the police

but for everyone who is involved, such as the judiciary, the Crown Office and Procurator Fiscal Service and specialist independent advocacy.

In his opening remarks, the cabinet secretary referred to the post-bill implementation group, which is being set up to bring together all the key agencies that will be affected by the new legislation, including Police Scotland. That is welcome, but it will not be straightforward. The group will, of course, be assisted by the report that is required by my amendment 22, which will allow for scrutiny and evaluation. It will help to measure exactly what use is being made of the measures and where. In line with Scottish Women's Aid's recommendations, the group will broaden its focus beyond criminal justice outcomes to collect a much wider range of data on those protected and their children.

Every effort possible must be made to prevent domestic abuse, and the bill is another attempt to address this vile problem in society. It seeks to provide victims of domestic abuse with the protection that they need, and we are absolutely supportive of that. I would remark very gently that, looking at things holistically, I am concerned that the presumption against short-term sentences would mean that those who breached a DAPN or a DAPO would be unlikely to go to prison. That has been highlighted to me as a potential weak point by victims of domestic abuse, so I would be grateful if the cabinet secretary addressed that concern in his closing remarks.

The Scottish Conservatives will always stand up for the victims of crime, which is why we will be very pleased to support the bill tonight.

17:20

Neil Bibby (West Scotland) (Lab): Like the cabinet secretary, I wish to thank all the people and organisations who have contributed to the bill. The shocking and brutal death of Sarah Everard has reminded us all of how vulnerable women are to violence and abuse from men. As tragic and sad as that horrific murder is, it should not blind us to the fact that the vast majority of attacks on women who are abused are carried out by perpetrators who are known to, and often related to, the victim. I recognise that not all victims of domestic abuse are female, but the harsh reality is that the vast majority are. Therefore, this short but welcome bill is not about women; it is overwhelmingly about men and men's behaviour towards women.

Scottish Labour is clear that we need a criminal justice system that protects women and all victims, and this bill is another small step in correcting the power imbalance and unfairness that has always existed. It is another small step in giving greater

protection, security and support to all victims of domestic abuse. It is another small step in declaring to perpetrators of domestic abuse that this behaviour will not be tolerated. Scottish Labour supports the bill, and we agree that there is a need to enhance protections for those at risk of domestic abuse, especially when the risk is from a perpetrator who is living in the same home.

During the scrutiny of the Domestic Abuse (Scotland) Bill, the Justice Committee became aware that the law and court processes in Scotland did not provide adequate protections for victims in emergency situations, and this bill aims to close those gaps. Scottish Labour believed that there were issues with the bill as originally drafted, but I appreciate the positive way in which everyone has worked to make the bill a reality, and I thank the cabinet secretary for his willingness to listen to suggestions. It remains to be seen whether the bill will be effective. The proof will be whether it is able to change the experience of those who are at risk of abuse.

Scottish Labour believes that there should be more protection for children who witness abuse in their homes, and we welcome the changes that emphasise the need to consider children's views. That is why my colleague Rhoda Grant has pursued the matter. Improvements have been made in that regard, but the issue must be closely monitored. However, legislation on domestic abuse will never achieve its aims unless it is enforced, which we have discussed already today. Wider society needs to change, and Police Scotland must use all available powers to protect victims.

Domestic abuse protection notices and domestic abuse protection orders are not insignificant measures, and I appreciate the pressures that they could place on Police Scotland. However, it is right that urgent and effective action is taken to give immediate respite to victims, and forcing a perpetrator to leave the home of the abused partner and to stay away for two or more months is the right thing to do. I understand the sensitivities about whether a full protection order should require the consent of the victim, but it is also important that protection notices and orders are effective and that they are used to protect victims, some of whom might be under the coercive control of their abusers.

Earlier, my colleague Rhoda Grant made important points about training. She also sought amendments to clarify that other court orders, such as those on child contact, cannot be used as a defence for a breach of protection orders or notices. I welcome the fact that those amendments were agreed to and the assurances that they will provide. I hope that the Scottish Government will come back to the Parliament if

the evidence shows that the time limits for protection orders are not sufficient.

The cabinet secretary emphasised the importance of implementation, and, like Liam Kerr, I am clear that the age-old problem of resources also needs to be confronted. The legislation will place an additional burden on Police Scotland, the court service, the legal aid system and housing providers. I would not want the effectiveness of the legislation to be diminished through a lack of proper investment, and I hope that the cabinet secretary will give Parliament comfort on that.

Scottish Labour commends the bill. We hope that, although it is short, it will be effective. I look forward to its making a positive difference to the victims of domestic abuse.

17:25

John Finnie (Highlands and Islands) (Green):

My thanks go to all the people who have brought us to this point. As colleagues have said, they are many in number, and their contributions have all been very helpful in shaping the bill, which the Scottish Green Party will support at decision time tonight.

One of the early contributions was a briefing from the Scottish Parliament information centre. It contained a section headed “The story so far”, which outlined the changes that had taken place over a period of time. It is an evolving story, and those changes have hopefully been playing their part in addressing what Neil Bibby referred to as “the power imbalance”. We have a way to go but, in chipping away at it, we are making some progress.

I recall the scrutiny of the bill that became the Domestic Abuse (Scotland) Act 2018. Members of the Justice Committee took harrowing testimony from people about the circumstances in which they had found themselves, which obviously cannot be discussed in detail, but it demolished much of the stereotyping associated with the vile scourge of domestic violence. It involved controlling and coercive behaviour.

The legislation is rightly viewed as unfinished business. There is a gap in the requirements of the Istanbul convention, which has been signed, but not yet ratified, by the UK Government. Scottish Women’s Aid told us that the convention is

“probably the ... best piece of violence against women policy that has ever been written, anywhere.”

It is for that reason that I had some disquiet in not going along—for once—with Scottish Women’s Aid on the issue of consent. We had an interesting debate about that and about the obligations that have been put in place. My concerns were

primarily predicated on controlling and coercive behaviour, which is a pernicious, nuanced abuse, invariably of women.

Police Scotland now has the new powers, which it described as

“providing an exceptional tool for use in exceptional circumstances”,

although they

“should not constitute the routine response.”—[*Official Report, Justice Committee, 22 December 2020; c 24.*]

I hope that that is the case in many respects. I have a number of concerns about circumstances in which the suspect—that is what they would be—is absent from the scene. The suspect may have been arrested, but there might be insufficient evidence. We heard about issues around what would actually happen with the administration of the domestic abuse notice. I am very grateful for the engagement that Scottish Women’s Aid and the Cabinet Secretary for Justice had on tightening up the parameters around that.

Going ahead, there is an important role for the implementation group in understanding the particular challenges that will arise with legislation that must apply equally to Shetland as it does to Stirling, and in understanding the implications and challenges that come with giving police an extraordinary power to deny someone their residence. That is a power that would normally be reserved to court, and it is a power on which the court will pass comment on the next lawful day. That in itself presents a big challenge.

In the limited time that I have left, I will mention the issue of police and judicial training, which is absolutely vital. It is still the case, sadly, that some inappropriate comments are made from the bench. When it comes to understanding the consequences of men’s violence against women, particularly the perniciousness of controlling and coercive behaviour, we are not quite there yet.

I commend White Ribbon Scotland, which engages with men in speaking out on and taking action against men’s violence against women and girls. This is undoubtedly very much gender-based violence, but it affects everyone, and it remains a blight on our communities.

Everyone should feel safe in their home, and I hope that the bill will go some way in providing some reassurance to women on that.

17:29

Liam McArthur (Orkney Islands) (LD): I start where John Finnie ended: I declare an interest as an ambassador for White Ribbon Scotland Orkney.

Recent events have provided a graphic reminder of the context in which we need to view the proposed legislation that we have been debating this afternoon. The bill was necessary when it was introduced to Parliament last year, it remains so today and Scottish Liberal Democrats look forward to passing it into law shortly.

Much of the debate around Sarah Everard's brutal murder and its aftermath has focused—quite rightly—on what needs to be done to allow women and girls to feel safe on our streets and in our public spaces. That debate must, and will, continue. However, it should go alongside an emphasis on the right of women and girls to feel safe in their own homes, too. The grim reality is that home is often where they face the biggest risks and the greatest harm, never more so than during the pandemic, given the effects of the lockdown restrictions.

That is why the measures in the bill to improve protection for those who are at risk of domestic abuse are so important, in particular where survivors are living with the perpetrator of the abuse. As I said during the stage 1 debate, the principles of the bill broadly reflect the policy that was adopted by Scottish Liberal Democrats back in 2019. Despite that, the original bill was in need of quite a bit of remedial work. The Justice Committee heard concerns from various witnesses, not least the police themselves, about the practical implications, a lack of clarity, potential overlap and other similar concerns. Those concerns have now largely been addressed, and I put on record my thanks to the cabinet secretary and committee colleagues, in particular Rhoda Grant for the leading role that she has played. I also thank witnesses, clerks, SPICe and all those who assisted the committee in carrying out scrutiny in what, as the cabinet secretary acknowledged, has been a truncated timeframe.

In Scotland, current civil measures place the onus on the victim to apply for protective orders in cases of domestic abuse. Under the bill, police would be able to impose a protection notice and thereafter apply to the court for a protection order. That could place prohibitions on a suspected perpetrator of domestic abuse, which may include removing them from a home that is shared with a person who is at risk and prohibiting contact while the order is in effect.

Today, Parliament has agreed to provide further flexibility in the court's powers in relation to orders, which is sensible. The step of creating a new ground for social landlords to apply to end the tenancy of a perpetrator of abusive behaviour, with a view to transferring the tenancy to the victim, is also welcome and, as John Finnie reminded us, not insignificant. It will help to address, at least in

part, the well-established link between domestic abuse and homelessness.

The provisions in the bill are both welcome and timely. Of course, they are only a very small part of the measures that are needed in response to the concerns that we have heard voiced with such force in recent days. The lived experience of too many women and girls is not one that should be tolerated in 21st-century Scotland. I look forward to seeing the recommendations from Dame Helena Kennedy and her working group on misogyny. However, her work is, of necessity, likely to focus principally on the case for a stand-alone offence of misogynistic harassment, which is necessary but not enough. I therefore welcome the proposal from my Scottish Liberal Democrat colleague Caron Lindsay for a commission that is able not only to build on the working group's findings, but to look at the wider issues that need to be addressed. I thank the cabinet secretary for responding positively to that idea when I raised it with him in the chamber yesterday. I hope that colleagues in other parties will also agree to look at how a commission might be established in the next session of Parliament after the election.

For now, I confirm once again that the Scottish Liberal Democrats will be happy to lend our support to the Domestic Abuse (Protection) (Scotland) Bill at decision time.

17:33

Fulton MacGregor (Coatbridge and Chryston) (SNP): It gives me great pleasure to speak in the debate as a member of the Justice Committee, which has been involved in the bill process at all stages. The bill is an important piece of legislation that builds on previous bills that this Government has introduced in seeking to protect women from domestic abuse, such as the Domestic Abuse (Scotland) Act 2018. There were people in the public gallery when that bill went through—those were certainly different days.

When I was working as a social worker, one thing that always struck me and my colleagues in dealing with a domestic abuse situation was the inherent unfairness in that it was the victim—the victims were primarily women and children—who had to choose whether to leave or flee the situation. Often, pressure was put on them to get out of the situation, and sometimes even child protection procedures and the like were directed to that end. How unfair is that? It has always been unfair—it is the victim's home too, and the bill seeks to address that unfairness.

Through DAPNs and DAPOs, the bill provides for the removal of the alleged offender, to protect the person who is at risk. Orders will allow immediate protection while the person works out

what to do next. As Liam McArthur said, under part 2 of the bill, social landlords will be able to end or transfer the tenancy of a perpetrator of domestic abuse, to prevent a victim from becoming homeless and enable them to remain in the family home.

As members said, the bill as introduced was not perfect. Its progress through the stages is another good example of this Parliament working well to develop good legislation. We heard concerns about, for example, compliance with human rights and how the police might enforce orders. Amendments at stages 2 and 3 sought to address those concerns.

As other members have done, I note the concerns that Scottish Women's Aid expressed about the amendments that removed the requirement for person B to consent to a DAPO. However, overall, Scottish Women's Aid and many other organisations, including Barnardo's, have supported the bill. I thank them for their briefings and input throughout the process. In its briefing for members in advance of stage 3, Scottish Women's Aid said:

"The Bill marks a critical shift in preventing women's homelessness by removing and barring the perpetrator from the home and gives social landlords greater control to transfer tenancies to a victim/survivor, upholding women's rights to remain in her home and we strongly urge all MSPs to support it."

I will continue to talk about women's aid services for a wee bit. Members will be aware that, a couple of weeks back, I raised with the First Minister the defunding—in effect—of some women's aid services in North Lanarkshire. The move has been condemned by MSPs and MPs across all political parties in the area, and Scottish Women's Aid is seeking further meetings with North Lanarkshire Council. I understand that there was a tendering process, but there was broad trust in the services, and in the midst of a global pandemic, with domestic abuse on the rise, there is real concern that women and children will be left without much-needed support.

The council has not deliberately created that situation—of course it has not done; nobody would suggest that. The situation is likely the result of processes and procedures that are in place. However, it demonstrates the difference between policies and legislation that are made in the Scottish Parliament and the reality of what is happening on the ground. A reduction in women's aid services is not in line with the aims of the bill or other legislation.

I am aware that Scottish Government funding continues for some services, but given that we are on the verge of passing a groundbreaking bill at decision time, I ask the cabinet secretary to look into the circumstances in North Lanarkshire and

consider whether additional support can be given to the women's aid services in the area, to ensure that they can continue all their services.

I am running out of time, Presiding Officer. I welcome the bill and am grateful to have been involved in taking it through all its stages. I urge members to support it at decision time.

17:37

James Dornan (Glasgow Cathcart) (SNP): I am delighted to take part in today's incredibly important stage 3 debate—all the more so because improving support for survivors of domestic abuse is a subject that I care very much about.

Since I was elected, it has been an honour to work with and to learn from two brilliant community organisations: Waves (Women Against Violent Environments) and the Daisy Project in Castlemilk, which do so much to support survivors of domestic abuse and male violence. It is sadly but undoubtedly the case that domestic abuse and violence are happening in every community in the country. The situation has been exacerbated by the pandemic. Local groups such as the two that I just mentioned will never be more important than they are now.

A truly damning statistic is that the police in Scotland have in recent years recorded more than 60,000 domestic abuse incidents a year, on average. We all know that that is just the tip of a horrible and bloody manmade iceberg. We must do what we can to eradicate domestic abuse and to support the victims who are affected.

In this parliamentary session, the Government introduced a world-leading bill—it became the Domestic Abuse (Scotland) Act 2018—to make psychological domestic abuse and controlling behaviour a crime. Scotland is one of only a handful of countries in the world that have introduced a dedicated bill that covers not just physical behaviour but other forms of abusive behaviour that could not easily be prosecuted under the previous criminal law. The bill builds on that important work by providing additional protections for people who are at risk of domestic abuse, particularly when the person is living with their abuser.

In 2019, I held a round-table event in the Parliament and secured a members' business debate shortly afterwards on financial abuse and how it should be recognised as coercive and controlling behaviour. It was clear from our discussions that domestic abuse perpetrators are very often the main claimant on benefit claims and the main signatory on car finance and mortgages, which leaves the person whom they are abusing having to rely on them. It is hard enough for

women—of course, survivors are overwhelmingly women—to leave an abusive relationship through fear for their or their children's safety, and worry about other issues such as their housing situation adds to the feeling of helplessness and fear.

It is clear that survivors should not be made to suffer more after having had the courage to take action about their abuse. The perpetrators should be held accountable and should be the ones who are removed from the house. The likelihood is that the bill will provide courts with a new power to do just that, through the domestic abuse protection order.

The bill also contains important provisions for social landlords and their tenants. I have read the submission by the Glasgow and West of Scotland Forum of Housing Associations, which made an extremely important point. It wrote that

“It has long been a source of extreme frustration for social landlords, and of course for people on the receiving end of domestic abuse, that the law does not allow one of two joint tenants to be evicted alone.”

It therefore warmly welcomed the tenancy-related measures in the bill, including

“Recovery of possession of the house, in the case of a perpetrator who is a sole tenant, with the intention to then create a new tenancy in the name of the abused person”

That provision will prevent a victim from becoming homeless by enabling them to remain in the family home, if that is what they desire. I agree with Scottish Women's Aid, which said that the bill as a whole could make an immediate and significant difference for women and children who are experiencing domestic abuse.

It is fitting that my last speech of the session is on this subject. If I have the privilege of being returned, supporting women and working to eradicate violence against women and girls will be at the top of my agenda.

During a time when the Scottish Parliament is under attack, it is good to be able to remind everyone of what has been achieved in just the past seven days. Last week, we passed the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill, yesterday we passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and today, we will pass this fabulous piece of legislation. The Parliament can be proud of the work that it consistently does—in particular, what it has done to support survivors of domestic abuse. We should all back the bill whole-heartedly at decision time.

The Deputy Presiding Officer: The final contribution in the open debate is from Alex Neil. This is Mr Neil's final speech in the chamber.

17:42

Alex Neil (Airdrie and Shotts) (SNP): Thank you very much. As the Deputy Presiding Officer said, this is, after 22 years, my final speech to Parliament as an MSP, before I step down in May.

Until my dying day I will be very proud, like the Deputy Presiding Officer, to have been a founding member of the Parliament—the first ever democratically elected Scottish Parliament. We have proved that Jimmy Maxton was right when he said that a Scottish Parliament could achieve for Scotland much more in five years than Westminster could achieve in 25 years.

That said, we have a lot more to achieve, so I hope that in future years we will not be timid, but will instead be a bit more radical in what we try to do for Scotland. We will democratise the Parliament internally by strengthening the role and power of back benchers and committees, which I hope will happen soon.

I take this opportunity to thank all the Parliament's staff for all the 22 years of exceptional and friendly support and help. I thank all my friends on all sides of the chamber for their friendliness and support, and I thank my excellent staff over the 22 years, including my existing staff, who are helping me enormously in the constituency in difficult times.

I particularly want to thank my constituents in Airdrie and Shotts, which is a very fine constituency with very fine people. It has been an honour to represent them in the Parliament for the past 22 years, as a list member and as a constituency member.

In two of the four ministerial positions that I have held, I have had responsibility for chairing the Scottish Government's national group on violence against women, which is a body that includes representatives from a wide range of local and national organisations.

I believe that, since 1999, every Administration has made progress in dealing with the problem of domestic abuse and violence against women, although that has not always happened at the pace and scale that we all wished for. In supporting the bill today, we must rededicate ourselves to doing more to reduce and, I hope, eventually to eliminate that evil from our society. The measures that are contained in the bill that we are, I hope, about to pass will help us to do a lot more, by preventing enforced homelessness of abused women and their children, as well as, through provision of additional police powers, helping people who badly need our protection.

However, as the cabinet secretary and others have pointed out, passing legislation is extremely important but is not the total answer. I have to say

that it does not always deliver the response that we need on the ground. On that point, I will mention two cases that I have dealt with involving women being stalked by ex-partners. Those women had horrific experiences.

To be honest, I say that the criminal justice system has not always been at its best when dealing with such cases—not through malicious intent but because it is not joined up enough. In one case—which started before the pandemic—the abused person has been waiting a year for the alleged perpetrator to appear in court. He still has not appeared in court and will not do so until July. That is just one example of our needing to do much more to drive the criminal justice system, the police, the prosecutors and everyone else involved to make sure that those women get the protection that we all want them to have and for which we are legislating.

As Fulton MacGregor rightly pointed out, the decision—again, I note that it was taken without malicious intent—by North Lanarkshire Council a few weeks ago to award a contract for local domestic abuse services to a national non-specialist organisation was a mistake. Under that contract, the same organisation will provide services to both victims and culprits. That is a backward step that flies in the face of what we know about best practice in dealing with violence against women. It will also result in the defunding of brilliant organisations such as Monklands Women's Aid, which has done a huge amount of work in the field. Like Fulton MacGregor, I hope that North Lanarkshire Council will rectify that mistake, which was the result of a decision that was made with good intent but bad judgment.

As I said, the issue is not just about passing legislation. It is not even just about more training and more education. At the root, we need to change the culture, the attitudes and the levels of awareness among all the institutions that we need to fight against this terrible evil.

If I may make a recommendation to the cabinet secretary, I say that I think that his idea of an implementation board is absolutely excellent, but he should ensure that other essential services, including housing and welfare support, are included in that implementation plan, because there has to be an integrated approach to helping women who find themselves in situations such as many abused women and children find themselves.

Scotland, as a country, must do better if we are to stop letting down those women and make a real dent in the number of women and children who are subjected to abuse and violence by male perpetrators. No civilised society can tolerate such violence. Stopping it must be a top priority for the new Parliament that will be elected in May. I am

absolutely sure that the legislation that I hope we will pass this afternoon will make a significant contribution to that objective.

17:49

Rhoda Grant (Highlands and Islands) (Lab): I thank committee clerks and staff, SPICe and the legislation team, who helped the committee to scrutinise the bill and to frame amendments that I believe improve the bill.

I also wish Alex Neil all the best for the future and thank him for his contribution to the Parliament as well as his contribution to combating violence against women. I am sure that he will continue to do so, and he is right to say that there is much still to do in that area. I also join him in paying tribute to Women's Aid for the work that it does, not only on the bill but, daily, to help victims of domestic abuse. I believe that it should lead the charge against domestic abuse and hope that sense can be seen and that it will retain contracts to protect women.

We welcome the bill, which provides much needed assistance to victims of domestic abuse. Domestic abuse is a blight on our society, where a perpetrator seeks to control their partner. What is even worse is that the abuse is carried out by someone who is supposed to love their victim. It happens behind closed doors and is difficult to prosecute because of the lack of corroboration.

Until now, victims have had to organise their own protection by getting non-harassment orders. That means getting legal advice, which is not always available through legal aid, even if they can find a legal aid lawyer. The bill puts state protection in place for the first time. As Fulton MacGregor said in his speech, it enables the victim to remain in the family home and is a positive step in the right direction. We welcome that, but we need to remember that such protection was available in other countries a decade ago, so we must speed up how we work to protect victims of abuse.

Neil Bibby talked about the need to protect children. Such protection is, sadly, still lacking, and we need to look at how we provide it. It is disappointing that the bill will not provide children with protection in their own right, and I am sure that we will need to return to that in the future.

John Finnie talked about the need for training of police and sheriffs, which was a point that I made when speaking to amendments. Too often, our courts allow themselves to be used in order to perpetrate abuse, by giving contact to abusive partners, which allows them to track and control their victims all over again and continue to damage the children of that relationship. Anyone who abuses their partner must be forced to

relinquish access to their children until such time as they can prove that they have changed their behaviour and that they are no longer going to damage those children and the children's parents.

This bill will not be the last word on how we deal with domestic abuse; we must deal with a number of issues, not least its impact on children. We must also take measures to ensure that victims have access to a safe place and alarms. That is especially the case in rural areas, where assistance is not close by.

We must teach boys and men that they cannot abuse their physical strength and power over their partner; that is missing from our education system. Neil Bibby made the point that domestic abuse is not a women's problem; it is a problem with the men who perpetrate it. We must protect women from misogyny; we failed to do so with the hate crime bill last week but, until we do, women will continue to be subject to men's violence. In a week in which we have seen, in sharp relief, men's violence against women, we must redouble our efforts to create a safe place and an equal society for women.

17:53

Adam Tomkins (Glasgow) (Con): This is the last speech that I shall make to the chamber, so I hope that the Presiding Officer will forgive me if I offer a few remarks not only on the bill that we are about to pass but on one or two broader matters.

The Domestic Abuse (Protection) (Scotland) Bill is an important measure that adds to Scotland's cutting-edge laws on domestic abuse. When, once again, violence against women is much in the news and our thoughts, it is timely.

I welcome the bill. The Justice Committee has been anxious to ensure that the provisions in the bill will be practical and of real use to those, especially in Police Scotland, who will have to make the new powers work. We have also been concerned to ensure that the provisions will operate compatibly with convention rights.

This is the third Government bill in quick succession that the Justice Committee has examined, following hard on the heels of the Defamation and Malicious Publication (Scotland) Bill and, of course, the Hate Crime and Public Order (Scotland) (Bill). All three bills touch directly on our fundamental human rights; all three make significant changes to the law; and all three have found the Justice Committee working hard together, across the parties, to agree reports that, I hope, have improved the quality and effectiveness of the Parliament's legislation.

I have been the convener of the Justice Committee for a short time only, but I have

enjoyed it immensely. Despite, in the end, not being able to vote for all the legislation that we have examined, I am proud of the work that the committee has done while I have served as its convener.

Parliaments exist to do three things: represent the interests of our constituents in debates on matters of public importance, hold the Government to account and make legislation. I have been studying and writing about Parliaments all my adult life, I have been a member of this Parliament for five years and, before that, I was an adviser to the House of Lords for six years. It was in the House of Lords where I saw at first hand what parliamentarians could do to improve laws, even if they were not in sympathy with the political preferences of the Government of the day. I tried to apply those lessons to my practice as a parliamentarian here.

As I look back on the past five years, I remember the work that my colleagues and I did at the beginning of the session with Pauline McNeill and Alison Johnstone to make the Child Poverty (Scotland) Bill stronger; the work that we did with Lewis Macdonald to make the Planning (Scotland) Act 2019 stronger; and the work that Bruce Crawford and I did with the Finance and Constitution Committee on the common frameworks that the United Kingdom internal market needs now that we have left the European Union. Turning to more recent matters, I will long remember the work that I did with Liam McArthur, my good friend Liam Kerr and other members on the Hate Crime and Public Order (Scotland) Bill to make it, if not stronger, then a lot less dangerous than it would otherwise have been.

Child poverty, planning law, common frameworks and hate crime—that is a broad range of subjects, but there is one common thread: all were examples of cross-party working. Better together is the name of the campaign that first brought me into Scottish politics, and nothing that I have seen or heard in the past 10 years has made me change my mind about that. We are better when we work together, and we make better laws together.

When it comes to the other key function of Parliament, which is holding the Government effectively to account, I am afraid that the Scottish Parliament still leaves a great deal to be desired. It is not because we lack powers—it is more disturbing than that; it is because too many of us lack the will to use them.

However, today's debate is not about holding the Government to account but about making law. The Domestic Abuse (Protection) (Scotland) Bill is, I hope, good law. It will help to make women safer; it will help Police Scotland to tackle the scourge of domestic violence; it will be useful on the ground;

and it will be compatible with the European convention on human rights. I am glad to have played a small role in making it. I commend it to the chamber and I look forward to voting for it at decision time.

17:58

Humza Yousaf: As other members have already said, the Parliament is at its best when we unite. We do not pursue false consensus for the sake of it but, when we believe that there is an ideal that is greater than our individual parts, we come together to enact transformational law. There have been many examples of that. In the past 24 hours, we have seen the historic moment in which the United Nations Convention on the Rights of the Child was incorporated into domestic law. The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill, the Hate Crime and Public Order (Scotland) Bill and many other pieces of legislation have recently been passed by the Parliament through unanimity and consensus, or with the backing of a large majority of the Parliament.

It is right that we end this parliamentary session on a point of unanimity. There are other bills to be considered next week, but I am proud that the final Government bill of the session that we will consider is the Domestic Abuse (Protection) (Scotland) Bill.

I turn to important points that colleagues around the chamber have made. Liam Kerr, Neil Bibby, Liam McArthur, John Finnie, Adam Tomkins and many other members were right to remind us of the context that we are in. In the past week, we have heard harrowing testimony from women about the dangers that they face from men. One member mentioned women as being vulnerable. That is not the case. As I see it, men's violence and abuse of power are the problem, not women's vulnerability.

As I said, some of the testimonies that we have heard have been harrowing. However, they have also forced a lot of men—I certainly speak on my own behalf—to take notice. For example, my wife has told me of the dangers that she faces. The other week, she told me, she was taking my daughter for a walk in broad daylight and a man was behind her. As she turned the corner—and although I was at work, here, in the chamber—she felt the need to shout out, “Humza, just wait for us.” That is incredible. I would never think to do that on a walk in darkness, let alone in broad daylight. I have never felt the urge to clench my keys in my pocket—nor, in pre-Covid days, to say to my friends after a night out, “I’ll text you when I’m back home safely.” I have never felt the urge, on the way back to my car, to pick up my phone and pretend that I am on a call so that people will

think that I am speaking to somebody. I have never felt the urge to do any of that. However, those are probably fairly common practices, as I have heard recently from many women who have shared their testimonies over the past week.

Ruth Maguire (Cunninghame South) (SNP):

As the cabinet secretary makes his remarks, it strikes me that, over the past five years, almost every time that a woman is murdered or something terrible happens, we stand up in the Parliament and share what is happening. It is not something new. How does he respond to that? He has shared stories from the women in his life that we have to tell over and over again. It is important to acknowledge that, although the past week has been terrible, and painful for people, it has been like that for ever such a long time.

Humza Yousaf: Yes; it has been like that not only for years or decades but for centuries and perhaps for even longer than that. As she spoke, I sensed Ruth Maguire's rightful frustration. We have to respond as a Government but also, I think, as men.

The working group on misogyny and criminal justice in Scotland is being led by Baroness Helena Kennedy. I think that she will provide some helpful legislative solutions to some of the issues that have been raised.

However, as many members have mentioned—including, in particular, Rhoda Grant, in her closing speech on behalf of Labour—it is not just about legislation. It must also be about education. A number of my male colleagues have referenced the fact that they are members of White Ribbon Scotland, whose work I commend. We must take up that challenge from Rhoda Grant and from, I am sure, many other women members, of educating our sons, brothers, other males and ourselves about why women feel that men are a danger to them. We must modify our behaviour. I would certainly like to learn more on that journey. I think that I have done some of that; however, there is an immediate need not just to learn but to act. I hope that the Domestic Abuse (Protection) (Scotland) Bill is a demonstration of that action, in a small but nonetheless significant way.

I will also mention John Finnie's comments. Although I am sure that he will contribute to other debates before the end of the session, I think that this will have been his last contribution from a justice portfolio perspective. I have known him for many years and I have admired and respected him as a friend. He has one of the strongest moral compasses that I know. I was deeply saddened when I learned that he had left my party. However, he has always worked constructively with members of all parties, and always in the pursuit of justice. As a member of the Justice Committee and as the convener of the Justice Sub-Committee

on Policing, he has been formidable, forensic and thoughtful, and I, for one, will miss him greatly in the Parliament.

Other members made a number of points. I know that time is short. Fulton MacGregor and Alex Neil certainly made important points about North Lanarkshire Council, and both have challenged the Government to look at that situation. Although we fund local government to fund local services, I am nonetheless happy to look into the issue because domestic abuse is unfortunately prevalent in our society and it is important to tackle it.

James Dornan is right about Police Scotland attending 60,000 domestic abuse incidents each year. We must do better.

Alex Neil made a thoughtful valedictory speech. He is formidable. The Opposition might breathe a sigh of relief that they will no longer have to deal with Alex Neil, who speaks so articulately and with great strength. I suspect that we will breathe a greater sigh of relief than the Opposition, but he has always challenged Government fairly and I commend him for doing so again in his valedictory speech. Even now, he is stealing the thunder and attention, although he is not in the chamber. He is right to do so.

Alex Neil made some fair comments about how the criminal justice system must do better and referred to a constituency case of stalking that he had dealt with. All of the issues that he fairly raises are being discussed by Police Scotland, the Scottish Courts and Tribunals Service, the Government and many others as part of the work of the victims task force. I wish Alex Neil the very best.

Adam Tomkins made a thoughtful speech. I congratulate him on his five years of service in the Parliament. He has shown himself to be an effective committee convener. Perhaps the best compliment that I can pay him is to say that I suspect that many of his opponents will, again, breathe a sigh of relief at his departure. He said that nothing that he has heard in these five years has convinced him to change his mind about supporting the union. I remember an Adam Tomkins who supported independence, so we will not give up hope just yet.

I will end with a quotation from a 2015 publication by Scottish Women's Aid called "Change, Justice, Fairness". It was subtitled "Why should I move everywhere and everything because of him?" The research cast light on the massive impact of domestic abuse on women's living situations. The group of women who were involved in that publication wrote:

"When we came together as a group of women from different backgrounds and life experiences and began

sharing our stories we found strong similarities in how we had been treated. We were determined to prevent other women and children in the future from having to live through what happened to us. We had done nothing wrong but were forced to leave our home, either by the perpetrator or by the housing system that expected us and our children to become homeless."

We must do better, for those women who feel that they must flee their homes to escape domestic abuse. We must do better, for women who believe that they have to choose between their own safety and abandoning their children. We must do better, to ensure that women are not left homeless by the scourge of domestic abuse.

I hope that the Domestic Abuse (Protection) (Scotland) Bill is a demonstration of this Parliament and this Government doing better. It gives powers to Police Scotland and the Scottish Courts and Tribunals Service to ensure that victims of domestic abuse are provided with safety, even when the criminal threshold has not been met. We should never again have that stain on our collective conscience that victims of domestic abuse—predominantly women—must flee their homes in order to protect themselves from the risk of abuse.

I am delighted to hear that all political parties will support the bill and I commend the Domestic Abuse (Protection) (Scotland) Bill to the Parliament.

The Deputy Presiding Officer: The concludes the debate on the Domestic Abuse (Protection) (Scotland) Bill.

Scottish Land Commissioners (Reappointment)

18:10

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-24383, in the name of Roseanna Cunningham, on the reappointment of Scottish land commissioners. I call the cabinet secretary to move the motion.

Motion moved,

That the Parliament notes the Environment, Climate Change and Land Reform Committee's 3rd Report 2021 (Session 5), *Scottish Land Commission — Reappointment of Commissioners* (SP Paper 936); welcomes the committee's recommendation that the Parliament approves the reappointment of Professor David Adams and Ms Megan MacInnes as Commissioners to the Scottish Land Commission for an additional three-year term, and approves the reappointments as required by Section 10 of the Land Reform (Scotland) Act 2016.—[*Roseanna Cunningham*]

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

Standing Order Rule Changes (Urgent Scottish Parliamentary Corporate Body Questions)

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-24366, in the name of Bill Kidd, on urgent Scottish Parliamentary Corporate Body questions.

18:10

Bill Kidd (Glasgow Anniesland) (SNP): The first Standards, Procedures and Public Appointments Committee report that I will speak to today recommends that a new rule should be added to standing orders to allow for urgent questions to be put to the Scottish Parliamentary Corporate Body. It is currently not possible under standing orders for urgent questions to be put to the SPCB in the way that urgent questions are put to the Scottish Government.

The SPPA Committee considered that there might be occasions when an urgent matter emerges that members should be able to raise with the SPCB in the chamber. The committee initially raised the proposal with the SPCB and the Parliamentary Bureau. In response to points that were raised by those bodies, the committee developed selection criteria, which were then the subject of a consultation with all MSPs as well as the SPCB and the Parliamentary Bureau. Those consulted were content with the selection criteria, and the committee subsequently agreed to propose a new rule 13.9A, on urgent questions to the SPCB.

The new rule that is proposed in the report largely replicates the standing orders rule for urgent questions to the Scottish Government. It provides that an urgent question should be lodged by 10 am on the day on which there is a meeting in the Parliament. If the Presiding Officer considers the question sufficiently urgent and the most appropriate way of raising the issues concerned, it would then be put and would be answered by any member of the SPCB at an appropriate point during the meeting of the Parliament that day.

Finally, I note that the bureau suggested to the committee that there should be a review of the new procedure after two years, and the committee has agreed to make that recommendation to its successor committee in its legacy report.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 8th Report 2021 (Session 5), *Standing Order Rule Changes — Urgent Questions to the Scottish Parliamentary Corporate Body* (SP Paper 975), and agrees that the changes to Standing

Orders set out in Annexe A of the report be made with effect from 12 May 2021.

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

Standing Order Rule Changes (Public Petitions System)

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-24365, also in the name of Bill Kidd, on public petitions system changes.

18:12

Bill Kidd (Glasgow Anniesland) (SNP): The second Standards, Procedures and Public Appointments Committee report that I am speaking to today recommends changes to the rules in standing orders on the public petitions system. The Public Petitions Committee sought the changes to assist it in responding to increasing demand for petitioning the Scottish Parliament, and the proposed changes result from a review of the public petitions system that was conducted by that committee.

Three changes are proposed. The first is to make inadmissible a petition that is substantially the same as a petition that is already under consideration by the Parliament. The second is to allow a petitioner to have a maximum of two current petitions under consideration by the Parliament at any one time. The third is to make a petition inadmissible if it relates to a bill that is currently under consideration by the Parliament or to primary legislation that has been passed by the Parliament within a period of 12 months preceding the lodging of the petition.

The SPPA Committee consulted all MSPs on the changes, and adjusted the rule changes that are proposed to take account of concerns that were expressed.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 7th Report 2021 (Session 5), *Standing Order Rule Changes — Public Petitions System* (SP Paper 974), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

18:14

Gail Ross (Caithness, Sutherland and Ross) (SNP): On behalf of the Public Petitions Committee, I welcome the proposed standing orders rule changes. As we know, demand for petitioning the Scottish Parliament continues to grow each year, and that is to be celebrated. The committee has been greatly encouraged by that public engagement and participation in the work of the Parliament. However, it undoubtedly places a significant strain on the committee's work programme.

My committee colleagues and I firmly believe that the changes will help to respond to that increasing demand by making the public petitions system more efficient and sustainable, while ensuring that everyone who wants to have their voice heard through the public petitions process can continue to do so.

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

Standing Order Rule Changes (Equalities and Human Rights Committee Remit)

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-24374, in the name of Bill Kidd, on the remit of the Equalities and Human Rights Committee.

18:15

Bill Kidd (Glasgow Anniesland) (SNP): Thank you, Presiding Officer. We must stop meeting like this.

The third report to which I am speaking today recommends a permanent change to rule 6.9 on the title and remit of the Equalities and Human Rights Committee in standing orders. During the current parliamentary session, human rights was added to the remit of the Equalities and Human Rights Committee. The committee asked the Standards, Procedures and Public Appointments Committee to consider whether rule 6.9 should be amended permanently to extend its remit to include human rights.

Following consultation with the Justice Committee and the Parliamentary Bureau, the SPPA Committee agreed to propose that rule change. The revision proposed to rule 6.9 adds human rights to the name of the committee on a permanent basis and provides a definition of human rights for the remit.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 4th Report 2021 (Session 5), *Standing Order Rule Changes — Equalities and Human Rights Committee Remit* (SP Paper 965), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

18:16

Ruth Maguire (Cunninghame South) (SNP): I welcome the Standards, Procedures and Public Appointments Committee's report, which recommends that the remit of the mandatory Equalities Committee is permanently extended to include human rights. A vote in favour of the motion tonight will see the fulfilment of the committee's recommendation on that in its 2018 report, "Getting Rights Right: Human Rights and the Scottish Parliament".

It is important that human rights has a sustained long-term focus to ensure that the Parliament continues to develop its human rights practice and to strengthen its role as a human rights guarantor. The Covid-19 pandemic has brought the need for

that into sharp focus. The motion is welcome and timely.

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

Business Motion

18:17

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-24397, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 23 March 2021 (Hybrid)

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by First Minister's Statement: COVID-19: Reflections and Next Steps

followed by Topical Questions

followed by Ministerial Statement: Implications of the administration of Greensill Capital UK for Businesses in Scotland

followed by Stage 3 Proceedings: European Charter of Local Self-Government (Incorporation) (Scotland) Bill

followed by Stage 3 Proceedings: Tied Pubs (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

7.35 pm Decision Time

followed by Members' Business

Wednesday 24 March 2021 (Hybrid)

12.30 pm Parliamentary Bureau Motions

12.30 pm First Minister's Questions

2.30 pm Portfolio Questions:
Education and Skills;
Health and Sport;
Communities and Local Government

followed by Stage 3 Proceedings: Dogs (Protection of Livestock) (Amendment) (Scotland) Bill

followed by Motion of thanks

6.20 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 22 March 2021, 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.—[*Graeme Dey*]

Motion agreed to.

Parliamentary Bureau Motions

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-24398, in the name of Graeme Dey, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [draft] be approved.—[*Graeme Dey*]

The Presiding Officer: Donald Cameron wishes to speak against the motion.

18:17

Donald Cameron (Highlands and Islands) (Con): The SSI seeks to extend the application of the two Coronavirus (Scotland) Acts for a further six months, to the end of September 2021. The Scottish Conservatives recognise that the Government has, in general, taken a constructive approach to these matters—for example, by expiring some redundant provisions in the legislation. However, a few weeks ago, the COVID-19 Committee heard powerful evidence from Inclusion Scotland, which represents disabled groups, and the Scottish Police Federation. Although they come from very different perspectives, those organisations were of the view that, instead of simply extending the legislation, we should take stock at this point.

We agree. A full year has passed, and much has happened in that time. Surely, at this point, it is correct to analyse what has worked and what has not worked in the emergency legislation, especially in the light of its significant impact on civil liberties and human rights. None of us want emergency legislation to persist. Indeed, by its very name and nature, it should only ever be temporary. It is also significant that we are about to enter an election period. When a new Parliament is elected and a new Administration is formed, the vaccination programme will be much further along and, hopefully, the virus will be in full retreat.

Today marks several milestones in the vaccination programme. Some 25 million people across the United Kingdom have been vaccinated, which is almost half the adult population, and, in total, 2 million people in Scotland will have been vaccinated by the end of today. Accordingly, after the election, we should be in a much less restrictive position in terms of our everyday lives. The First Minister highlighted that only yesterday, when publishing the Scottish Government's strategy for exiting lockdown, which assumes a staged return to normality over the coming months. In our view, it would be right that a new

Administration, with an electoral mandate, would decide at that point whether emergency legislation was required and, if so, in what form.

It is worth noting that the proposed extension applies to the Coronavirus (Scotland) Acts but that the two acts do not contain health protection measures or the power to make health protection measures. Instead, the Scottish Government's power to make health protection measures arises under the UK act, so the Government's ability to impose or ease public health restrictions will continue regardless of whether the dates in the Scottish acts are extended.

For all those reasons, the Scottish Conservatives will vote against the SSI at decision time.

18:20

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): I want to make one thing abundantly clear at the start: the pandemic is not over, and it will not be over if Donald Cameron simply uses the word "hopefully".

I also want to make it clear that it is vital that the regulations be approved. The two Scottish acts contain essential practical measures that enable ministers and public authorities to take steps to mitigate the impact of Covid. Let me offer two examples to illustrate that.

Justice provisions that are much talked about by the Conservatives, which enable business to be conducted by electronic means, such as those that allow for remote jury centres and the digital sharing of case documentation, enable the justice system to function as safely and efficiently as possible. We would lose those provisions.

Valuable protections are afforded to renters that help to provide certainty for tenants, including those who have become unemployed during the pandemic. Those protections would finish, and evictions could start.

The importance of those measures was reflected in evidence that was given to the COVID-19 Committee when it called for views. Evidence from Shelter Scotland, the University and College Union Scotland, the National Union of Students Scotland, Citizens Advice Scotland, the Law Society of Scotland, the Scottish Courts and Tribunals Service and the Lord President, to name but a few respondents, was strongly supportive of having the provisions available after 31 March. That is the question. The question is not about the coming election; the question is, what will happen in two weeks' time?

I am disappointed that the Conservative Party has chosen to vote against the regulations. The

convener of the COVID-19 Committee justified that position by saying that we should take stock. However, that is precisely what the legislation does. The two acts deliberately ensure that the provisions are renewed regularly. I have been clear that they should be available only for as long as is necessary, and I have reported to the chamber on every occasion that the legislation has required me to. We have regulated to expire or suspend provisions when that has been appropriate. I ask members to agree to the continuation of the provisions, which remain essential to dealing with the pandemic.

The convener of the COVID-19 Committee said that it will be for a new Administration to decide on the necessary measures. I do not disagree; that is perfectly possible. However, there will be no new Administration in place on 1 April, and, if the regulations are not renewed, that is the date on which the provisions will fall. [*Interruption.*] No, I would like to finish, please.

I believe that that would be reckless and would leave Scotland without the ability to appropriately respond to many of the negative impacts of the coronavirus. I cannot believe that that is the position that the Parliament would wish to put itself or the people of Scotland in. Therefore, I ask Parliament to renew the regulations. In doing so, I remind members that ministers will continue to be required to report on the legislation on a bi-monthly basis. We will publish such a report on 14 April, even though the Parliament will not be in session, and we will retain provisions only for as long as is necessary.

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

The next item of business is consideration of 14 Parliamentary Bureau motions. I ask Graeme Dey, on behalf of the Parliamentary Bureau, to speak to and move motion S5M-24399, on temporary amendment to standing orders, and motion S5M-24400, on approval of a Scottish statutory instrument; and to move motions S5M-24401 to S5M-24409 and S5M-24411 and S5M-24412, on approval of SSIs, and motion S5M-24410, on referral of an SSI.

18:23

The Minister for Parliamentary Business and Veterans (Graeme Dey): On motion S5M-24399, on temporary amendment to standing orders, as members will be aware, we recently agreed a change to standing orders that allows us to bring forward temporary standing orders. The Standards, Procedures and Public Appointments Committee identified a need to provide some flexibility should it be required for the Parliament to be able to conduct its essential first items of

business in session 6 in a way that ensures compliance with Covid safety measures. Given the time left until the Parliament rises for the campaign recess, the committee asked the Parliamentary Bureau to bring forward such changes, and we have done that.

The proposed temporary standing orders will clarify that any members who are unable to attend in person—for example, if they are shielding or self-isolating—will be able to take the oath or make an affirmation remotely during a meeting of the Parliament.

The proposed measures will also allow the election of the Presiding Officer and Deputy Presiding Officers to be conducted by secret ballot as usual, but with adjustments made to ensure that physical distancing is observed. They will ensure that any member who cannot attend the Parliament to cast their votes in the PO and DPO elections will be able to instruct the clerk to complete a ballot on their behalf.

The proposed measures will also provide for the continued closure of the public gallery until the new Scottish Parliamentary Corporate Body can make a decision on public access to the Parliament.

These are considered to be sensible and proportionate measures to allow the establishment of the new Parliament following the election. I invite members to support them.

Finally, as I am required to do in relation to motion S5M-24400 as it relates to a Scottish statutory instrument on Covid, I advise members that the instrument provides that driving lessons and tests may be provided for or undertaken by certain limited categories of workers in level 4 areas. Such workers include those in the police and the fire service and the employees of bus companies where such companies have been appointed to provide employee driving tests and training. That regulation came into force on 19 February 2021.

Motions moved,

That the Parliament agrees, with effect from 12 May 2021—

(A) the following temporary rules under rule 17.1A—

Temporary Rule 1

Election of the Presiding Officer and deputy Presiding Officers

1. This Rule applies to the election of the Presiding Officer and any deputy Presiding Officers to be held at the beginning of Session 6 by virtue of Rules 3.2 and 3.3. It ceases to apply on 30 June 2021.

2. Any meeting of the Parliament convened for this purpose may be held in the Debating Chamber of the Parliament, Holyrood, or at any other location within Holyrood as may be determined by the Presiding Officer, and members shall

be notified of that location or locations.

3. A member may, at any time during the period which is not earlier than 90 mins and not later than 30 minutes before the time appointed for the beginning of the voting period for Presiding Officer or, as the case may be, the first voting period for deputy Presiding Officer, nominate a candidate for appointment as the Presiding Officer or a deputy Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

4. The vote at an election shall be by secret ballot and shall be held during the voting period appointed under Rule 3.2 or 3.3. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 13 to 18.

5. The result of any vote under this Rule is valid only if the number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted—

(a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and

(b) where there is more than one round of voting the result of each round of voting shall be treated as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election is invalid under this Rule, no candidate shall be elected at that election.

6. Each candidate may appoint a member to act as a scrutineer on that candidate's behalf. Each scrutineer may monitor the counting of votes by the Clerk and may request the Clerk to perform a count again. The Clerk may refuse such a request only if the Clerk considers it unreasonable.

7. Members may participate in the election of the Presiding Officer or any deputy Presiding Officer in person or remotely by video conference hosted on such platform as may be provided by the Parliamentary corporation.

8. Any member may, at the beginning of a round of voting, obtain a ballot paper from the Clerk, either in person or, where a member is participating remotely, by electronic means.

9. Any member who obtains a ballot paper in person shall immediately mark that member's vote on that ballot paper and then put the ballot paper in the ballot box provided for that purpose by the Clerk. That member may not thereafter obtain another ballot paper or vote during that round of voting.

10. Where a member is participating remotely, the Clerk shall facilitate the process and in doing so shall ensure the secrecy and confidentiality of it. The member shall use such platform as may be provided by the Parliamentary corporation for this purpose.

11. Any member participating remotely shall obtain a ballot paper from the Clerk by electronic means. Once the ballot paper has been received, the member shall immediately indicate to the Clerk the voting intention of that member. The Clerk shall mark that member's vote on a ballot paper in accordance with that member's voting intention, verify with that member that the ballot paper has been marked correctly and then put the ballot paper in the ballot box provided for that purpose. That member may not thereafter obtain another ballot paper or vote during that round of voting.

12. Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to

abstain. At the completion of that round of voting the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for the candidate, the number of votes against the candidate and the number of votes to abstain. The candidate shall be elected if a simple majority of votes in the candidate's favour is obtained.

13. Where there is more than one candidate in a round of voting, a member may vote for one of those candidates or to abstain. At the completion of each round of voting in which there is more than one candidate, the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for each candidate and the number of votes to abstain.

14. Where there are two candidates in a round of voting, a candidate shall be elected if a simple majority of votes in that candidate's favour is obtained.

15. Where there are more than two candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected.

16. Where there are more than two candidates in a round of voting but no candidate is elected under paragraph 9, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until—

(a) a candidate is elected in accordance with paragraph 12, 14 or 15;

(b) paragraph 17 applies; or

(c) the result of any vote is invalid under this Rule.

17. Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election.

18. A candidate may withdraw that candidate's candidature at any stage between the rounds of voting mentioned in paragraphs 13 to 16.

19. In counting the votes, the Clerk may disregard any ballot paper if, in the Clerk's opinion, it does not clearly indicate the voter's choice.

20. When a candidate has been elected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected. The person chairing the meeting shall also announce—

(a) after the count in a case where the provisions of paragraph 12 apply, the number of votes for and against the candidate and the number of votes to abstain; and

(b) after the count in any other case, the number of votes for each candidate, the number of votes to abstain and the name of any candidate who has been eliminated at that round.

21. Where no candidate is elected at an election held in accordance with this Rule, the person chairing the meeting shall announce that fact and arrange for another election to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election.

21. Following a declaration that a candidate has been elected or that no candidate has been elected, the Clerk shall destroy all the ballot papers.

22. Where provisions contained in this temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

Temporary Rule 2

Oath of allegiance

1. This Rule applies to the administration of the oath of allegiance or a solemn affirmation at the beginning of Session 6. It ceases to apply on 30 June 2021.

2. Every person who is returned as a member shall take the oath of allegiance or shall make a solemn affirmation at a meeting of the Parliament before the Clerk. Taking the oath of allegiance or making a solemn affirmation can include appearing before the Clerk remotely by video-conference, hosted on such platform as may be provided by the Parliamentary corporation. A member shall not take part in any other proceedings of the Parliament until that member has done so.

3. A member may, immediately after taking the oath or making a solemn affirmation, repeat the oath or affirmation in a language other than English.

4. The member shall then sign a register kept by the Clerk for the purpose, indicating that the member has taken the oath or, as the case may be, made a solemn affirmation. Where a member has taken the oath of allegiance or made a solemn affirmation remotely, they shall sign the register at the earliest possible opportunity after doing so.

5. The Parliament's power under section 84(3) (where a member fails to take the oath of allegiance) to decide, before the end of the period of two months within which a member must take the oath or make a solemn affirmation, to allow that member a longer period to do so is exercisable on a motion of any member. The motion is valid only if it is seconded by another member.

6. In these Rules, "oath of allegiance" means the oath in the form provided in section 2 of the Promissory Oaths Act 1868 (c.72) and "solemn affirmation" means the affirmation in the form provided in section 6(1) of the Oaths Act 1978 (c.19).

7. Where provisions contained in the temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

Temporary Rule 3

Access to the public gallery

1. In light of the ongoing public response to the Novel coronavirus COVID-19, members of the public shall not be admitted to the public gallery during any meeting of the Parliament from the date of dissolution until either such time as the newly elected Parliamentary corporation has taken a decision on public access to the Parliament, Holyrood or 30 June 2021, whichever is the earlier.

2. Notwithstanding paragraph 1, the Presiding Officer may decide to admit members of the public to the public gallery in advance of those timescales if relevant legislation and public health guidance allow for it.

3. Where provisions contained in the temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

(B) that, where provisions contained in the temporary rules are in conflict with other standing order provisions, those in the temporary rules have precedence.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86) be approved.

That the Parliament agrees that the Budget (Scotland) Act 2020 Amendment Regulations 2021 [draft] be approved.

That the Parliament agrees that the Disability Assistance for Children and Young People (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2021 (SSI 2021/89) be approved.

That the Parliament agrees that the Scottish Parliament (Elections etc.) Amendment (Coronavirus) Order 2021 [draft] be approved.

That the Parliament agrees that the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Social Security Up-rating (Scotland) Order 2021 [draft] be approved.

That the Parliament agrees that the Social Security Information-sharing (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing etc.) (Scotland) Amendment Regulations 2021 (SSI 2021/107) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/111) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2021 (SSI 2021/81) be approved.

That the Parliament agrees that the Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Local Government Finance (Scotland) Order 2021 [draft] be considered by the Parliament.—[*Graeme Dey*]

The Presiding Officer: We are slightly ahead of schedule, so I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, to bring forward decision time to now. I invite the minister to move such a motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 6.26 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

18:26

The Presiding Officer (Ken Macintosh): The first question is on the Domestic Abuse (Protection) (Scotland) Bill but, before I put the question, rather than suspend proceedings I ask members to refresh their voting apps. I will allow a few moments for everyone to do so and for those who were not here earlier to enter today's PIN.

The question is, that motion S5M-24381, in the name of Ash Denham, on the Domestic Abuse (Protection) (Scotland) Bill, be agreed to. There will be a one-minute division.

The vote is now closed. Please let me know if you were not able to vote.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)

Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S5M-24381, in the name of Ash Denham, is: For 118, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Domestic Abuse (Protection) (Scotland) Bill be passed.

The Presiding Officer: The Domestic Abuse (Protection) (Scotland) Bill is therefore passed. [Applause.]

The next question is, that motion S5M-24383, in the name of Roseanna Cunningham, on the reappointment of Scottish land commissioners, be agreed to.

Motion agreed to,

That the Parliament notes the Environment, Climate Change and Land Reform Committee's 3rd Report 2021 (Session 5), *Scottish Land Commission — Reappointment of Commissioners* (SP Paper 936); welcomes the committee's recommendation that the Parliament approves the reappointment of Professor David Adams and Ms Megan MacInnes as Commissioners to the Scottish Land Commission for an additional three-year term, and approves the reappointments as required by Section 10 of the Land Reform (Scotland) Act 2016.

The Presiding Officer: The next question is, that motion S5M-24366, in the name of Bill Kidd, on urgent Scottish Parliamentary Corporate Body questions, be agreed to.

Motion agreed to,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 8th Report 2021 (Session 5), *Standing Order Rule Changes — Urgent Questions to the Scottish Parliamentary Corporate Body* (SP Paper 975), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

The Presiding Officer: The next question is, that motion S5M-24365, in the name of Bill Kidd, on public petitions system changes, be agreed to.

Motion agreed to,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 7th Report 2021 (Session 5), *Standing Order Rule Changes — Public Petitions System* (SP Paper 974), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

The Presiding Officer: The next question is, that motion S5M-24374, in the name of Bill Kidd, on the Equalities and Human Rights Committee's remit, be agreed to.

Motion agreed to,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 4th Report 2021 (Session 5), *Standing Order Rule Changes — Equalities and Human Rights Committee Remit* (SP Paper 965), and

agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

The Presiding Officer: The next question is, that motion S5M-24398, in the name of Graeme Dey, on approval of the Scottish statutory instrument on the amendment of expiry dates regulations, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. This will be a one-minute division.

The vote is now closed.

Graham Simpson (Central Scotland) (Con): On a point of order, Presiding Officer. I was not able to vote. This will be the final time I vote from my office, I can assure you. I would have voted no.

The Presiding Officer: Thank you, Mr Simpson. I will make sure that your vote is recorded.

Anas Sarwar (Glasgow) (Lab): My apologies, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you, Mr Sarwar. I will make sure that your vote is recorded.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)

Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Corry, Maurice (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)
 Harris, Alison (Central Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S5M-24398, in the name of Graeme Dey, is: For 93, Against 27, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [draft] be approved.

The Presiding Officer: I propose to ask a single question on the 14 Parliamentary Bureau motions. The question is, that motions S5M-24399, S5M-24400 to S5M-24409, S5M-24411 and S5M-24412, and S5M-24410, all in the name of Graeme Dey, be agreed to.

Motions agreed to,

That the Parliament agrees, with effect from 12 May 2021—

(A) the following temporary rules under rule 17.1A—

Temporary Rule 1

Election of the Presiding Officer and deputy Presiding Officers

1. This Rule applies to the election of the Presiding Officer and any deputy Presiding Officers to be held at the beginning of Session 6 by virtue of Rules 3.2 and 3.3. It ceases to apply on 30 June 2021.

2. Any meeting of the Parliament convened for this purpose may be held in the Debating Chamber of the Parliament, Holyrood, or at any other location within Holyrood as may be determined by the Presiding Officer, and members shall be notified of that location or locations.

3. A member may, at any time during the period which is not earlier than 90 mins and not later than 30 minutes before the time appointed for the beginning of the voting period for Presiding Officer or, as the case may be, the first voting period for deputy Presiding Officer, nominate a candidate for appointment as the Presiding Officer or a deputy Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

4. The vote at an election shall be by secret ballot and shall be held during the voting period appointed under Rule 3.2 or 3.3. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 13 to 18.

5. The result of any vote under this Rule is valid only if the

number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted—

(a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and

(b) where there is more than one round of voting the result of each round of voting shall be treated as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election is invalid under this Rule, no candidate shall be elected at that election.

6. Each candidate may appoint a member to act as a scrutineer on that candidate's behalf. Each scrutineer may monitor the counting of votes by the Clerk and may request the Clerk to perform a count again. The Clerk may refuse such a request only if the Clerk considers it unreasonable.

7. Members may participate in the election of the Presiding Officer or any deputy Presiding Officer in person or remotely by video conference hosted on such platform as may be provided by the Parliamentary corporation.

8. Any member may, at the beginning of a round of voting, obtain a ballot paper from the Clerk, either in person or, where a member is participating remotely, by electronic means.

9. Any member who obtains a ballot paper in person shall immediately mark that member's vote on that ballot paper and then put the ballot paper in the ballot box provided for that purpose by the Clerk. That member may not thereafter obtain another ballot paper or vote during that round of voting.

10. Where a member is participating remotely, the Clerk shall facilitate the process and in doing so shall ensure the secrecy and confidentiality of it. The member shall use such platform as may be provided by the Parliamentary corporation for this purpose.

11. Any member participating remotely shall obtain a ballot paper from the Clerk by electronic means. Once the ballot paper has been received, the member shall immediately indicate to the Clerk the voting intention of that member. The Clerk shall mark that member's vote on a ballot paper in accordance with that member's voting intention, verify with that member that the ballot paper has been marked correctly and then put the ballot paper in the ballot box provided for that purpose. That member may not thereafter obtain another ballot paper or vote during that round of voting.

12. Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to abstain. At the completion of that round of voting the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for the candidate, the number of votes against the candidate and the number of votes to abstain. The candidate shall be elected if a simple majority of votes in the candidate's favour is obtained.

13. Where there is more than one candidate in a round of voting, a member may vote for one of those candidates or to abstain. At the completion of each round of voting in which there is more than one candidate, the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for each candidate and the number of votes to abstain.

14. Where there are two candidates in a round of voting, a candidate shall be elected if a simple majority of votes in that candidate's favour is obtained.

15. Where there are more than two candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected.

16. Where there are more than two candidates in a round of voting but no candidate is elected under paragraph 9, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until—

(a) a candidate is elected in accordance with paragraph 12, 14 or 15;

(b) paragraph 17 applies; or

(c) the result of any vote is invalid under this Rule.

17. Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election.

18. A candidate may withdraw that candidate's candidature at any stage between the rounds of voting mentioned in paragraphs 13 to 16.

19. In counting the votes, the Clerk may disregard any ballot paper if, in the Clerk's opinion, it does not clearly indicate the voter's choice.

20. When a candidate has been elected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected. The person chairing the meeting shall also announce—

(a) after the count in a case where the provisions of paragraph 12 apply, the number of votes for and against the candidate and the number of votes to abstain; and

(b) after the count in any other case, the number of votes for each candidate, the number of votes to abstain and the name of any candidate who has been eliminated at that round.

21. Where no candidate is elected at an election held in accordance with this Rule, the person chairing the meeting shall announce that fact and arrange for another election to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election.

21. Following a declaration that a candidate has been elected or that no candidate has been elected, the Clerk shall destroy all the ballot papers.

22. Where provisions contained in this temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

Temporary Rule 2

Oath of allegiance

1. This Rule applies to the administration of the oath of allegiance or a solemn affirmation at the beginning of Session 6. It ceases to apply on 30 June 2021.

2. Every person who is returned as a member shall take the oath of allegiance or shall make a solemn affirmation at a meeting of the Parliament before the Clerk. Taking the oath of allegiance or making a solemn affirmation can include appearing before the Clerk remotely by video-conference, hosted on such platform as may be provided by the Parliamentary corporation. A member shall not take part in any other proceedings of the Parliament until that member has done so.

3. A member may, immediately after taking the oath or making a solemn affirmation, repeat the oath or affirmation

in a language other than English.

4. The member shall then sign a register kept by the Clerk for the purpose, indicating that the member has taken the oath or, as the case may be, made a solemn affirmation. Where a member has taken the oath of allegiance or made a solemn affirmation remotely, they shall sign the register at the earliest possible opportunity after doing so.

5. The Parliament's power under section 84(3) (where a member fails to take the oath of allegiance) to decide, before the end of the period of two months within which a member must take the oath or make a solemn affirmation, to allow that member a longer period to do so is exercisable on a motion of any member. The motion is valid only if it is seconded by another member.

6. In these Rules, "oath of allegiance" means the oath in the form provided in section 2 of the Promissory Oaths Act 1868 (c.72) and "solemn affirmation" means the affirmation in the form provided in section 6(1) of the Oaths Act 1978 (c.19).

7. Where provisions contained in the temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

Temporary Rule 3

Access to the public gallery

1. In light of the ongoing public response to the Novel coronavirus COVID-19, members of the public shall not be admitted to the public gallery during any meeting of the Parliament from the date of dissolution until either such time as the newly elected Parliamentary corporation has taken a decision on public access to the Parliament, Holyrood or 30 June 2021, whichever is the earlier.

2. Notwithstanding paragraph 1, the Presiding Officer may decide to admit members of the public to the public gallery in advance of those timescales if relevant legislation and public health guidance allow for it.

3. Where provisions contained in the temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

(B) that, where provisions contained in the temporary rules are in conflict with other standing order provisions, those in the temporary rules have precedence.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86) be approved.

That the Parliament agrees that the Budget (Scotland) Act 2020 Amendment Regulations 2021 [draft] be approved.

That the Parliament agrees that the Disability Assistance for Children and Young People (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2021 (SSI 2021/89) be approved.

That the Parliament agrees that the Scottish Parliament (Elections etc.) Amendment (Coronavirus) Order 2021 [draft] be approved.

That the Parliament agrees that the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Social Security Up-rating (Scotland) Order 2021 [draft] be approved.

That the Parliament agrees that the Social Security Information-sharing (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing etc.) (Scotland) Amendment Regulations 2021 (SSI 2021/107) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/111) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2021 (SSI 2021/81) be approved.

That the Parliament agrees that the Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Local Government Finance (Scotland) Order 2021 [draft] be considered by the Parliament.

The Presiding Officer: That concludes decision time. We will shortly move on to members' business, in the name of Gil Paterson, on the 80th anniversary of the Clydebank blitz. First, we will have a short pause to allow some members to change seats. Members should follow the one-way systems, wear their masks and make sure that they observe social distancing rules.

Clydebank Blitz (80th Anniversary)

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-24111, in the name of Gil Paterson, on the 80th anniversary of the Clydebank blitz. The debate will be concluded without any question being put. Members who wish to speak in the debate should press their request-to-speak button; if they are contributing remotely, they should type R in the chat box.

Motion debated,

That the Parliament recognises that, on the evenings of 13 and 14 March 1941, Clydebank was extensively and systematically bombed; acknowledges that the Clydebank Blitz saw 99% of all houses in the town damaged or razed to the ground and that the devastating and tragic event caused 528 deaths, left 617 seriously injured and resulted in untold numbers of walking wounded; believes that, although the targets were reputed to be shipyards and the substantial industrial complexes in the locality, it was the town that bore the brunt of this intensive bombing; acknowledges and commends the action of the many in the emergency services and the general public for their considerable bravery; expresses its gratitude to the crew of the Polish Navy destroyer, ORP Piorun, who courageously and voluntarily drew fire on the vessel as it was docked for a refit at John Brown's shipyard, and notes that this act of selfless bravery is recognised by the people of Clydebank who have dedicated a civic space in their honour, which is known as Solidarity Plaza and is adjacent to the town hall, where an annual service of commemoration is held to both thank and acknowledge the brave contribution of the Polish Navy.

18:36

Gil Paterson (Clydebank and Milngavie) (SNP): This is my final speech to Parliament. Before I turn to the substance of my speech, I take the opportunity to say a few words of thanks.

First, I thank my wife, Sheila, my son, Glen, and my daughter, Lucy, for all their support, which has allowed me to be here in the first place. I also thank my hard-working staff members, who have had to put up with me since 1999, and the very able and friendly parliamentary staff, at all levels, who have been a pleasure to work with.

I am sure that the Presiding Officer will allow me to say that I started my journey to Parliament early on, at the age of 16. I came from a strong political family but, at the time, I was the only one who believed in independence for Scotland. It is amazing how things change; I never thought that I would be a trendsetter for my family, but I have since convinced them all about Scottish independence.

Of course, devolution is not independence, but this Parliament has done sterling work—on inequalities facing women, domestic abuse, the definition of rape in rape trials, how the courts deal with sexual assault victims, and much more. To prove the point, tonight the Parliament passed a terrific bill on domestic abuse.

I set up the first cross-party group on men's violence against women and children in 1999, which was almost exclusively made up of women. With hindsight, I should have set up the same group, but for men, because all the issues are really men's issues. However, I am gratified that our cross-party group has gone from strength to strength.

We have had very fine debates in the Parliament. One of the best that I recall was the debate on the Iraq war. Speeches across the political divide were outstanding. Coincidentally, just a week ago, another fine debate—on hate crime—took place. Again, no matter what side members were on, the standard was superlative.

The Parliament has also delivered good outcomes. I represent Clydebank, where the asbestos used in the shipyards and many other workplaces has caused devastation to people and their families—devastation that continues to rage. This Parliament courageously took on the House of Lords and won, securing compensation for those suffering from pleural plaques, which is an asbestos-related disease. I was involved in that campaign, and the result was gratifying.

It is fitting that my final speech is about Clydebank and the 80th anniversary of the Clydebank blitz. Although Clydebank was one of the first towns to be deliberately targeted for aerial bombing, it was not the first, nor, sadly, will it be the last.

As a result of German General Ludendorff's 1935 book "The Total War", which argued that no one should be spared during modern warfare, General Franco ordered an aerial bombing attack on Guernica, the defenceless ancient capital of the Basques, on 1 April 1937, during the Spanish civil war. Pablo Picasso's painting, also called "Guernica", records the event and is regarded by many in the art field and beyond as the world's most moving and powerful anti-war painting.

Prior to the Clydebank blitz, the general opinion was that the German Luftwaffe bombers would target only the shipyards and other industrial facilities. No one imagined that they would indiscriminately bomb the civilian population of the town, randomly killing women, men and children, but that is exactly what the Luftwaffe did to Clydebank on 13 and 14 March 1941. The targeting was carried out by the Germans' elite Luftwaffe pathfinder group, which makes it difficult

for me to believe that the bombing of the town was not deliberate.

One cannot imagine the horror of those two nights in March 1941, when more than 1,000 bombs and mines were dropped, along with thousands of incendiaries. It was reported that night turned into day due to the sheer number of firebombs falling across the town.

I ask members to imagine for a moment the terror that they would feel, knowing that they and their family lived below the flight path in accommodation that offered practically no protection, and that, should a bomb hit their home, they would be extremely unlikely to survive. Many of those who did survive recall the fear as they listened to the bombs falling all around them, and many were traumatised for the rest of their lives by that experience.

The Clydebank blitz was most devastating attack on civilians in Scottish history, and the raw statistics do not do justice to the despair and loss felt by the Clydebank community. Among the 526 recorded deaths were many families that had been completely obliterated—whole tenement closes of families vanished. Many of the 617 who were seriously injured died prematurely because of their injuries or were left disabled and unable to work. Among the thousands of walking wounded, many saw their health adversely affected and their life potential reduced.

As a result of the bombing and the fires, 99 per cent of houses were destroyed or badly damaged, with only seven remaining intact, and 35,000 people were made homeless. It is estimated that more than 4,000 residents left the town, never to return.

Stories of the bravery of the people of Clydebank during the blitz as they tried to put out fires and rescue their neighbours are legend. The population's stoic resilience in the aftermath must be admired. The emergency services worked themselves into a near standstill, with many firemen and ambulance crews continuing to carry out rescues even though they had severe injuries.

Still commemorated is the great courage that was shown by the crew of the Polish destroyer ORP Piorun, which was undergoing a refit at John Brown's shipyard, who voluntarily opened up their anti-aircraft guns to try to draw the blitz fire from the Luftwaffe bombers away from the town. As a tribute, the people of Clydebank built Solidarity Plaza in the centre of Clydebank to commemorate the bravery of the Polish Navy. Just last Saturday, a new granite plaque, which took 10 men to lift, was unveiled in the plaza in a small ceremony that involved three people. I was privileged to be one of the participants.

The rebuilding of Clydebank took years, and many people had to survive in appalling conditions, facing food shortages and having to travel many miles every day to work. We can therefore understand how important community spirit was, and still is to this day, in the town; I can bear witness to that. However, very few people know that the United Kingdom Government only loaned Clydebank Burgh Council the money to rebuild the town. As far as I am aware, other towns that were blitzed were given grants. That reverse reparations money was added to and collected from household rents, and repayment continued for 50 years, until 1995.

Many events were planned to mark the 80th anniversary of the Clydebank blitz, but they were, unfortunately, cancelled due to Covid-19. However, I thank the First Minister, the Presiding Officer, Jackie Baillie MSP and Martin Docherty-Hughes MP for marking the occasion by contributing to the booklet of commemoration. We should not forget to thank Bailie Denis Agnew and the organisation committee of West Dunbartonshire Council for all their work in organising everything that has taken place. I also thank the Royal Scottish National Orchestra, which commissioned the composer Christopher Gough to write a piece of music called "Clydebank '41" especially for the 80th anniversary.

I will finish by thanking, on behalf of the people of Clydebank, the Scottish Parliament for allowing me to have this debate on 17 March—the 80th anniversary, to the day, of the laying to rest of 22 unidentified victims in an unmarked mass grave.

Many thanks for listening to me. [*Applause.*]

The Deputy Presiding Officer: I will take first two members who have commitments. I know that Mr Corry has to get to his cross-party group.

18:48

Maurice Corry (West Scotland) (Con): Thank you very much, Presiding Officer. I apologise to Gil Paterson and other members for having to leave after my speech and before the end of the debate.

On behalf of the Scottish Conservatives, I wish Gil Paterson well in his retirement. I know how hard he has worked in the Clydebank and Milngavie constituency. I have heard many wonderful reports about that, and I sincerely thank him for it.

It is a real privilege to take part in the debate, and I thank Gil Paterson for securing it.

Eighty years ago, over the nights of 13 and 14 March 1941, one of the Luftwaffe's most intense and destructive air raids of the second world war took place from the skies above Clydebank—a town vital for its wartime industry. It would result in

the loss of 528 people and serious injuries for hundreds more. That death toll, which is believed to be higher in reality, speaks to the overwhelming tragedy that that community was forced to endure in the sudden destruction, which was far reaching in its impact.

The Luftwaffe sought to strategically attack industrial, mainly naval, targets—munitions factories and shipyards across Clydeside, including the famous Singer and Royal Ordnance factories—and in doing so, it was partly successful. Although it was the concentration of industry that drew the enemy action, it was Clydebank's housing that took the biggest hit overall, with dreadful consequences. Out of a total of 12,000 houses, only seven were unaffected and 4,300 homes were completely destroyed. Tenement housing closest to the industrial centre, packed with wartime workers, suffered the worst casualties. There was barely a street without damage and multiple generations of entire families were lost in an instant. On Jellicoe street, one family lost 15 members, with one sole survivor. Identifying victims proved very difficult—understandably—and in many cases took months. Some people were never accounted for.

The damage and destruction were extensive and severe. Thousands of buildings were destroyed—and schools, churches, railways and power and water supplies were not excepted. Emergency rescue efforts were hampered by the seemingly unending fall of bombs and the resulting road blockages.

Following hours of irreparable and grievous destruction over two nights, we can only imagine the terror and shock awaiting those stepping out of their air raid shelters for the first time, as they saw the town damaged beyond recognition and their homes having disappeared. At that moment, the sobering reality of war and the horror of loss must have weighed extremely heavily on their minds.

For many, the devastating bombardment left nothing to return to, and it forced the displacement and emergency evacuation of thousands: the sudden wave of homelessness saw 11,350 people urgently needing accommodation. The community would not return to what it had been; following a second night of bombing, out of Clydebank's 50,000 residents, only 2,000 remained.

There are many stories of courage and gallantry in the rescue effort. Perhaps the most well-known story is the part played by ORP Piorun—as Gil Paterson mentioned. The boldness of the Polish destroyer's crew was matched by many others on land, who raced to find survivors and victims as the raids continued.

I recognise, with regret, that we cannot commemorate this anniversary as we would wish,

with large public gatherings for the whole community to remember alongside one other. However, that does not stop us carrying out our own personal acts of remembrance to remember those whose lives were cut short and paying tribute to the many who joined the response efforts. We should not forget the resilience of the community and its workers and their resolve to persevere in a war effort that had already claimed so much from them. Tonight, we remember all those who paid the ultimate sacrifice in the Clydebank blitz as well as those who sustained life-changing injuries.

18:52

Jackie Baillie (Dumbarton) (Lab): I congratulate Gil Paterson on securing the debate and I am glad to take part to mark the anniversary and to pay tribute to those who lost their lives in the Clydebank blitz and those who fought to save them.

Before I start, I want to say a couple of words about Gil Paterson, whose motion we are debating tonight. I understand that Gil is not seeking re-election after a long and illustrious career, and that that was one of his final speeches in the Parliament. It will certainly have been the final members' business debate that he will lead.

Gil Paterson and I have been colleagues in the Parliament since 1999—we all started young. Since 2011, we have been neighbours, representing the bordering constituencies of Clydebank and Milngavie, and Dumbarton. I am sure that Gil Paterson would be the first to tell you that he and I do not always see eye to eye, but I am sure that he will agree that we have always enjoyed a friendly relationship. On issues such as asbestos and St Margaret's hospice, we have been of one mind. I wish him all the best in a well-deserved retirement and I thank him for his years of service to the west of Scotland and Clydebank and Milngavie—it just proves that Bankies and sons and daughters of the rock can, after all, work together.

Despite taking place 80 years ago, the devastation caused by the relentless bombing of Clydebank is still felt by many today. Debates such as this one are vital. It is important to remember the extent of the devastation and destruction caused and to honour the dead. Such debates remind us that, collectively, we cannot allow such a war to happen again.

Following the raids, towns across the United Kingdom mourned with Clydebank, each knowing that it could be them next. As Gil Paterson rightly pointed out, 99 per cent of all houses in the town were damaged, hundreds of innocent members of

the public lost their lives, and many more were left with terrible lifelong injuries.

The bombing raids destroyed homes, and many businesses, and therefore livelihoods, were lost too. We know that the shipyards were the target of the raids, but it is widely acknowledged that the longest-lasting damage was suffered by local civilians and the town of Clydebank. It is important to pay tribute to the bravery of the emergency services and the many local people who worked together to fight fires and take care of the wounded over those two fateful nights. Local volunteers put themselves in harm's way in order to save others. Such a level of selflessness makes those people nothing less than heroes. If it were not for their bravery and determination to get injured people to safety, even more would have lost their lives.

I pay tribute to those from my community of Dumbarton who also lost their lives during the bombings. As some members in the chamber may be aware, on those fateful nights, one raid missed its planned target of Clydebank and instead kept going to Dumbarton and hit homes in Clydeshire Road, which is just a five-minute walk from my house. The raid was not expected, and appropriate cover and shelter had not been sought out. Yet more innocent lives were lost.

Commemorating the anniversary is a poignant way of remembering all those who lost their lives, both during that blitz and throughout the second world war, in Clydebank and across the UK. In the face of adversity, Clydebank came together, and it is right that we should do so again now to remember them.

18:56

Tom Arthur (Renfrewshire South) (SNP): I thank my friend and colleague Gil Paterson for securing the debate. I also pay tribute to him for his years of public service, and as a supporter of White Ribbon Scotland, I recognise his tireless campaigning to end male violence against women. On a personal level, I thank him for his friendship, advice and counsel over our many phone call conversations over the past year. I wish him the very best for his retirement.

Gil Paterson spoke of how the attacks on Clydebank turned night into day. I was reflecting on that, because Johnstone, in the western part of my constituency, is about 6 miles south-west of Clydebank. The approach via Gleniffer Braes is an elevated part of Renfrewshire. I can only reflect that, 80 years ago this weekend past, it would have been possible for the residents in Johnstone—who were not sheltering as the air raids were taking place—to have seen the glow from Clydebank.

I will focus my remarks on another part of my constituency—Barrhead. As Jackie Baillie illustrated in her speech, although other areas suffered nowhere near the level of devastation that Clydebank suffered, other areas faced attack by the Luftwaffe that night. A parachute mine and incendiary bombs fell in Barrhead. I will recount some of the experiences of people in Barrhead that have been shared with me indirectly by children and grandchildren of those who remember that night. In particular, I thank my constituent Matt Drennan for sharing with me some extracts from his book with Keith Fergus, "Barrhead and Neilston: Then & Now". There is some conflict about whether the attack in Barrhead occurred on 13 or 14 March, but there is consensus that it took place at the bottom of Adelphi Brae, otherwise known as Springhill Road, in Barrhead. A pub there was destroyed and the publican, a 56-year-old gentleman named Gavin McKinlay, was killed. From speaking to people who were there that night, I know that shops further along were severely damaged as well, with the glass plating of the co-operative, now Barrhead Housing Association, at the top of Cochrane Street being blown out.

I will share some of the reminiscences of constituents, who are sons, daughters and grandchildren of those who remember that night. Jim Mcgauley notes that

"My mum's hairdresser shop was blown up by the bomb, and the publican of the Arthurlie Inns was killed by it."

Mari Kuhn notes the account of her late father, William Edgar, who stated:

"I lived in Barrhead in a complex. I was about 14 or 15 years old and enemy planes were going overhead. I remember the noise they made 'chug, chug, chug'. They were going to Clydebank and Yoker to blitz both towns. A bomb dropped in Barrhead on the way back to Germany. They dropped it to lighten the load; they dropped the remainder of their bombs to get home quicker. Two or three of the air raid shelters in Barrhead got bombed and the stair collapsed in a local pub and killed the landlord."

Joan Carlile notes:

"My late father, William Ferguson, was a paper boy for Shepherds newsagents ... at this time, he would have been 13yrs old. The morning after the bomb he arrived at the shop to collect his papers and found all the shop windows broken and 'sweeties' strewn everywhere. My late mother, Joan McIlreavy, spent that night sleeping with her grandma Isabella Reid, in Cross Arthurlie Street, she was 8yrs old. They were wakened by the explosion and my mum said there was broken glass all over the bed, very frightening for them."

Those testimonies are powerful. I would like to share one final account from a constituent, Janet Walton:

"my grandparents lived in Lavern Crescent. No 44, a 4 in a block. They had an Anderson shelter at the bottom of the garden backing onto Kelburn St. They brought my Grans, Aunt Jessie over to Barrhead from Clydebank thinking she

would be safer there. On the night of the Barrhead bombing my Grandfather and upstairs neighbour, John Ross were out the back door when they saw something coming toward from above. They thought it was a German on a parachute. They shouted to those indoors to get under the dining table and he and Mr Ross would deal with this paratrooper. They grabbed garden forks and got ready for action. However the German quickly turned out to be a landmine that blew my Grandfather back into his hall. Blew the windows out and brought the ceiling down. Apart from superficial cuts and bruises the men were fine, and all of those under the table were fine, just badly shaken. My grandparents were rehoused temporarily in Carnock Cresc., and the Ross family in high Levern until the block was made habitable again. I think it was a few months. Aunt Jessie's town of Clydebank was devastated that night. Gavin McKinley was killed that night when his public house was bombed at the corner of Spring Hill Rd. and Main St. My Grandparents were Janet and James Coleman."

Many of those voices are now receding into the distant past, but it is important that we remember them. When we commemorate, it is not just an act of remembrance and honouring the dead; it is learning the lessons of what humanity is capable of doing. Within living memory, our fellow Europeans took off from one part of the continent and came here in aircraft laden with explosives, with the intent of dropping them and killing other human beings. It is important that we have debates such as this to commemorate and remember and, most important, to learn those lessons. Peace, security and stability, our first duties as politicians, are so precious.

19:02

Kenneth Gibson (Cunninghame North) (SNP): I am delighted to contribute to the debate; my friend and colleague Gil Paterson's valedictory speech dealt with the most far-reaching event in the history of his constituency, and I congratulate him on securing the debate. I said to Gil, whom I have known for more than 40 years, that he is too young to retire, given that he is only 11 days older than President Biden, who is just starting his first presidential term.

The blitz came relatively late to the west of Scotland. The first aerial attacks were made on England in the summer and autumn of 1940, but the Luftwaffe focused on Scottish targets only in the following year. Before March 1941, the war had brought high levels of employment to communities in Clydebank after the depression, and many found work primarily in the armaments factory at the Singer sewing machine works, or at John Brown's shipyard. However, the high number of factories and shipyards, surrounded by more than 12,000 packed homes, also made Clydebank a prime target for German bombing raids.

Brendan Kelly of Dalmuir, who was nine years old when Clydebank was blitzed, said that before that night he

"didn't really understand war. I didn't really think that people could get killed and blown to pieces and never ever come back again. I never thought about that until the 13th of March."

Brendan had spent that day playing football on Jellicoe Street with his neighbour and best friend, Tommy Rocks. It had been a sunny day. Winter was drawing to a close and, with bedtime approaching, both friends ended their game and sat in their tenement close contemplating the full moon, which started rising over the industrial town. "Look at that moon," said Tommy Rocks. "If Gerry comes tonight he cannae miss."

It was a bomber's moon, and Gerry did come that night—a night that would change Clydebank forever. Over two nights, 439 Luftwaffe bombers dropped more than 1,650 incendiary containers and 272 tonnes of bombs on Clydebank and its surrounding areas. When the sirens screamed, Brendan was sitting in the living room. His father was reading the evening paper while his mother was next door at the neighbours, knitting a pullover for him.

There were up to 40 false alarms in the months leading up to the Blitz and, on 13 March, many thought that it was just another false alarm; that included 11-year-old Betty Norwood, who had been attending a concert at the Co-op hall in Hume Street. Ignoring the sirens, the concert continued until the windows fell in and the balconies started collapsing. Betty and her mother were pulled from under the rubble and headed to the basement of the Co-op hall, where they remained until 7.30 the next morning.

Brendan Kelly and his family took refuge in one of the communal shelters. The last bomb fell on Clydebank at 5.47 am. The all-clear was sounded half an hour later and survivors came out from wherever they had sought protection to discover the town in a state of utter devastation. Although Brendan's tenement was still standing, all those to one side had been destroyed and his friend Tommy was one of 15 members of the Rocks family to have died next door.

Tens of thousands of people were without homes or possessions and wanted to escape Clydebank as soon as possible, while those who stayed behind in the wreckage of their homes and church halls prepared themselves for a second night of bombing.

Throughout the town, only seven or eight buildings, including Brendan Kelly's tenement house, remained unscathed. German bombers had destroyed 4,000 houses and severely damaged a further 4,500. According to an official count in 1942, the raids had killed 1,200 people that night and seriously injured many more, while another 35,000 people had been made homeless.

Unable to give a proper account of what had happened due to wartime censorship, the press published vague reports of the dogged blitz spirit following

“some bombs on a town in the west of Scotland”.

Unaware of the true devastation, soldiers would subsequently return to Clydebank from military bases across the country to surprise their families, only to discover that their home town had been reduced to rubble and that many of its inhabitants were gone forever.

Thirteen and 14 March 1941 are among the darkest days that this country has seen. Today we remember all those who perished, as well as those who lost everything as a result of the bombings. We must do all that we can to prevent war, wherever it might rear its ugly head.

I again thank my friend and colleague Gil Paterson for this debate. He will be sadly missed by all of his colleagues.

19:06

Ross Greer (West Scotland) (Green): I also thank Gil Paterson for bringing the debate. I have not known him for 40 years, but I have known him for almost half my life, including the time that I spent as member of the Scottish Youth Parliament for Clydebank and Milngavie. We have not always agreed, but I have enjoyed our work together. In fact, I have enjoyed it more when we have disagreed and could have a good rammy, not least during the independence referendum, when we disagreed not about the eventual outcome but about the dreary details of which streets to leaflet first.

I am grateful to Gil for bringing the debate, which is a deeply personal one for me. My gran passed away almost two years ago. Her name was Nancy Greer, but on 13 March 1941 she was five-year-old Nancy McGuigan and she lived in Clydebank. She had already been evacuated to Ayr—both my grans were evacuees, one to Ayr and the other to Drymen—but, in what was probably the most spectacularly unfortunate timing in her whole life, my gran and her mum returned to Clydebank on 13 March. She witnessed the near-total destruction of her town over the following two nights.

Despite her age, my gran remembered that for the rest of her life. It was something that she shared with us and with the occasional interviewer. My gran told me of her vivid memories of being one of the children hiding under the stairs at the bottom of the tenement close, of all the adults leaving to fight the fires that engulfed most buildings not obliterated by direct impact and of

the orange glow that she saw through the windows as those fires came to every street.

In about 36 hours, Clydebank was destroyed around my gran. It was the only town in the United Kingdom to suffer such a fate during the war. My gran and her family were able to go back to Ayr, but more than 35,000 people were made homeless during those two nights. Residents of Bearsden further east and in Knightswood to the south woke in the morning—if they had managed to sleep at all—to see snaking lines of refugees making their way along the main roads with whatever possessions they had left.

Around 1,200 people died and more than a thousand were seriously injured but, as Kenneth Gibson said, that number was not known until the *Sunday Post* managed to evade the censors to publish it a year later, after which it was officially acknowledged. At the time, the Government insisted that about 500 people had died during the raids across all of Clydeside, despite 647 having died in Glasgow alone, a figure entirely separate from the Clydebank death toll.

The Government's lack of support went as far as a failure even to supply a sufficient number of cardboard coffins. Many people were buried in mass graves, which the *Sunday Post* had photographs of, although it could not get those past the censors without cropping out the bodies.

The intensity of the bombing is impossible to imagine for anyone who did not live through it. A member of my church congregation told me last week that she remembers seeing the glow and the smoke from Perthshire. People heard the bombs in Bridge of Allan.

Of course, Clydebank did not go undefended. The British anti-aircraft defences in the Kilpatrick hills and elsewhere had little ammunition and they ran it dry very quickly but, as has been mentioned, they were not the only ones to answer the Luftwaffe that night. The ORP Piorun, a destroyer of the Free Polish Navy, was in dry dock for repairs. Ships in dry dock are not supposed to have ammunition on board, for obvious reasons, but it is clear that the Piorun's crew had decided otherwise. Despite being under no external orders to do so, they returned to their ship and, for two nights, returned fire on those who set out to destroy Clydebank. The Piorun and her crew, who went on to play a role in sinking the Bismarck—they spotted the Bismarck and began the final pursuit—are rightly remembered at a memorial opposite the town hall.

It was not just Clydebank that suffered on those nights. As I said, the death toll elsewhere was terrible, although nowhere was it as completely destructive as it was in Clydebank. Another reason why the debate is so personal to me is that my

church, the then Bearsden South church, was directly hit by incendiaries and completely destroyed. The building in which my parents were married and my brother and I were baptised, and where I now worship, was built on the very same spot in the early 1950s. You can tell that it is a post-war building, because it was clearly built with whatever was available—a fact that causes our property committee no end of grief to this day.

Some members might know that I lead our church youth group. A few years ago, I was privileged to arrange for the members of that group to interview a member of our congregation who had also lived through and remembered the events of 1941 in Clydebank. His memories and those of my gran mean a huge amount to me.

Eighty years and two generations on, it is almost inconceivable that we faced the threat of total destruction on this island and that, within living memory, a force of true evil was intent on our defeat and conquer. I have a copy of the Bearsden Invasion Committee instructions from 1942, which were shared with me by the kind gentleman from my church who had experienced it all at first hand. I want to highlight just three of the 12 do's and don'ts in the event of a German invasion:

"If you hear church bells ringing, it is a warning to the local garrison that troops have been seen landing from the air".

In the case of Bearsden, that would have been the garrison at the Maryhill barracks.

Number 5 was:

"Hide away your maps, money, valuables and food."

An important tip was given:

"Several small places are better than one large hiding place."

Number 10 was to completely immobilise your car or your motorcycle. Even now, in an era in which the Government is issuing what we would consider to be unprecedented instructions on how people are to live their everyday lives, instructions such as those that I have just read out are completely inconceivable.

Eighty years on, I think that it is only right that we reflect on the terrible events of the blitz. Many of the people who fled those bombs never returned, and Clydebank was never the same, but some did come back and rebuild, including members of my family, and I am grateful for the opportunity to share their stories tonight.

The Deputy Presiding Officer: Because of the number of members who still wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes.

I am delighted that we can now see Mr Paterson on screen, and I invite him to move the motion.

Motion moved,

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

Motion agreed to.

19:13

Gillian Martin (Aberdeenshire East) (SNP): I want to put on record my thanks to Gil Paterson for securing the debate and for his brilliant valedictory speech, his friendship and our many chats, and for giving me the opportunity to explain why an Aberdonian like me is compelled to speak about the Clydebank blitz. The reason for that is that my grandparents and great-grandparents were Bankies and lived through the blitz.

My papa, Tommy Sanders, was an engineer. Like many young men in Clydebank, Tommy had to stay at home and work in Barr & Stroud's, Singer's or Beardmore's for the war effort, rather than join the forces. My papa never spoke of the blitz, except once, which I will come on to.

As many members have said, the bombing was initially aimed at the munitions factories and the shipyards. The German bombers were largely unsuccessful in devastating those targets, and the bombs fell mostly on family homes. One possible explanation that some have given is that the pilots were not very good, but that is not entirely true. The fact is that the men and women who kept the factories running were targets, too. That was proved to be the case on the second night of bombing, when it was deliberately concentrated on the people of Clydebank.

At the time of the blitz, my father had not been born. He did his apprenticeship at Singer's in the 1960s and went on to work in John Brown's shipyard until he took his family to Aberdeenshire. He told me last night on the phone about stories that he had heard about the Polish sailors moored on the Clyde who manned guns to take down the German planes, as many members have mentioned; the decoy lights in the moors made to look like tramlines to fool the German pilots; the village of Inversnaid near Loch Lomond, which was decimated as homebound German planes unloaded their unused bombs; and the burning woodpile made up of materials for sewing machine cabinets at Singer's that lit up the whole town as the bombs fell.

My mother—also on the phone—was at pains to tell me that our families were lucky. They lived when whole Bankie families were wiped out, such as 15 members of the Rocks family who my gran Jessie knew, as she was friends with the daughters.

On the mornings of 14 and 15 March 1941, my family—the Taylors, the Browns, the Jameses, the Sanders and the Loudens—came out of shelters and made their way back to where their homes once stood. The only family member who went back to an intact house was my great-aunt Margaret, who lived in Agamemnon Street. Her relief at still having a home for her three wee boys was short lived. An unexploded bomb was found and it had to be detonated, completely destroying the house. Indeed, Bankies were finding unexploded bombs for decades afterwards. My brother has an early childhood memory of us standing at our doorway in Wells Street to listen as one was detonated.

Like thousands of people, my papa was made homeless by the blitz. His family home in Bannerman Street was flattened. His parents were moved to Dumbarton, but my great-grandmother Margaret Sanders never recovered from the trauma of those nights and died of a stroke within weeks. My papa was taken in by the people who would become his in-laws in Yoker. During the blitz aftermath, he helped his future father-in-law, Laurie Brown, who was an ambulance driver. The two of them spent days and nights rescuing people and collecting the bodies of the many people who did not make it to shelters.

I said that my papa spoke only once about what he saw. He told my father that many people he recovered looked like they were still alive but sleeping. The flying debris did not kill them—it was the oxygen being sucked out of the atmosphere by the explosion.

As oral histories go, it is scant but devastating. Many Bankies like him who lived through those dreadful nights felt enormous trauma as a result of what they saw and the grief for those they lost. They could barely speak of it. Gil Paterson's speech has been a fitting tribute to them, and I wish him all the best as he steps down as a true champion for all Bankies, past and present. As a Bankie who became an Aberdonian, I thank him.

19:17

Bill Kidd (Glasgow Anniesland) (SNP): I, too, thank Gil Paterson for lodging the motion. He had a specific reason for doing so, which is not widely known: Gil was the role model who was used for Private Pike in "Dad's Army". Members can add the years together and work it out for themselves.

Although the devastating aerial attacks against the United Kingdom in the second world war started in 1940, it was not until March 1941 that the Luftwaffe focused its efforts on some of Scotland's large industrial towns.

On 13 and 14 March 1941, more than 200 Luftwaffe bombers devastated the town of

Clydebank. The first assault was against the factories but, as has been said, on the second night, the workers' houses were most terribly hit in the blitz. Of the 12,000 homes in Clydebank, fewer than 10 remained undamaged, and 4,300 were destroyed when 90 tonnes of high explosives and hundreds of incendiary bombs fell, all on a densely populated area of just 2 square miles.

The main factory targets included the armaments factory, the Singer Machines sewing-machine works, the John Brown and Company shipyard, and the William Beardmore and Company engine works, all of which employed large numbers of people from the nearby area of Temple, which is now in the Anniesland constituency, where much of my family comes from.

My granda Davie Gray built a large Anderson shelter round the back of his home, as was fitting for someone with 13 children. He also took in neighbours during wartime. In fact, it is well known within my family that, at this time—on 14 March 1941—when the family had retreated to the Anderson shelter, an old man who lived in the close came running in, in a state of undress, and said to my granda, "Davie, they're really throwin it doon the night. We might no be lucky this time." My granda said to him, "Yer right, Willie, but A'll tell ye, there's a lot o weans in here—away and put some bloody troosers on." That story is well known within my family. My granda was a stone mason, so his language is not quite suitable for the Parliament, so thank you, Presiding Officer.

The official death toll from the bombings was 528, but it is widely believed that the number was higher than that. On 17 March, 11,350 people were recorded as being homeless and were allocated alternative accommodation. The German bombing campaign on Clydebank resulted in more death and destruction than happened elsewhere in Scotland during the second world war. Many of the survivors left the town to seek refuge; of the 50,000 residents, only 2,000 remained in town after the second night of bombing. Despite that, for the sake of the war effort Bankie workers made their way back to the town to work in the hastily restored factories—bar the engine works, which was completely destroyed. Many people slept in bomb shelters and churches, and returned to see their families only on weekends.

Those efforts ensured that, within a few weeks of the bombings, industrial output in Clydebank had returned to peak levels. Workers in Clydebank factories were vital for the war effort, producing battleships, arms, munitions, and even Singer sewing machines, which sustained quick production of army uniforms. The outcome of the second world war was determined by the

resilience and efforts of people like them across Scotland and the rest of the UK.

The collective response of people who were faced with extreme adversity saw us rise from the ashes to keep on fighting until the war was won. It is that spirit that we remember today, alongside the many lives that were unjustly lost. We should draw lessons from that resilience as we find ourselves in another time of significant challenge from Covid and the loss of family and friends.

19:21

The Minister for Parliamentary Business and Veterans (Graeme Dey): I thank Gil Paterson for securing this members' business debate to mark the 80th anniversary of the devastating events that took place in Clydebank.

It is only right and proper that we have come together to reflect on what was the worst destruction and loss of civilian life in Scotland during the second world war, especially because the planned commemorations have been so impacted by the pandemic. Before I address that, as other colleagues have done I acknowledge, on the occasion of his final chamber speech, Gil Paterson's contribution to the work of this institution.

Gil is another one of the class of 99 who is standing down at the coming election. He has been a mainstay of Parliament since he was first elected, serving as a list member for the Central Scotland and then West of Scotland regions before winning the Clydebank and Milngavie constituency in 2011. He has served his constituents with great diligence, and I wish him well in what I hope will be a long and enjoyable retirement from front-line politics.

What is clear from the debate is the widespread recognition of the formidable spirit of the people of Clydebank, and of the bravery and commitment that they showed in rebuilding their community and lives under such terrible circumstances. As we have heard, over the course of two nights more than 400 Luftwaffe bombers dropped more than 1,000 bombs and incendiaries on the town. Ironically, neither of their principal targets—the John Brown shipyard and Beardmore's diesel engine works—were seriously damaged, relatively speaking, but the devastation otherwise was unimaginable in its scale and impact.

The first raid lasted nine hours; the second, seven and a half. The terror that was visited on those who were caught up in the raids is completely unimaginable. It is horrifying to think that of approximately 12,000 houses, only seven remained undamaged by the blitz, leaving—as we have heard—more than 35,000 people homeless and so many families devastated by loss and

injury, with more than 500 residents being killed and in excess of 600 being seriously injured. As Gil Paterson and Gillian Martin highlighted, the health legacy was substantial.

Even in those catastrophic circumstances, the blitz did not break the spirit of the people of Clydebank, whose unwavering courage in the face of the Luftwaffe was evident in their remarkable deeds over the course of those two nights. Confronting utter devastation, they pulled together and worked continuously for three days to rescue trapped victims and minimise losses. The vibrant community that we see today is the very best legacy of their unwavering determination and courage.

Not only did the people of Clydebank pull together, but, as colleagues have noted, the brave crew of the Polish Navy destroyer ORP Piorun played a significant role in the town's defence while she was docked for a refit at John Brown's shipyard, firing a sustained anti-aircraft barrage at the attacking force. Coincidentally, prior to the Polish Navy acquiring her, the ORP Piorun was constructed in that same John Brown dockyard at Clydebank that she defended during the blitz.

On 14 March 2009, a monument that commemorates the civilians who were killed during the blitz was unveiled in West Dunbartonshire, with the names of the people inscribed on a bronze plaque. That memorial sits over the remains of Clydebank's unclaimed dead to ensure that we never forget those who lost their lives, and that we allow current and future generations to learn from the events of the past.

Another memorial—known as Solidarity Plaza—is located directly opposite the town hall and serves as a fitting tribute to the bravery and selflessness of the Polish crew of ORP Piorun. It is very appropriate that we have such tangible reminders of the events of 80 years ago.

I am delighted to contribute to the debate and to pay tribute to Gil Paterson as he calls time on his lengthy stint in Parliament. It is testimony to the subject matter and to the esteem in which Gil is held that so many members have stayed so late to make speeches—some of them memorable and moving and, in Bill Kidd's case, rather colourful.

The Deputy Presiding Officer: That concludes the debate. I thank members for informed, personal and extremely interesting contributions.

Meeting closed at 19:26.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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