



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

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Scottish Parliament

Tuesday 20 May 2025

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

Time for Reflection

The Presiding Officer (Alison Johnstone): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Pastor Paul Coventry of Greenock Baptist church.

Pastor Paul Coventry (Greenock Baptist Church): Good afternoon. Presiding Officer and members of the Scottish Parliament, thank you for the invitation to lead this time for reflection.

Last Tuesday, the Parliament debated the Assisted Dying for Terminally Ill Adults (Scotland) Bill, and passionate and emotive speeches were made on both sides of the argument. Members will be glad to hear that, in speaking today, my purpose is not to add to that subject but to comment on a question that is often heard when such important social issues are being wrestled with: what role, if any, do faith convictions play in such discussions? Often, when a politician or a citizen reveals that their position on a subject has, to some extent, been informed or shaped by their religious convictions, those views are dismissed as illegitimate or inadmissible. It is sometimes said that religious faith is a private matter and has no place in the public sphere of ideas.

Yet, where would our nation be had it not been for the men and women of strong Christian conviction who advocated for social change? In previous generations, it was largely those with Christian voices, who had been driven by their faith, who stood at the forefront of prison reform, the abolition of slavery, the end of child labour, the beginnings of the trade union movement and so much more. Perhaps they, too, should have kept their faith to themselves and not interfered in public matters. On the aforementioned difficult subjects of suffering and death, it was her Christian conscience that led Dame Cicely Saunders to found the hospice movement and bring an intensified focus on palliative care. Women and men have been motivated to speak up and to act because of their Christian convictions and their belief in the dignity and value of every human being.

As a Christian, I take seriously the words of Jesus, who said to his would-be followers:

“You are the salt of the earth ... You are the light of the world.”

Back then, in a world without refrigeration, salt was used as a vital preservative to prevent meat from decaying. In a world without electrical illumination, the lighting of a simple oil lamp was necessary to dispel the darkness when the sun went down. The point of Jesus’s metaphors was simply that, in a world that, if left to itself, would tend to decay and darkness, his disciples were to be its salt and its light. He was telling them that they were to prevent decay and to ensure that light shone.

Therefore, we ought not to silence the voice of faith in the public square. Dignity, fairness, equality, compassion are not only natural and commonsense enlightenment values; they are rooted in our Judaeo-Christian ethic, which holds human beings to be made in the image of a loving and a gracious God. May they continue to be unashamedly heard.

Thank you.

Business Motion

14:04

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-17606, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out changes to the business programme. Any member who wishes to speak to the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 20 May 2025—

after

followed by Topical Questions (if selected)

insert *followed by* Ministerial Statement: Scottish Government Response to the Outcome of the EU-UK Summit on 19 May 2025

delete

6.30 pm Decision Time and

insert

6.00 pm Decision Time

(b) Thursday 22 May 2025—

Delete

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Net Zero and Energy, and Transport and

insert

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Net Zero and Energy, and Transport

followed by Ministerial Statement: Response to the Housing Emergency—[*Jamie Hepburn*]

Motion agreed to.

Topical Question Time

14:05

Flamingo Land (Lomond Banks)

1. **Ross Greer (West Scotland) (Green):** To ask the Scottish Government whether the Scottish ministers will call in appeal PPA-002-2021 on the Flamingo Land Lomond Banks resort development. (S6T-02531)

The Minister for Public Finance (Ivan McKee): I am aware that a reporter has issued a notice of intention to allow the appeal and grant planning permission in principle, which is subject to 49 planning conditions and a legal agreement being reached and put in place.

As the appeal remains live, members will understand that it would not be appropriate for me to comment on the proposal. However, I recognise that many people have a keen interest in the reporter's intended decision on the planning appeal. Given the very technical planning issues that are raised in this case and the high level of public interest, I consider that it is appropriate that objective planning judgment is applied. For that reason, I do not intend to recall this appeal.

Ross Greer: As he would expect, I am incredibly disappointed by the minister's response, in particular the implication that it would not be appropriate for ministers to get involved. To be absolutely clear, paragraph 3 of schedule 4 to the Town and Country Planning (Scotland) Act 1997 specifically gives that power to ministers, not officials. In 2008, the Scottish Government intervened to overturn Aberdeenshire Council's rejection of Donald Trump's Menie golf course. It was ministers, not officials, who overturned local democracy in order to help an American millionaire trash a sensitive natural environment.

In this case, the Government's own environment watchdog, the Scottish Environment Protection Agency, has said that the application clearly breaches flood protection rules and does not meet the exceptions that are set out in the national planning framework. That is not to mention the 250 extra cars an hour that it would bring at peak times to already congested roads, such as the A82.

Does the minister accept that the law clearly gives him the power to intervene, and will he do so and reject this mega resort on the basis of the overwhelming expert evidence on the damage that it would do to a world-famous location?

Ivan McKee: The expert in this case is the reporter, who is tasked with going through the planning regulations as they apply and looking at

the evidence in depth. The reporter has issued its notice of intention, which runs to 80 pages. As I said, it contains the 49 conditions that need to be in place before the approval can be given. That is the reality of the situation.

The planning regulations have been considered in this case. The reporter has reached their expert opinion based on the evidence, which is subject to the planning conditions and legal agreement being put in place. On that basis, I have no intention of recalling the appeal.

Ross Greer: Flamingo Land's mega resort proposal was opposed by a record 155,000 people. Objectors included the National Trust for Scotland, the Woodland Trust, Ramblers Scotland and SEPA, our national environment watchdog. The national park's own experts recommended refusal, and its board unanimously rejected it on the bases of flood risk, loss of nature and biodiversity and a conflict with the national park's aims, which are set out in law. That has all now been overturned by an official.

Does the minister understand why it looks like the profits of a theme park operator have been put ahead of Scotland's national interest and our world-famous natural environment?

Ivan McKee: As I said earlier, the reporter has gone through the evidence and looked at it in the light of the planning regulations. They have looked at all the evidence that Ross Greer has mentioned and put together their report on the appeal. The report, which I encourage Ross Greer and others to look at, has put in place 49 planning conditions—they address all the issues that Ross Greer has raised—that need to be satisfied before the proposal is progressed, and a legally binding agreement is required to be put in place.

As I said, all the issues that Ross Greer has raised have been considered in the report. He should go and read it and look at the 49 planning conditions and reflect on the reality of the decision that the reporter has reached. It is an impartial expert view, and they reached a decision based on the evidence before them.

Jackie Baillie (Dumbarton) (Lab): I have had the benefit of reading the report, but I say to the minister that the A82 has insufficient capacity to carry the volume of existing traffic, never mind more traffic being added to it. When there is the slightest bit of sunshine, the A82 becomes a car park as people from across Scotland flock to Loch Lomond. Flamingo Land will make the position worse.

The minister will know that the reporter's decision flies in the face of expert evidence, the unanimous decision of the national park authority, the view of SEPA and the overwhelming majority of local people. I am bemused that the reporter's

opinion outweighs the opinions of all those ministerial appointees and expert agencies and, indeed, the view of my local community.

Therefore, will he take the time to visit the site, talk to local people and, on the back of that, review all the decision making and call in the planning application?

Ivan McKee: All the issues that Jackie Baillie has raised have been addressed in the reporter's considerations. As I have said, 49 planning conditions, addressing all of her points, have been put in place and must be satisfied before the application is taken forward.

As I said earlier, because the appeal remains live, members will understand that it would not be appropriate for me to comment on any of the specifics of the case, other than to say that those issues have been addressed by the reporter.

Pam Gosal (West Scotland) (Con): In my area of West Dunbartonshire, the Flamingo Land proposal received more than 150,000 objections. I have received correspondence from many constituents and organisations that are outraged by the decision. Yesterday, I was contacted by representatives from the Loch Lomond Rescue Boat, who said:

"This is not democracy—it is despotism—stamping on the well-based decision of the constituted planning authority, and on the wishes of the local population."

Why is the Scottish Government's reporter ignoring the views of the local population, which fought so hard against the development?

Ivan McKee: I will reiterate. If Pam Gosal reads the report that the reporter has put online, she will find that it very much addresses the objections that the public, organisations and other interested parties have raised. That is why 49 conditions have been put in place that must be satisfied before the proposal can be taken forward. A legal agreement also has to be put in place that satisfies all those conditions, precisely in order to address the specific concerns that she and other members have raised.

Lorna Slater (Lothian) (Green): I reiterate the calls from my colleagues that the Scottish Government should call in this planning permission.

Loch Lomond and the Trossachs National Park Authority has the aim of making the park

"a thriving place that is nature positive and carbon negative"

by 2045. That is in line with the priorities that are set out in our national planning framework, NPF4. The Flamingo Land theme park is a totally inappropriate development that will clear considerable woodland to build 104 lodges, two

hotels, a water park, a monorail and 372 parking spaces. The project's carbon footprint and damage to ecosystems will be enormous, and the park authority is right to reject it. Scotland cannot meet our climate and biodiversity goals if our national parks cannot lead the way. If the Scottish Government has any intentions of meeting its biodiversity and net zero targets, how can it not support its own national park in opposing that development?

Ivan McKee: Again, the reporter considered all the issues that Lorna Slater has raised and that were raised as objections to the development. That is why the requirement for the legal agreement is in place and why the 49 planning conditions are in place, which have to be satisfied precisely in order to address the issues that she has raised.

I do not want to go into the details of the case, because it is not appropriate for me to do that. The member can reflect on the fact that the specific objections that the national park made have been addressed by the reporter's work.

Mercedes Villalba (North East Scotland) (Lab): I thank my environmentally conscious constituents in the north-east who have contacted me with concerns that we might be about to see yet another of our national natural assets sold off and trashed by the highest bidder.

One constituent writes:

"It's not that long ago that the Scottish government made the grave mistake of overturning a local planning committee's decision not to allow Donald Trump to destroy the dunes at Menie, giving one of the nastiest people on the planet a foothold in our fair country."

In February 2024, the Department for Business and Trade identified Flamingo Land Ltd as having failed to pay its workers the national minimum wage. How does giving permission to the resort align with the Scottish Government's intention to end minimum wage avoidance under its fair work commitments?

Ivan McKee: Again, I ask the member to look at the reporter's report, which has been published, the 49 planning conditions and the requirements on the legal agreement and the Lomond promise that goes along with it. She will find that they address the very points that she has just raised.

European Union-United Kingdom Summit

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by Angus Robertson on the Scottish Government response to the outcome of the European Union-United Kingdom summit on 19 May. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:15

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):

Yesterday's agreement between the United Kingdom Government and the European Union is a matter of significant consequence for Scotland. The agreement will bring limited benefits to the wider economy while falling painfully short of the benefits that Scotland would have as a member of the European Union.

At a time of global insecurity, the importance of European nations working together cannot be overstated. The President of the European Commission, Ursula von der Leyen, captured that well yesterday, stating:

"We are friends, and we are Europeans, we are very like-minded. We share the same interests and the same values."

Those are the values of democracy, equality, rule of law and respect for human rights. The Scottish Government and the people of Scotland have long held that view.

Yesterday's agreement was an acknowledgement by the UK Government that we continue to live through the negative impacts of the previous Government's catastrophic error of inflicting a hard Brexit on the people of Scotland. Sadly, many of those devastating impacts will remain. The UK Government's release on the agreement stated that it:

"meets the red lines set out in the government's manifesto—no return to the single market, no return to the customs union, and no return to freedom of movement."

The Labour Government is trumpeting that it will hold fast to the Conservatives' hard Brexit, no matter the economic, social and security benefits that we lost by being dragged out of the EU. If it is serious about economic growth, the Labour UK Government needs to drop its red lines on rejoining the single market, the customs union and freedom of movement.

I must say a word about the defence and security partnership that was agreed yesterday. With war having returned to the continent, it is critical that we, in Scotland, can contribute to a

strong and united Europe and help to put an end to Putin's illegal full-scale invasion of Ukraine. It is clear that our common security will be strengthened by acting together. As the president of the European Council, António Costa, pointed out, together, Europe has great potential to deliver.

More generally, many parts of yesterday's agreement match the priorities that the Scottish Government has set out clearly and where we have called for progress for many years. That is, of course, to be welcomed. For example, progress on commitments to deepen aspects of justice and security co-operation with the EU is overdue.

As with our shared security, our mutual prosperity can most effectively be enhanced by acting together. I have called many times for an agriculture, food and drink—or sanitary and phytosanitary—agreement to reduce the checks on and delays in goods moving between Scotland and the EU. That will reduce frictions and delays in accessing important EU markets for our Scottish food exporters while also reopening the export of our seed potatoes. I would like to see rapid progress on confirming the scope and implementation of that agreement.

On energy, the linking of UK and EU emissions trading schemes is an important step forward, as are the wider initiatives on enhancing climate co-operation, and the commitments to explore rejoining the EU's internal electricity market, which has the opportunity to reduce energy bills for consumers here. Scotland has a huge offer to make to our neighbours with our resources and expertise to help to build the clean, renewable energy of the future. In that regard, I particularly welcome the reference to closer co-operation on new technologies and the possibility that it could create for Scotland to contribute to Europe's hydrogen backbone. Once again, we see that the most effective way to ensure security and prosperity for us all is to work together, and it is only through co-operation that we can confront the scale of the climate challenge.

On trade in services in the agreement, I welcome the commitment to further dialogue on the mutual recognition of professional qualifications and on short-term entry and temporary stay arrangements for business.

One of the gravest consequences of Brexit has been the loss of people's ability to move across Europe—for business, for study and for travel. Therefore, I am glad to see that the agreement contains a commitment to work towards a scheme to better enable young people in the UK to work, study and travel in the EU and vice versa. However, that pales in comparison with the benefits of freedom of movement.

We have for many years urged the UK Government to reassociate to the Erasmus+ programme to allow Scottish students the opportunity to study abroad and to allow Scotland to welcome the EU's students. The announcement that the UK and EU will work on the UK rejoining the exchange programme, subject to agreement on financial terms, is welcome. Sadly, a similar commitment to rejoin the creative Europe programme has not been agreed.

It is clear that the UK Government has finally sought progress in many of the areas where we, in Scotland, have called for action and where, frankly, it has been self-evidently in the interests of us all to co-operate with our neighbours across Europe.

Let me bring a note of realism and then propose a better way ahead. The fact that the agreement was reached without the explicit engagement of the devolved Governments on the negotiation detail—not least on fisheries—is not just an affront to devolution; it has put at risk and will continue to put at risk the benefits of any commitments for the people of Scotland.

Although it is true that the UK Government did give read-outs of some areas of progress, it reached an agreement on fisheries without any recourse to, involvement of or approval by the devolved Governments. In fact, all three interministerial meetings between the UK Government and the devolved Governments covering environment, rural affairs and agriculture, where fisheries should have been discussed, were cancelled by the UK Government.

The meeting scheduled for 10 March was cancelled by the UK Government. The meeting scheduled for 31 March was cancelled by the UK Government. The meeting scheduled for 12 May was cancelled by the UK Government. A call scheduled this last weekend, while negotiations were under way between the UK and EU, involving UK minister Daniel Zeichner and Scottish Government minister Jim Fairlie, was cancelled by the UK Government. An additional call scheduled this last weekend, involving the senior Scottish Government civil servant on European affairs and the UK Government Cabinet Office was cancelled by the UK Government.

In the one face-to-face meeting that did take place in the immediate run-up to the summit, involving me on behalf of the Scottish Government, alongside the Welsh Government and Northern Ireland Executive, the fisheries issue was not even raised by the UK minister Nick Thomas-Symonds—and there were certainly no prospects of a 12-year lock-in deal. I had to raise the issue, I had to ask for documentation and I had to ask for draft proposals—the sort of information that is shared between the European Commission

and EU member states—and I said that the UK Government still had a number of days to provide that. It did not do so.

The shortcomings of that approach have been echoed by other devolved Government ministers in Wales and Northern Ireland. Last year, we were promised a reset of relations by the incoming UK Government: a reset with the European Union, and a reset with Scotland, Wales and Northern Ireland. Excluding devolved Governments from meaningful consultation, repeatedly cancelling communications and sharing important details only after agreement has been reached in devolved areas is not a reset. It is not good enough.

The Scottish Government stands ready to engage constructively as more detail is added to yesterday's agreement. The Scottish Government must be more closely involved as the UK Government develops its future priorities for working with the EU. The truth is that the commitments made yesterday can stem only some of the harms of Brexit.

While the Prime Minister proclaims that he has respected his own self-imposed damaging red lines—not rejoining the customs union or the free market or introducing freedom of movement—we say that that is preventing us from taking exactly the measures that we need to create greatest benefit in our relationship with the rest of Europe. While we stand ready to engage constructively, I say again that no agreement can deliver the security, economic and social benefits that we lost with Brexit.

The Presiding Officer: I remind members that today's statement is follow-on business. I expect those who wish to participate in any item of business to be in the chamber for the beginning of that item.

The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item. I would be grateful if members who wish to put a question were to press their request-to-speak button.

Tim Eagle (Highlands and Islands) (Con): I thank the cabinet secretary for advance sight of his statement, which was helpful. There is much in the statement to discuss, but I will focus on fishing.

The deal that has been negotiated by the Prime Minister with the EU is the worst deal possible for Scotland's fishermen, short of going back into the common fisheries policy. Sir Keir Starmer caved in to French demands, giving EU vessels near-unfettered access to UK waters for up to 12 years. You can look at me, Labour members, while I am telling you this—you have done this to them.

The Presiding Officer: Always speak through the chair, please.

Tim Eagle: Sorry, Presiding Officer.

The deal has been described as

“a horror show for Scottish fishermen”

by Elspeth Macdonald of the Scottish Fishermen's Federation.

It concerns me that today's statement lacks any focus on the substance of the deal and its impact on our fishing communities. The cynic in me wonders whether that is because the Scottish National Party would force Scotland back into the common fisheries policy, going even further in surrendering our hard-fought fishing rights.

Although I would like to focus on the SNP's odd policy position, what really matters is the livelihoods of our fishing fleet and the communities that are connected with it. I have two important questions. What will the SNP Government now do to support our vital fishing communities, and what would the SNP have done differently from Labour?

Angus Robertson: Tim Eagle is right to take a critical perspective on the fisheries agreement that was reached, which is a continuation of the deal that was negotiated by a Conservative Prime Minister of the United Kingdom, Boris Johnson. *[Interruption.]*

The Presiding Officer: Let us hear one another. There are many members who wish to put questions.

Angus Robertson: I know that it is very difficult for members of the Conservative front bench to hear this, but it is a fact that what the Labour Party has done is agree to a 12-year roll-over of the deal that was agreed by the Conservatives. Therefore, I will take no lessons from the Conservatives or the Labour Party on the fishing deal.

Tim Eagle asked an important question, and I share his concern. Where is the detail of the deal? Where is it? We asked for it. We asked for what might be negotiated, but we did not receive that. We have asked for what has been negotiated, but, short of a line that literally acknowledges the shortcomings of the deal—that hundreds of millions of pounds should be paid to fishing communities, which I have to conclude is because the deal is bad—we have no details of how it will be allocated or where it will be allocated.

Tim Eagle asked what we will do about that. That is one of the first things that I will ask the UK Government minister, Nick Thomas-Symonds, with whom I have been discussing the agreement, when I speak to him later this afternoon. I will be happy to report back to Mr Eagle so that he is aware of the conclusions from that.

Neil Bibby (West Scotland) (Lab): I thank the cabinet secretary for advance sight of his statement.

The SNP response to the UK-EU deal is miserable, opportunistic, inconsistent and out of step with the interests of the Scottish people. The cabinet secretary, who supports membership of the common fisheries policy, has displayed full outrage online when it comes to fishing, but he has also displayed that he is out of touch with the vast majority of Scottish businesses and consumers.

Supermarkets have said that the deal has the potential to significantly reduce the cost of the weekly shop. Salmon Scotland, which represents our biggest food export product, has welcomed the deal and so, too, have the Confederation of British Industry, the Federation of Small Businesses, the Scottish Chambers of Commerce, BAE Systems, Ryanair, UK Hospitality Industries, the Food and Drink Federation and many more organisations.

The new UK Labour Government is getting on with the job of rebuilding our economy. Meanwhile, the SNP is all over the place and seems to be opposing the deal, alongside Nigel Farage and Kemi Badenoch. Given the overwhelming support from Scottish industry for the deal, does the cabinet secretary not accept that opposing the deal is a major miscalculation?

Angus Robertson: As with most deals, there are things that are worth welcoming. I hope that everybody agrees that an agriculture, food and sanitary and phytosanitary deal is a good thing. We have called for it for the longest of times, and I outlined in my statement the further areas that we welcome.

Curiously, Mr Bibby has come to the chamber today but will not even echo the criticism made by his Labour colleague the First Minister of Wales. Eluned Morgan shared the same criticism as that made by the Scottish Government—as have ministers in Northern Ireland—of the way in which the UK Labour Government has dealt with the fisheries issue. Why Neil Bibby finds it so difficult to come here and acknowledge that is beyond me.

Do I support a deal on SPS arrangements? Absolutely. Do I support being part of Erasmus+? Yes, I do. Am I sorry that the UK Government did not allow Scotland and the rest of the UK to rejoin the creative Europe programme? Yes, because that is a shortcoming—[*Interruption.*] Neil Bibby must reflect on why the Labour party in Wales is prepared to be critical of the fisheries arrangements in the deal when the Scottish Labour party, in the country that has the biggest single concentration of fishing interests—[*Interruption.*]

The Presiding Officer: Please be quiet, Mr Bibby.

Angus Robertson: —anywhere in the UK cannot bring itself to do that.

Emma Roddick (Highlands and Islands) (SNP): The Scottish Fishermen's Federation has described the deal as a

"horror show ... far worse than Boris Johnson's botched Brexit agreement"

that shows the

"total indifference of the British political establishment to the interests of our fishing sector".

Labour's latest betrayal will be raw for many in our fishing and coastal communities and sends them the message that they do not matter. What is the SNP's message for them?

Angus Robertson: It beggars belief that the agreement has been reached by selling out Scotland's fishing communities. Labour promised those communities that their interests would be protected in the process, but, after years of Westminster's broken promises, fishing communities in Scotland could now find themselves in the worst of all worlds.

Fishing was famously—infamously—described by Westminster as "expendable" when the UK joined Europe. I think that there was a Conservative Government at the time, and it is clear that that attitude has not changed in the half-century since.

Given the importance of fishing to Scotland, it is ridiculous and deeply disrespectful that the Scottish Government was not even consulted. We urge the UK Government to urgently clarify how the new fishing and coastal growth fund will be administered and apportioned.

Jamie Halcro Johnston (Highlands and Islands) (Con): I apologise to you, Presiding Officer, and to members for missing the start of the statement.

Only last month, the SNP's Cabinet Secretary for Rural Affairs, Land Reform and Islands confirmed in this chamber that

"the common fisheries policy is an integral part of EU law. It is well established that membership of the CFP is a fundamental requirement of EU membership. The Scottish Government supports the overarching principles and strategic outcomes of the CFP"—[*Official Report*, 2 April 2025; c 28.]

We can all agree that Labour's deal is a sell-out of our fishing communities, but will Angus Robertson also accept that, although Labour may have given away the opportunity of annual negotiations for the next 12 years, the SNP's obsession with rejoining the EU and so rejoining

the CFP means that it wants to give that away permanently?

Angus Robertson: No, I do not accept that characterisation.

Jamie Halcro Johnston: How is it going to work?

The Presiding Officer: Let us hear one another.

Angus Robertson: Jamie Halcro Johnston asks how it works. Under this agreement—*[Interruption.]*—I am not sure that Mr Halcro Johnston wants to hear the answer.

The Presiding Officer: Do continue, cabinet secretary. Members, let us hear one another.

Angus Robertson: Under this arrangement, because this is a statement about the agreement reached by the UK Labour Government, on Scotland's behalf, Scotland has been signed up to a 12-year tie-in that is a straitjacket deal on fisheries. Over the next 12 years—*[Interruption.]*

The Presiding Officer: Please sit down, cabinet secretary.

This is not acceptable. Members have an opportunity to put a question and the minister responding has an opportunity to respond. We are not going to have an on-going, backward and forward conversation.

Angus Robertson: Perhaps Mr Halcro Johnston should turn up at the start of debates and statements to hear what people actually say.

I am surprised that he does not know that European Union member states are part of an annual negotiating process. This 12-year straitjacket deal is not part of that process, which is why I have said that it is the worst of all worlds.

The fact that the UK Government could not even share with the Scottish Government the detail of what of what it was prepared to negotiate, and to negotiate away, is something that we deeply regret—sadly, no one in the Conservative seats has thought it important enough even to mention.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Although any progress in repairing the damage of the intergenerational catastrophe that is Brexit has to be welcomed, the fact is that, when it comes to renewing relationships with the European Union, small steps just will not cut it. What is the Scottish Government's view on how much progress can actually be made regarding safeguarding Scotland's interests while the UK Government maintains red lines on the single market, the customs union and freedom of movement?

Angus Robertson: No agreement can deliver the economic, social and security benefits that we lost with Brexit in 2020. If the UK Government is serious about economic growth, it needs to drop its red lines around the single market, the customs union and freedom of movement.

The Labour and Conservative parties are now both pro-Brexit parties, while we believe that the best answer is for Scotland to be an independent member state of the European Union. Those parties seek only to ameliorate the damage of Brexit. Any less damage is a good thing, but why do we not go for the real deal and be part of the single market, part of the customs union and part of the European Union? The Labour Party used to believe in that.

Foyso Choudhury (Lothian) (Lab): The SPS agreement that was announced in yesterday's summit cuts red tape, will save businesses thousands in fees and has been welcomed across the food and drink sector. What impact will the SPS agreement have on Scotland's food and drink exports and how it will support the Scotland Food & Drink partnership's ambition for food and drink to be a £20 billion sector?

Angus Robertson: That is a very sensible question from Foyso Choudhury. I try to talk about an agriculture, food and drink deal rather than an SPS deal, because I do not think that anybody in the real world knows what SPS is. It is a deal on what we produce on our farms, what our fishermen and fisherwomen land, and what food we export.

In this country, we produce a lot of food and drink. We export a lot of it, and a lot of it goes to the European Union. Having an SPS agreement, which the Scottish Government called for and which I impressed on the UK Government it should agree to, is something that I and the Government welcome.

Mr Choudhury may or may not be aware that the UK Government has yet to introduce the border checks that it will have to introduce under Brexit agreements. One of the advantages of the SPS agreement is that it will obviate, I think, around 90 per cent of the necessity for any kind of border checks. That is a good thing. Incidentally, that would also be the case between an independent Scotland in the European Union and the rest of the United Kingdom outside it.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Will the cabinet secretary set out what the main and most damaging points of Brexit have been for Scotland, particularly with regard to the fish processing sector in the north-east, and how, if at all, the agreement that has been reached will ameliorate those harms? Does he agree that, in the extremely uncertain economic

and geopolitical environment that we currently live in, it is vital that Scotland has the security, stability and opportunity that comes with membership of the European Union through independence?

Angus Robertson: The fish processing sector has suffered for two particular reasons since Brexit. The first is to do with getting the product to market—a market that is often, significantly, within the European Union—and the second is to do with the end of free movement. Previously, a large number of EU citizens were prepared to work in fish processing, but many of them have now left, and it is difficult to fill the jobs at many fish processing sites.

The issue relating to access to market will be obviated and the position improved by an SPS agreement. The ability to get product from Scotland to the European Union will be significantly improved. That is a good thing.

Will the agreement deal with free movement and the restrictions on people being able to work here? It will not. In fact, because of the Enoch Powell-type rhetoric that we heard from Keir Starmer the other week, we know that the UK Government has absolutely no interest in making sure that Scotland has the migration policy that we require.

The answer to Audrey Nicoll's question is that we have a mixture of two things. There is an upside to do with getting fish and shellfish to market. However, there is the downside that the agreement does not deal with free movement. If the UK Government had dealt with the Scottish Government properly in the run-up to the agreement, we would perhaps have been able to obviate all of that.

Patrick Harvie (Glasgow) (Green): The anti-European posturing from some members is out of step not only with Scottish public opinion, but with public opinion throughout the rest of the UK. The public want progress to be made on youth mobility, which should have been among the first things to be signed off between the UK Government and the EU, but it was not.

Does the cabinet secretary agree that it is sickening to see politicians who exercised the right of freedom of movement when they were young depriving today's younger generation of that same right and freedom? Will he reinforce to the UK Government that, if it is to make progress in the future on an issue that impacts on devolved matters such as further and higher education, it must start talking to us?

Angus Robertson: I agree entirely with Patrick Harvie about the damaging impact that Brexit has had on people's life experience and ability to travel, work, live and love elsewhere in Europe, and on the ability of our neighbours from the rest of Europe to come here. Since Brexit, the damage

has been felt particularly in our university sector. He is absolutely right to highlight that.

One of the difficulties with the agreement is that there is, literally, no detail. There is a commitment to a "youth experience scheme" that is supposed to afford young people the ability to come and go. We do not know how many young people or when the scheme will start; nor do we know any of the rules around it. None of that has been shared with us. Do I welcome the fact that a scheme may come that might be good? Yes—if that is what it is. However, sadly, we have none of that detail because, unfortunately, the UK Government has not shared any of that information with us—or with members on Labour's front bench.

Alex Cole-Hamilton (Edinburgh Western) (LD): I offer my apologies for my slightly late arrival.

The agreement is a first step and Liberal Democrats welcome it, but we hope that it is just a first step and that there will be still further closer integration.

I was surprised to hear the cabinet secretary claim that his Government has lobbied the UK Government to reassociate with Erasmus+. Within 18 months of Brexit, a Liberal Democrat Minister for Education in Wales had a replacement scheme up and running. Ever since then, we have daily tried to get the Scottish Government to do likewise, yet it is dangerously close to being lapped by the UK Government in the pages of the agreement. Will the cabinet secretary now take the opportunity to apologise to young Scots who have missed out on five years' worth of vital exchange opportunities?

Angus Robertson: I have had this interchange with Alex Cole-Hamilton before and, from the outset, I have been of the view that there is no effective substitute for the Erasmus+ scheme other than Erasmus+. Although the Taith scheme in Wales had much to commend it, I am sure that if, in the cold light of day, he looks at the scope and scale of that scheme compared with Erasmus+, even he must realise that Erasmus+ is where it is at.

I hope that Alex Cole-Hamilton will support the Scottish Government in making the case to the UK Government that the scheme should be as ambitious for and widely accessible to as many students as possible. Again, that is an area on which I could not give him any information, if he were to ask, because, sadly, the UK Government has not shared that with the Scottish Government—or with the Scottish Labour Party.

Clare Adamson (Motherwell and Wishaw) (SNP): I welcome closer integration with our EU neighbours. The EU is the world's biggest economic bloc and it is critical to our economic

and cultural prosperity. Brexit has been an unmitigated disaster, not least for our culture sector and for touring artists. It is, therefore, very disappointing that those areas did not form part of the negotiations.

Labour promised change and a reset of the relationship with the Scottish Government. Does the cabinet secretary see any discernible difference between the attitude of the Labour Government and the previous Tory incumbents?

Angus Robertson: On that question, sadly, I do not. It took the Scottish Government to raise the culture sector, touring artists and rejoining creative Europe with the UK Government and ask where it was on those issues. I asked for any documentation and negotiating positions a number of days before the discussions took place, in the run-up to yesterday's summit, but we received absolutely nothing back—zero—from the UK Government. This is the Government of a party that said that it was in favour of supporting the culture sector and touring artists, and that understood—at least in its rhetoric—that creative Europe is a good thing to be part of. It is therefore a shame that we have a missed opportunity and that the agreement does not deliver on any of those things.

Finlay Carson (Galloway and West Dumfries) (Con): There is no doubt about the significant negative impact of the deal on the Scottish pelagic and demersal fishing industry as a result of the complete capitulation of the Labour Government. That said, many inshore fishermen and farmers in my constituency of Galloway and West Dumfries will welcome changes to the sanitary and phytosanitary checks, allowing more friction-free access to European markets for our time-sensitive exports, including scallops, langoustines, lobsters, salmon and Scotch beef.

The biggest threat to the inshore fisheries and the agriculture sector, however, is the total lack of progress made by the Scottish National Party Government and its abysmal failure to deliver sustainable and profitable inshore fisheries management or, nine years on, a fit-for-purpose replacement for the common agricultural policy for our farmers.

When will this Government stop pointing the finger at failures elsewhere? When will it pull its finger out and step up to its responsibilities to deliver a just transition for our fishing, farming and food sectors?

Angus Robertson: I am sure that the Presiding Officer wishes me to concentrate my remarks on the subject of today's statement. On that note, I agree with Finlay Carson that an SPS agreement—that is, an agrifood deal—is a good thing for farming communities such as those that

he represents. I agree that that is so, and I agree with him about the shortcomings of the UK Government's position in relation to the 12-year straitjacket that it has agreed to.

Given his constituency interest, Finlay Carson might have asked about—but did not—the impact of the deal on trade with Northern Ireland, which is part of the European single market. We very much hope that the deal will be of benefit to trade between Northern Ireland and Scotland, and, by extension, the rest of Great Britain. That is the position that the Scottish Government holds.

Stuart McMillan (Greenock and Inverclyde) (SNP): Scottish vessels make up around 61 per cent of the UK fishing fleet, yet there has been a renegotiation on fisheries without any discussion or engagement with the Scottish Government. What possible justification could there be for that other than to make a political point by sidelining the Scottish Government to the detriment of Scotland's fishing interests and coastal communities?

Angus Robertson: I genuinely do not know what the UK Government's negotiating strategy was. I think that there was a general expectation that there would likely be a multiyear outcome when it comes to fishing. However, I do not think that any serious commentator anywhere thought that there would be a 12-year agreement by the UK Government. Where that came from, I know not. The UK Government never raised it in any meetings with the Scottish Government or with colleagues from Wales or Northern Ireland. It is for the UK Government to explain where that came from. I do not believe that it would have been necessary in order to secure the upsides of the deal.

Although upsides there are, on the substance of a 12-year straitjacket as opposed to having annual negotiations or securing an SPS agreement—which European friends wanted to secure—I am at a loss to understand why the UK Government was prepared to give that away; I simply do not understand it.

Paul Sweeney (Glasgow) (Lab): Does the cabinet secretary agree with Charles Woodburn, the chief executive of BAE Systems—which is the largest single manufacturing industrial employer in Glasgow and the wider west of Scotland—who described the deal as a positive step forward for both EU and UK security? Will the Scottish Government work with the UK Government to support Scottish defence contractors to bid for the €150 billion-worth of export contracts under SAFE—security action for Europe?

Angus Robertson: For the uninitiated, the background around the agreement is that the European Union has put aside a very significant

fund to invest in defence, given the scale of the challenge that we face as a continent. It is a good thing that the UK has reached an agreement that it and the EU will work together, and that the EU will give access to that fund to defence contractors in the UK, which may very well be in Scotland. That is a good thing. We need to contribute to the common security of our continent, given the scale of the threat that faces us.

The Scottish Government will, of course, work right across all the areas of the agreement to work out what advantage can be secured, notwithstanding the downsides, which I have updated the chamber on. However, defence and security should be a priority for all of us.

The Presiding Officer: That concludes the ministerial statement on the Scottish Government's response to the outcome of the EU-UK summit on 19 May. I will allow a moment for members on the front benches to get organised for the next item of business.

Climate Change Plan Monitoring Report 2025

The Presiding Officer (Alison Johnstone): The next item of business is a statement by Gillian Martin on the "Climate Change Plan Monitoring Report 2025".

Sarah Boyack (Lothian) (Lab): On a point of order, Presiding Officer. Although I welcome the opportunity to hear from the Acting Cabinet Secretary for Net Zero and Energy on the Scottish Government's plans to update its climate change plan, should we not have had the opportunity to hear from the Scottish Government after it had properly considered the United Kingdom Climate Change Committee's Scotland carbon budget advice report, which I understand is due to be released tomorrow? Why did the Scottish Government not change the timing of the statement, not least because this has happened before?

The Presiding Officer: Thank you Ms Boyack. That is not a point of order.

The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:51

The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin): Members across the chamber will agree with me when I say that a Scotland that is damaged irreparably by the effects of climate change and nature loss is not a Scotland that any of us wants to see. Climate change is not a far-off concern; it is a reality, and its effects are already being felt in our everyday lives and the lives of our constituents. It is a reality that includes more violent storms, such as storm Éowyn earlier this year; more severe droughts; wildfires such as those that we are seeing right now in Moray and have seen recently in Arran and West Lothian; and life-changing floods.

Climate change is not a figment of our collective imagination. Polling shows that the majority of Scots believe that climate change is an urgent problem and agree on the importance and magnitude of the task at hand. Research by world-leading experts, including the world's economic watchdog, the Organisation for Economic Co-operation and Development, shows that taking strong action to tackle the climate crisis and investing in transitions away from the causes of climate change will increase countries' economic growth as well as making our environment healthier.

Concerningly, climate change scepticism is gaining traction in public, parliamentary and media

discourse, despite overwhelming scientific evidence that climate change is an existential threat. Anti-climate rhetoric presents a serious challenge to our ability to deal with the crisis, and it is something that we must confront collectively and constructively in this Parliament and across our society.

The purpose of today's statement is to update the Parliament on the progress on our most recent climate change plan, which was updated in 2021. Today, the Scottish Government published its fifth annual statutory monitoring report for the updated climate change plan. I will be able to answer questions on the report, which tracks progress on up to 200 ambitious policies that are outlined in the existing climate change plan, utilising a robust monitoring framework. The framework sets a series of policy indicators for each outcome of the plan—a specific measurable indication of progress. The Scottish Government then reviews each policy indicator against the most recent data that is available and assesses each indicator to establish whether it is on track or off track or whether it is too early to say.

This year's progress report shows that, out of 43 policy indicators, 16 are on track and 17 are off track, and it is too early to say for the other 10. First, it is important to note that we do not believe that the off-track indicators in the report jeopardise our ability to reach our ambitious goal of net zero by 2045—five years ahead of the rest of the UK. However, we should all investigate and understand the reasons why we are off track in those areas and ramp up action, whether that is as parliamentarians, industry, the public and private sectors or as citizens, because it is the responsibility of us all.

We are fully committed to taking decisive action to ensure that we get back on track and make meaningful progress towards our goal. In the four years since the last climate change plan was finalised, we have extended free bus travel, which now benefits more than 2.3 million people, published the landmark Circular Economy (Scotland) Act 2024 and introduced a ban on the supply and manufacture of certain problematic single-use plastic items, including single-use cutlery, plates, food containers and more.

We have also fully allocated the £30 million electric vehicle infrastructure fund, which is expected to deliver around 6,000 additional public charge points by 2030.

Further, we have created more than 15,000 hectares of new woodland in 2023-24, which is the highest level of woodland creation for 34 years, and we have committed to restoring more than 10,000 hectares of peatland in 2024-25, with an ambition to restore at least 14,000 hectares of peatland in 2025-26.

In addition, we have brought into force the new-build heat standard, published a draft transport just transition plan and put reforms in place for tackling agricultural emissions. We also launched an emerging energy technologies fund, committing £80 million of funding to support the development of carbon capture and storage and negative emissions technologies in Scotland.

In our programme for government, which we published at the start of the month, we committed to getting rid of ScotRail peak rail fares, to encourage commuters to use public transport; extending our nature restoration fund and establishing statutory targets to improve biodiversity; banning the supply and sale of single-use vapes by 1 June; and introducing our heat in buildings bill by the end of this parliamentary term.

Scotland is halfway to net zero. However, despite all that progress, it is important to note that the UK Government holds key policy levers with which to deliver the net zero future that will make our lives healthier, our communities more resilient and, indeed, tackle fuel poverty at the same time as reducing harmful emissions.

I once again call on the UK Government to act in a number of ways. It is essential that the UK Government provides certainty in the upcoming spending review, so that all investors can continue their work on developing the Acorn carbon capture and storage project. Carbon capture and storage is vital for a just transition. The Climate Change Committee has advised many times that it

“cannot see a route to Net Zero that does not include CCS.”

Today, we have also published the annual update to the Scottish nitrogen balance sheet, which tracks how efficiently nitrogen is used in Scotland. That can help to identify further opportunities for improvement and supports in our progress towards net zero, given that nitrogen is our third most prevalent greenhouse gas.

Scotland continues to be ahead of the UK as a whole in delivering long-term emissions reductions, but the year ahead will be critical in setting us on the path to net zero in 2045. I am confident that we will continue leading on climate action that is fair, ambitious and capable of rising to the emergency that is before us.

We will soon be setting out our proposed emissions trajectory to 2045, based on five-year carbon budgets, through secondary legislation to amend the Climate Change (Scotland) Act 2009. Tomorrow, our independent advisers on the Climate Change Committee will publish advice on what they believe those carbon budget levels should be. We will carefully consider the committee's advice before introducing regulations to set Scotland's carbon budget levels. That will include consideration of the target-setting criteria

that is set out under the act and an assessment of whether the pace of decarbonisation is appropriate for people, sectors and businesses across Scotland. The carbon budgets that are proposed via secondary legislation will provide an achievable pathway to net zero in 2045. That will be one that takes the public with us, leaving no one behind.

That will be followed by a new climate change plan, which will outline our policies and proposals for reducing emissions between 2026 and 2040. We will introduce that shortly after the carbon budget secondary legislation has been approved.

The scale of change that is needed for the next part of our journey is significant, but that also comes with significant benefits for our communities. Delivering our ambitious climate targets will transform our economy and society, and they will be underpinned by sustained public and private investment in infrastructure. A net zero Scotland is one that is more resilient to global shocks and weather events, and has a growing economy with high-value job opportunities.

Professor Graeme Roy, who is the chair of the Scottish Fiscal Commission, said:

“not responding to the challenge of climate change ... will be far more expensive and damaging to the public finances than investing in net zero ... it is simply not an option.”

There is no small task in front of us, but through the considered action and commitment of this Government, and with the support from this Parliament and the public, we will set Scotland on the correct course for a healthier future.

The Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business. I would be grateful if all members who wish to put questions were to press their request-to-speak buttons now.

Douglas Lumsden (North East Scotland) (Con): I thank the cabinet secretary for providing advance sight of her statement.

Only this devolved Government could have a climate change plan monitoring report when it does not have a climate change plan, after it was forced to ditch it. From the update, we see that only 16 of the 43 indicators are on track, but this devolved Government shamelessly claims to be world leading. You could not make it up—that is more pathetic spin from this out-of-touch Government. I do not think that world leaders will be calling to ask it for advice. The Government needs a reality check.

We need a commonsense, affordable transition that takes households with us, not a transition that will make families poorer and widen inequalities.

Our rural communities are paying the price for this Government's folly of putting all its eggs into one renewables basket, with hundreds of battery storage sites, substations and monster pylons scarring our countryside.

Is that just the price that our rural communities have to pay for net zero? The energy strategy and just transition plan is years late. Will the cabinet secretary confirm whether it will be issued before the summer recess, or does she have no idea?

Now that countries such as Denmark have come to realise that nuclear has a part to play in clean, green power, will the Government get its head out of the sand and drop its ban on nuclear power?

Gillian Martin: Scotland has a very good story to tell on the drive to renewables and reducing the emissions that are associated with electricity supply—that is why we have achieved 50 per cent of our target for 2045.

I must correct Mr Lumsden when he says that I am commenting on a climate change plan that does not exist. We have a climate change plan that was published in 2021, and under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, we have to produce reports such as the one that I am speaking to today, which is based on the 2021 climate change plan.

As I have set out to Parliament—members of the Net Zero, Energy and Transport Committee should be well versed in this—the climate change plan for the next five years will be set out once the secondary legislation has gone through Parliament, and as a result of the advice that I will receive tomorrow from the Climate Change Committee. As soon as the secondary legislation—which is new legislation—that is associated with the carbon budget that is being put in place is agreed, we will put forward the next climate change plan. As part of that plan, there will be yearly statements like the one that I have given today.

We are fully committed to addressing the challenges in front of us and taking decisive action. Douglas Lumsden seems to think that we can do that without getting renewables on to the grid. I am speaking as cabinet secretary today, but, speaking also as a north-east MSP, I think that it is important to realise that there will be thousands of jobs for the north and the north-east of Scotland associated with the energy transition and the build-out of ScotWind. We could be looking at replacing many of the jobs that will inevitably, unfortunately, disappear as a result of the downturn in oil and gas in the basin.

How we do that is important, but it is critical that we do it. That is a fact: we have to do it. I take on board Douglas Lumsden's points about how we do

it and how we bring communities with us, and I am determined to work with members across all parties on that. Nonetheless, we must decarbonise—that is a scientific fact.

Sarah Boyack (Lothian) (Lab): I thank the cabinet secretary for providing advance notice of her statement.

I agree that the climate emergency is now having a negative impact on communities, so when are we going to see action across Scotland to reduce our damaging climate emissions? None of this is new, and the Scottish Government has been rolling back on commitments and continually missing targets. How, therefore, can our constituents have any confidence that the progress that they need will be delivered?

Will the cabinet secretary acknowledge that the climate change plan needs to focus on using the Parliament's powers to the max, and publish a working draft now? Can she tell us what the Government is doing to get the 17 indicators that are off track back on track and to make people's existing homes warmer and energy efficient?

Given that the Government has dumped its car reduction target, what is it doing to ensure that people have access to the buses that they urgently need across our urban and rural communities?

Gillian Martin: I do not have time to go through every one of the 17 indicators, but I will point to a couple of them. Landfill waste is one of the indicators on which we are slightly off track. We want to be in a situation in which waste from municipal local authorities does not go to landfill, so we have given 95 per cent of the £70 million recycling improvement fund to local authorities. The extended producer responsibility for packaging will also make a big difference to local authorities.

On the point about cars, it is important to recognise the diverse nature of Scotland. In some areas, a car will always be necessary. With that in mind—Ms Hyslop is with me just now—the delivery of EV charging points in Scotland has exceeded the number that we promised. We need to concentrate on improving public transport in our urban environments, because people should not really need a car in places such as central Edinburgh.

In particular, we are not going as fast as we could with the indicators on the transition to electric vehicles, and we must recognise the barriers that are in place for people when it comes to purchasing EVs. We have massively improved the charging infrastructure, and Scotland is the only country in the UK that still has grants and loans for buying not just EVs, but the associated home charging infrastructure. We are making big

improvements in those areas to give people who are making decisions about what car to drive the choice and ability to do that without undue expense.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Can the cabinet secretary outline what steps the Scottish Government is taking to support investment in renewables, particularly through the 2025-26 Scottish budget? How is that investment expected to help to grow and develop that vital sector across Scotland, especially given how well placed we are as a nation to harness our renewables potential?

Gillian Martin: Elena Whitham mentioned the Scottish budget. We are investing up to £500 million over five years to support market certainty, to create a highly productive and competitive offshore wind economy, and to support thousands of jobs while embedding innovation and boosting skills. Our investment is expected to leverage additional private investment of £1.5 billion in the infrastructure and manufacturing facilities that are critical to growing the offshore wind sector. We are almost tripling our capital funding for offshore wind to £150 million in 2025-26.

The expansion of offshore wind represents a once-in-a-generation opportunity that will create thousands of high-quality jobs and increase the supply of clean electricity to the whole of Scotland and beyond. The associated jobs will drive growth, foster innovation and generate wealth.

Over time, the amount of electricity that we produce should bring down the cost of electricity for households. That is why we are also targeting funding for colleges to teach people the skills that are required by establishing an offshore wind skills programme, which will help to create region-specific training hubs for offshore wind skills, including in Ms Whitham's constituency.

Maurice Golden (North East Scotland) (Con): Using local authority-managed charge points costs around the same price as petrol, although they are often broken. Using private charge points costs double. People with a driveway, who are generally richer, can charge at home for a fraction of the price. That is not fair for the hundreds of thousands of Scots who are being priced out of the electric vehicle market. Will the cabinet secretary guarantee that the new charge points will cost less than petrol?

Gillian Martin: I am always interested to see Maurice Golden's political journey, because that sounds very much like something that I would say about the cost of the wholesale electricity price, which has to come down for consumers more generally.

He is right to point out that public charge points are more expensive to use than home charge

points. That also speaks to the point that I made earlier about our Government still giving grants and loans that are associated with home charging. However, home charging is not right for everyone, so I hope that Mr Golden will join me in calling for a reduction in the wholesale electricity price more generally, so that we can roll out more EV use.

The issue is not only about EV charging; it is also about reducing our reliance on burning gas to heat our homes. I am lobbying the UK Government on electricity prices as part of its current consultation on the review of electricity market arrangements. The member is absolutely right that, until the wholesale price of electricity goes down, people will continue to see that cost as a barrier to adopting an electric vehicle. However, the Scottish Government is doing what it can to provide certainty on the infrastructure here and to help households to install their own charging points.

Jackie Dunbar (Aberdeen Donside) (SNP): It is recognised that a just transition will play a crucial role in our fight to tackle climate change. What steps is the Scottish Government taking to improve funding for a just transition in Scotland? How will the £500 million just transition fund for the north-east and Moray contribute to that? Will the cabinet secretary join me in again calling on the United Kingdom Government to match that ambition?

Gillian Martin: As Jackie Dunbar mentioned, this month the Scottish Government launched a new funding call for the north-east and Moray just transition fund that will be worth up to £8.5 million over the coming year. It will ensure that we continue to create jobs, support innovation and secure the highly skilled workforce that will be needed in the future.

Since 2022, we have allocated £75 million to projects such as the one that I mentioned, to support innovation and the creation of jobs, and also to communities throughout the region, including £9.7 million for a package of skills interventions, £30 million for innovative projects and approaches, and £4 million for empowering and investing in communities.

An independent evaluation of the fund during its first years, which I asked for ahead of rolling out this particular tranche, will be published shortly. It points to the impact of providing momentum to just transition in the region, including providing more than 750 training places, safeguarding and creating at least 230 jobs, and attracting more than £34 million of additional private investment.

The fund sends a clear signal of our support to the north-east and Moray. I call on the UK Government to match our ambition to deliver a fair

and just transition to net zero, so that we can do even more.

The Presiding Officer: We have already used up a considerable amount of time, but we have reached only the fifth question from members. I would therefore be grateful for concise questions and responses.

Mercedes Villalba (North East Scotland) (Lab): I thank the cabinet secretary for advance sight of her statement. Ahead of this year's international day for biological diversity, which falls on Thursday, I am glad to hear her acknowledge the reality of the catastrophic impact that a rapidly changing climate is having on our environment. However, is it not telling that nowhere in her statement was there mention of the Scottish Government's Natural Environment (Scotland) Bill? Is that because, at a time of severe droughts, wildfires and life-changing floods, all of which put further species at risk, the bill in its current form does not bind itself to the very 2045 goal that the cabinet secretary's statement references? Ambitious goals sound great, but it is getting the job done that matters. How confident is the cabinet secretary that the Scottish Government can meet its 2045 goal?

Gillian Martin: I did not mention the Natural Environment (Scotland) Bill, because I was talking about the climate change plan update monitoring report, including the indicators that it contains. I thought that it was a good idea to stick to the subject matter of the monitoring report.

However, Ms Villalba is right. We are introducing the bill, which will set targets towards achieving a decline in nature loss. She makes a good point about the impact on biodiversity of the negative aspects of climate change that we are starting to see in Scotland. Climate change is on Scotland's doorstep; it is not something that happens in other countries or in the global south—it happens here, too. Today we are seeing wildfires in Moray, and yesterday we saw water scarcity across the whole of the east of Scotland. All the money that we spend on climate change and adaptation, which we put into our Scottish adaptation plan, will future proof Scotland to enable it to be more resilient in the face of climate change, not least in the area of biodiversity.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Continuing on that theme, will the cabinet secretary advise how the Scottish biodiversity strategy will build on the steps that Scotland has already taken to address the biodiversity crisis, with particular regard to Scotland's rivers, which are crucial to our environment and face the triple impact of more intensive flood events, drought events and rising temperatures?

Gillian Martin: I am grateful for the opportunity that Audrey Nicoll has given me to lay out what we are doing to address the twin crises. It is very important that she puts those crises together, because we sometimes forget that they are inextricably linked.

Investing in the restoration and protection of nature helps us to reduce carbon emissions and adapt to climate change, as I said in my answer to Mercedes Villalba. We have set out an underpinning delivery plan in our biodiversity strategy, and significant steps have already been taken to become net zero and nature positive. Last week, the Acting Minister for Climate Action announced that we have invested more than £65 million through our innovative nature restoration fund, which supports hundreds of projects across Scotland to take positive action for nature.

In the programme for government, we announced that we will continue to support our nature restoration fund in the next financial year and ensure that we are investing in protecting and restoring our precious natural capital and bringing environmental, social and economic benefits across Scotland. As I have mentioned, we introduced the Natural Environment (Scotland) Bill in order to support that ambition.

Patrick Harvie (Glasgow) (Green): I am grateful for sight of the cabinet secretary's statement, although the monitoring report only became available to members during the statement. The chance to have seen the report in advance would have been more useful.

Does the cabinet secretary acknowledge that the problem is not only that fewer indicators are on track and that more of them are off track than was the case a year ago but that the Scottish Government has spent that year diluting, delaying and downgrading climate-positive policies, so more aims that are in the "too early to say" column will be off track by this time next year? Will the Government change direction and restore the ambition on areas such as clean heating, in which it has clearly downgraded and ditched its previous policy commitments?

Gillian Martin: First, I apologise if people did not receive the report. I was under the impression that it was sent out well in advance, so I apologise for that. I will look into why that was not the case, because that situation is not optimal.

Patrick Harvie and I might disagree on how we get there, but we are still on track to net zero for 2045. I believe that all the climate action that we take should be achievable and bring the country with us. We need to get a lot better in the Parliament, and in our discourse in general, at showing the public why it is important for them to get behind the actions that we take. The

Parliament as a whole needs to look seriously at ramping up some of the actions that we need to take, and we need to talk in positive terms about what those actions will mean for the wellbeing of people in Scotland. We also have to bear in mind that we have a cost of living crisis, so when we put in place the climate action that we want, it must be affordable and part of a just transition.

Liam McArthur (Orkney Islands) (LD): As the cabinet secretary knows, the key to reducing emissions will be reducing heat emissions. We still do not have a date for the redrafted heat in buildings bill. Given that the Parliament has been asked to pass emergency or expedited legislation on issues such as climate change and prisoner release, which we can all agree is not ideal for the scrutiny process, what assurances can the cabinet secretary give that the Parliament will have sufficient time to scrutinise that key piece of legislation?

Gillian Martin: Dr Allan has said on the record that the heat in buildings bill will be going through the Parliament in the next parliamentary year.

Before we have that bill in place, it is also important to mention what we have done in this space. In this parliamentary session, we have so far allocated £1.63 billion of funding through our heat in buildings schemes, which includes committed spend of more than £575 million for energy-efficient and clean projects. We are not having to wait for a bill in order to deliver action. I did not realise that there was doubt about that bill being put to the Parliament in the next parliamentary year, but it will happen in that time.

Emma Harper (South Scotland) (SNP): Scotland's renewable energy sector has the potential to be a great export opportunity for Scotland as part of the just transition and our climate ambitions. Can the cabinet secretary speak to the importance of redevelopment of energy sites, such as Chapelcross at Annan, in my South Scotland region, in ensuring that Scotland is equipped with the powers to harness our clean energy and with help to drive down emissions while encouraging growth in the renewables sector?

Gillian Martin: The Borderlands inclusive growth deal includes a project to deliver infrastructure to support the redevelopment of the former nuclear site at Chapelcross. The development of Chapelcross in the energy transition zone will transform the local economy, creating the conditions for growth and actively kick-starting and building a market with high-value jobs.

That multimillion-pound development will include hydrogen production, storage, associated logistics, advanced manufacturing, energy and enterprise

campuses. There has already been significant interest from businesses outwith the south that are keen to move into the region, which I think we would all welcome. Those include Green Cat Hydrogen, which is developing a 45-megawatt green hydrogen production facility at the site. That will potentially transform the local economy by creating around 50 high-skilled jobs.

The Presiding Officer: We are over the time that has been allocated for this item. I am keen to get all members in, so please let us be concise.

Graham Simpson (Central Scotland) (Con): Having had a chance to have a quick read of the report, I can see that one of the indicators that is off track is woodland creation. We need ambitious action on tree planting. Can the cabinet secretary tell us what she is planning to do to get that on track?

Gillian Martin: Two of my colleagues who are with me on the front bench today are integral to the drive towards emissions reduction in the agriculture, rural affairs and transport spaces.

There was a significant rise in woodland creation in 2023-24, to 15,040 hectares. That was below the target and we need to do more, but that increase included 7,700 hectares of native woodland. Graham Simpson is absolutely right that we need to ramp up action on woodland creation, and we also need more peatland restoration. For peatland, we need to look at the high-emitting sites—we need to take a targeted approach and look at sites that are not just large in hectares but where the highest emissions are.

Marie McNair (Clydebank and Milngavie) (SNP): Public transport uptake plays a key role in reducing emissions across Scotland. Will the cabinet secretary outline how bold initiatives and generous schemes, including abolishing peak rail fares for good, from the Scottish Government, are working to encourage Scots to use public transport to support tackling the climate crisis?

Gillian Martin: Marie McNair is right to point to the initiative to abolish peak rail fares in the programme for government.

We spend more than £2 billion to support public transport. As I mentioned in my statement, 2.3 million people in Scotland have access to free bus travel. Around 334 million passenger journeys were made by bus in Scotland in 2023-24, which is an increase of 13 per cent on the previous year. Since launching free bus travel for under-22s, 800,000 cards have been issued to young people, who have taken 218 million free journeys.

The budget includes an allocation of £3 million for the flat-fare pilot, which is due to commence in January 2026 and will continue. We are also at the early stages of developing a fare-cap pilot.

I can see that I am being wound up for time, Presiding Officer.

The Presiding Officer: Thank you. Alexander Stewart has a brief supplementary.

Alexander Stewart (Mid Scotland and Fife) (Con): Can the cabinet secretary confirm whether the energy strategy will be issued before the summer recess—yes or no?

Gillian Martin: As I have said many times in Parliament, we are working on revising the energy strategy in the light of some proceedings in the UK Supreme Court.

The Presiding Officer: Finally, we have a brief question from Fergus Ewing.

Fergus Ewing (Inverness and Nairn) (SNP): In my constituency, a house builder states that he cannot get an electricity connection for a large development of affordable and mid-market-rent houses because of green tape requiring a new heat pump and electric vehicle charging points, which would lead to the electricity demand tripling. Is that a case of green tape stymieing the creation of the houses that will be needed for the 18,000 jobs that Highlands and Islands Enterprise predicts will be created for the renewables revolution? If so, will that green tape be removed so that we can get the people who are needed to deliver the renewables revolution in the Highlands?

Gillian Martin: I assume that Mr Ewing is referring to the new build heat standard. What he outlines shows the necessity of more grid infrastructure connections across Scottish and the whole of the UK so that the green electricity that is being produced can make it into the grid, which would mean that more developments, such as the one that Mr Ewing has mentioned, are connected.

The Presiding Officer: That concludes the ministerial statement on the climate change plan monitoring reports. There will be a brief suspension before we move on to the next item of business.

15:25

Meeting suspended.

15:26

On resuming—

Business Motion

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of business motion S6M-17585, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on the stage 3 timetable for the Regulation of Legal Services (Scotland) Bill. *[Interruption.]*

I do not think that Mr Hepburn's microphone was on. Can we try one more time, this time with your card in the console?

The Minister for Parliamentary Business (Jamie Hepburn): That was meant to be sleight of hand, Presiding Officer.

The Deputy Presiding Officer: Nothing passes me by, minister.

Motion moved,

That the Parliament agrees that, during stage 3 of the Regulation of Legal Services (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 or otherwise not in progress:

Groups 1 to 4:	45 minutes
Groups 5 to 8:	1 hour 30 minutes
Groups 9 to 13:	2 hours.— <i>[Jamie Hepburn]</i>

Motion agreed to.

Regulation of Legal Services (Scotland) Bill: Stage 3

15:27

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 proceedings on the Regulation of Legal Services (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2—Scottish Parliament bill 25A—the marshalled list, the supplement to the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division at stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate should press their request-to-speak button, or enter RTS if they are joining us remotely, as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Section 7—Meaning of regulatory functions

The Deputy Presiding Officer: Group 1 is on regulatory functions, complaints and so on. Amendment 116, in the name of Paul O'Kane, is grouped with amendments 129 and 139 to 141.

Paul O'Kane (West Scotland) (Lab): I am pleased to speak to amendment 116 and to my other amendments in the group. As we begin today's proceedings, I set out my thanks to all stakeholders for their engagement and briefings in advance of stage 3 and throughout the bill process, as well as my thanks to the minister and her team, who have largely been co-operative and responsive to many of the concerns through what has been a long process. Although I sense that we might still end up with some disagreement today, we will certainly start off in a positive vein.

I will speak first to amendment 116. Section 7 sets out the meaning of regulatory functions. However, section 7 does not specifically detail that administering any compensation fund that is required under section 14 of the bill will be a regulatory function. The existing fund, which is maintained by the Law Society of Scotland under the Solicitors (Scotland) Act 1980, is a crucial consumer protection, and the administration of that fund—the guarantee fund—is currently defined as a regulatory function under the 1980 act. I note that the minister told me in writing in advance of this afternoon's proceedings that she considers that the issue has already been covered in the bill. If she could set out in her remarks how

that is the case and the Government's full position that it is a regulatory function, that would be most helpful to me and, I am sure, to colleagues in the chamber. I might not then press amendment 116.

15:30

Amendments 129 and 139 to 141 seek to restrict the conduct complaints that are brought against solicitors in relation to them discharging regulatory functions on behalf of regulators, as defined in the bill. The concern behind the amendments is that an increasing number of spurious conduct complaints are being brought against solicitors discharging regulatory functions, which has a real impact on their ability to carry out those functions. In my opinion, that can be to the detriment of the public interest. The time spent dealing with such complaints places a burden on the regulator, and such conduct complaints can drive risk-averse behaviours by those exercising regulatory functions. It can also impact on the regulator's ability to recruit and retain solicitor members of regulatory staff. All of that leads to a slowing down, with difficulties in completing regulatory processes.

Maggie Chapman (North East Scotland) (Green): I would be interested to hear what Paul O'Kane has to say in response to the position of the Scottish Legal Complaints Commission on amendments 129 and 141 in particular. One of the points made by the SLCC is that it is uncomfortable in applying standards and processes to others that it would not apply to itself. I would be interested to hear how Paul O'Kane answers that critique of those two amendments.

Paul O'Kane: I appreciate that there are competing views and issues in this space. That position has perhaps been counterbalanced by the view of the Law Society of Scotland and others on what needs to be done so as not to place that onerous burden on to regulators, as I have outlined. I recognise what Maggie Chapman is saying, and I take it on board. I am keen to hear what the Minister for Victims and Community Safety has to say about those issues.

I want to be clear that my amendments in this group should not restrict the ability to raise a conduct complaint about other matters that would fall outside the exercise or discharge of regulatory functions. Additionally, solicitors who are engaged in the delivery of regulatory and disciplinary work for a legal services regulator should not and would not be immune from criticism or accountability. Indeed, parties on either side of a regulatory matter are entitled to express their disagreement with the substance and manner of the arguments that are made by solicitors who work on regulatory matters.

I note that the minister has said that she is aware of the issues and that she is happy to continue to engage on the matter with the Law Society and other stakeholders, as would be necessary. I wonder whether she would be willing to make a further commitment on the record on that today, as well as outline the potential steps that she believes are open to the Government to act on the issue in the future, if that is needed and if an agreed position can be found. If she can provide some of those assurances on further remedies in this area, I might not be minded to press or move my amendments—and I am cognisant of Maggie Chapman's point as well. I reserve the right to push the amendments, however: I believe that the issue is important with regard to the functioning and capabilities of regulatory processes and, consequently, our public interest.

I move amendment 116.

The Minister for Victims and Community Safety (Siobhian Brown): I thank all members and stakeholders for their constructive engagement in respect of the bill. I understand that Paul O'Kane has lodged his amendments in this group on behalf of the Law Society of Scotland.

I consider that amendment 116 is not necessary, as the bill already provides that the establishment and management of a compensation fund is a regulatory function of the Law Society as a category 1 regulator. That is because section 7 of the bill, which provides that "regulatory functions" include "complying with the requirements" under the bill, is to be read with section 14, which places a requirement on the Law Society to "establish and maintain" a compensation fund. It is clear from section 14 that a category 1 regulator "must establish and maintain" a compensation fund. That requirement is then caught by the definition of "regulatory functions" in section 7.

Amendments 129 and 139 to 141 would make provision to restrict conduct complaints that are brought against solicitors in relation to them discharging regulatory functions. The Law Society raised that matter with the Scottish Government following stage 2. Although I appreciate and understand the concerns that were raised, I consider that amendment 531, which was agreed to at stage 2, will give all relevant professional organisations the flexibility to discontinue a conduct complaint that has been remitted to it if the relevant professional organisation considers that it is in the public interest to do so. It provides a route to address the concerns that are raised.

As Mr O'Kane alluded to at the start of his speech, there are competing views, and, as we know, there is a history with this bill of trying to find

a balance for both sides. Given the SLCC briefing that has been sent to members, I will continue to engage with the Law Society to monitor the operation of the new provisions. I consider that the matter would benefit from further consultation and consideration. I therefore ask Mr O’Kane not to press or move his amendments in the group. If he does so, I urge members to oppose his amendments.

The Deputy Presiding Officer: I call Paul O’Kane to wind up and to press or withdraw amendment 116.

Paul O’Kane: I think that our exchange of views on the issues raised by this section of the bill has been useful, and I am grateful to Maggie Chapman and the minister for their comments. Given the minister’s assurances, I choose to withdraw amendment 116.

Amendment 116, by agreement, withdrawn.

Section 18—Professional indemnity insurance

The Deputy Presiding Officer: Group 2 is on the regulation of legal businesses. Amendment 117, in the name of Paul O’Kane, is grouped with amendments 118, 1, 119 to 126 and 138.

Paul O’Kane: I will deal with the more minor amendments in the group first, before dealing with the important issue of registered foreign lawyers.

Amendment 123 will make changes to section 42 to allow category 1 regulators to make rules about the effect of an authorisation of a legal business that is a partnership or another unincorporated body where the membership of the legal business changes or another legal business succeeds to the whole, or substantially the whole, of its business. It deals with an ambiguity in Scots law regarding traditional partnerships to ensure that, where there are changes to membership, there is a swift transfer of authorisation of interests of the business. I am grateful to the minister for her indication that the Government is willing to support amendment 123, which will be important in delivering justice and support to those who require it when there is such a change, as I have outlined.

Amendment 126 will remove section 44(2)(a)(ii), which currently requires practice rules of authorised legal businesses to have regard to “regulatory objectives”. Overarching regulatory objectives are applicable to regulators, and it is regulators who must adhere to them. Instead, legal providers must adhere to professional principles, which are already covered elsewhere in the bill, so the subparagraph is an incorrect reference that has to be removed from the bill. I am grateful to the minister, again, for indicating that she is minded to support amendment 126,

which seeks to clarify and clear up the bill as drafted—and, subsequently, if it is agreed to, the legislation.

Amendments 124 and 125 would remove from section 44 a paragraph and a subparagraph that require practice rules to include the process for the making and handling of complaints. Given that complaints processes are currently set out in statute, there has been concern among stakeholders that the current provisions in section 44 might not be appropriate or, indeed, legally competent. However, the minister’s written explanation to me about the necessity of the powers that are provided to the SLCC to direct minimum standards has been very helpful for my understanding of the purpose of the subsections. If the minister will provide detail of that on the record in her contribution, I would be most grateful and, subsequently, minded not to move those two amendments.

I turn to my remaining amendments in the group, which are amendments 117 to 122 and 138, regarding qualifying individuals and the status of registered foreign lawyers. The issue is critical to the functioning of the legal services market in Scotland; it was debated extensively at stage 2 and we heard evidence on it at stage 1.

If we do not get definitions of the status of registered foreign lawyers correct, in order to provide legal certainty that they are permitted to part-own authorised legal businesses as part of multinational practices, that could have a particularly concerning impact on the legal services market in Scotland. The ownership structures of some of our largest and best-known law firms could be threatened by the implementation and interpretation of the statute.

It is difficult to overstate the level of concern that that has caused within the legal profession, because it is a significant issue that many lawyers feel has been left in the balance for the past two years. We are talking about the ability of some of the UK’s largest law firms to operate here in Scotland, which concerns thousands of jobs and tens of thousands of clients.

Martin Whitfield (South Scotland) (Lab): It has taken a substantial number of months to get to where we are with the bill. If the matter is not resolved, is there not a real risk that—perhaps not overnight, but in the very short term—we could see the ownership and control of law firms in Scotland going to other jurisdictions, which could create an incredibly risky knock-on effect here in Scotland?

Paul O’Kane: In my contribution I have outlined, and will continue outlining, the concerns that are being raised, which are those that Mr Whitfield has outlined.

In particular, there is a sense that many established and well-known law firms, particularly trade union lawyers and those that support people with personal injury claims, may have issues with operations in Scotland because the bill has not clarified structures.

The minister is well aware of those issues and the potential implications for the legal services market if we do not get that right. As I said, those issues were raised during previous stages of the bill process and in correspondence from the Law Society, which has neatly explained why the bill, as drafted, should be remedied. The Law Society said:

“As a result, the provisions of Section 39 of the Bill as they stand conflict with the provisions of the 1980 Act. If RFLs”—

registered foreign lawyers—

“are included in the definition of ‘qualifying individual’, then Section 39(2) at the very least implies that one or more RFLs may form a legal business owned exclusively by RFLs, without any Scottish solicitor ownership, and that business would require and be capable of authorisation under the Bill, when that is not correct.

Conversely, if RFLs are not included in the definition of ‘qualifying individual’ and no separate provision is made for them, then Section 39 does not permit existing MNPs”—

multinational practices—

“to be authorised, which would prejudice the continuation of some of Scotland’s largest and most successful law firms, many of which are MNPs.”

In an attempt to tidy up the matter, the minister has indicated her intention to alter the explanatory notes on the definition of qualifying individuals. I am also aware of her correspondence with the Law Society only yesterday, in which she confirmed that she intends to adopt its draft text of a revision to the explanatory notes. It would be helpful to have on the record, without equivocation, that it is, indeed, the minister’s intention to adopt the Law Society’s text for a revision to the explanatory notes.

However, we are dealing with a central issue that has been a focus of concern since the bill was introduced, two years ago, so I am concerned that that letter of last night was the first time since stage 2 that the Government has directly laid out its position to the Law Society, which would be responsible for regulating all these matters and has repeatedly raised the issue.

As I have outlined, the matter is critical for the legal services market in Scotland, and so, despite that last-minute adjustment to the Government’s position, I will press my amendments to ensure that the matter is beyond doubt and to take what might be called a belt-and-braces approach. As things stand, I will move the amendments when

they are called and I urge members to support them.

I move amendment 117.

Siobhian Brown: I will begin by speaking to my own amendment 1 before moving to those lodged by Paul O’Kane.

The Law Society of Scotland has asked for clarification of registered foreign lawyers being included among the “qualifying individuals” as defined in section 39 of the bill.

At stage 2, I agreed to correct and strengthen the explanatory notes to make it clear that registered foreign lawyers are included as “qualifying individuals” as they exist at present and to make it clear that part 2 of the bill, on the regulation of legal businesses, does not change the basis on which existing individual rights to practise are still required by the existing underlying legislation. That will be done in the explanatory notes to the act if the Parliament agrees to pass the bill today.

I confirm that I have engaged extensively with the Law Society of Scotland. I wrote to it last night, outlining the position and confirming that I am happy to adopt its suggested wording in the explanatory notes. In particular, registered foreign lawyers will still be required to work with other solicitors in Scotland in order to practise where that is already provided for in the existing legislation. The new regime in part 2 of the bill will not change that.

15:45

My amendment 1 will define “legal business” in section 18 by reference to the definition of that term in section 39(2) in order to make the definition consistent in the bill. That will provide additional clarification in the bill’s provision on professional indemnity insurance. The effect will be similar to that of Paul O’Kane’s amendment 119, but my amendment 1 means that amendment 119 is unnecessary, as defining “legal business” by reference to the definition of that term in section 39(2) also draws in the definition of “qualifying individual” as set out in section 39(8).

Although I recognise the intention behind Paul O’Kane’s wider amendments in the group—amendments 117 to 122 and 138, which have been developed by the Law Society—we consider that they would have unintended consequences. In particular, they would in some ways rule out use of the structures in part 2 of the bill, which will otherwise cater for those types of lawyers and allow them to be brought in as qualifying individuals if they are made licensed providers or if the other rules that govern them are changed.

On that basis, Mr O’Kane’s amendments are unnecessary, and they would be problematic in some respects as they would specifically refer to “registered European lawyers” and “registered foreign lawyers”, rather than their being included under “qualifying individuals” in the bill. The amendments would provide less future proofing to implement the legal structures in the bill.

Amendments 124 and 125 would delete section 44(1)(e), which sets out that practice rules are to include rules about

“the making and handling of any complaint about an authorised legal business”.

I consider that, given the provisions that will allow the Scottish Legal Complaints Commission to make minimum standards for complaints handling in consultation with the profession and the Lord President, it is important that section 44(1)(e) remains as a mechanism to apply those standards.

After careful consideration of amendments 123 and 126, I am content to support them.

I therefore ask Mr O’Kane not to press amendment 117 and not to move his other amendments in the group, with the exception of amendments 123 and 126. If amendment 117 is pressed—

Martin Whitfield: Will the minister take an intervention?

Siobhian Brown: I will.

Martin Whitfield: I am grateful to the minister for taking the intervention, particularly at the peroration of her remarks. Does she have confidence that the commitment to amend the explanatory memorandum after the bill becomes an act represents enough of a guarantee? Is she confident that the interpretation that will be placed on it not only by the regulators but also, perhaps, by the courts will be strong enough for it to reflect the Government’s change of view and ensure that we correctly encompass overseas registered lawyers?

Siobhian Brown: I am. I think that adopting the text that the Law Society has provided and putting it in the explanatory notes will ensure that that will be done. As I said earlier, Paul O’Kane’s amendments could have unintended consequences.

I therefore ask Mr O’Kane not to press amendment 117 and not to move his other amendments in the group, with the exception of amendments 123 and 126. If amendment 117 is pressed or if any of the other amendments is moved, I urge members to oppose it. I ask members to support my amendment 1 and Mr O’Kane’s amendments 123 and 126.

The Deputy Presiding Officer: Ms White, do you wish to contribute to the debate on the group?

Tess White (North East Scotland) (Con): My questions have been asked, Presiding Officer.

The Deputy Presiding Officer: In that case, I call Paul O’Kane to wind up and press or withdraw amendment 117.

Paul O’Kane: The minister discussed the Law Society’s view and the exchange of letters that happened yesterday. She mentioned unintended consequences a number of times, but it is not clear from my discussions with the Law Society what those would be. It is concerned that it does not have clarity on what the minister has referred to. Indeed, it is keen that we take what I have described as a belt-and-braces approach by putting the issue at the forefront of the bill.

Although I intend still to move forward in that regard, I understand and respect what the minister said about her revision to the explanatory notes and her willingness to accept the Law Society’s wording on the issue, which will go some way to finding the compromise that we are looking for. However, given the significant concerns that have been raised by the Law Society in its correspondence, I will press amendment 117.

The Deputy Presiding Officer: The question is, that amendment 117 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division of the stage, I suspend the meeting for five minutes.

15:50

Meeting suspended.

15:58

On resuming—

The Deputy Presiding Officer: We will proceed with the division on amendment 117, in the name of Paul O’Kane, which will be a one-minute division. Members should cast their votes now.

The vote is closed.

Richard Leonard (Central Scotland) (Lab): On a point of order, Presiding Officer. My platform would not connect. If it had, I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Leonard. I will make sure that that is recorded. *[Interruption.]*

I can reassure Ms Baker that her vote has been counted.

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. My app would not connect. I would have voted no.

The Deputy Presiding Officer: Thank you. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 71, Abstentions 0.

Amendment 117 disagreed to.

Amendment 118 not moved.

Amendment 1 moved—[Siobhian Brown]—and agreed to.

Amendment 119 not moved.

Section 19—Review of regulatory performance by the Scottish Ministers

The Deputy Presiding Officer: Group 3 is on review of regulatory performance: request from the Scottish Parliament. Amendment 2, in the name of the minister, is the only amendment in the group.

Siobhian Brown: Amendment 2 makes it clear that any request that is made by the Scottish Parliament to the Lord President to review the performance of a category 1 or a category 2 regulator can be made only following a resolution of the Scottish Parliament in plenary.

I move amendment 2.

The Deputy Presiding Officer: Nobody else has asked to speak, minister. Do you wish to add anything by way of winding up?

Siobhian Brown: I wish to confirm that the provision will not affect the ability of the Scottish Legal Complaints Commission's consumer panel or Consumer Scotland to request a review.

Amendment 2 agreed to.

Section 20—Measures open to the Scottish Ministers

The Deputy Presiding Officer: Group 4 is on minor and technical amendments. Amendment 3, in the name of the minister, is grouped with amendments 4, 10, 17 to 21, 24 to 27, 61, 63, 98 to 106, 108 to 112, 114 and 115.

Siobhian Brown: Amendments 10, 61, 98 to 100, 102, 114 and 115 are minor and technical amendments that correct or update cross references.

Amendments 3, 17 to 21, 24 to 26 and 103 to 106 correct errors and tidy up the bill.

In relation to amendment 4, section 37 of the bill applies the new provisions that relate to regulators that are accredited under the bill to regulators that are approved under section 26 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990—for example, allowing a review and updating of the regulatory scheme at the direction of the Lord President. To date, the only regulator that is approved under section 26 of the 1990 act is the Association of Commercial Attorneys.

Section 32A, which was inserted at stage 2, allows for a review and updating of the regulatory scheme to take place at the regulator's own initiative as well as at the direction of the Lord President. Section 35A, which was inserted at stage 2, introduced a role for the Lord President in

securing replacement regulatory arrangements for authorised providers, where their accredited regulator has ceased to operate.

Amendment 4 amends section 37 of the bill to apply the provisions of the proposed new sections that sections 32A and 35A would insert into the Solicitors Scotland Act 1980 to the Association of Commercial Attorneys.

Section 76 of the bill expands on the information that must be included in the SLCC's annual report and also requires the SLCC to consult the Lord President, the consumer panel and each regulator.

Amendment 27 responds to concerns that were raised by the SLCC and makes it clear that the requirement to consult is triggered at an early stage in the process, before the report is prepared.

Regarding amendment 63, section 47(1) of the Solicitors (Scotland) Act 1980, as amended at stage 2, provides that an authorised legal business must not, without written permission from the Law Society of Scotland, employ a solicitor who has been struck off the roll or suspended from practice.

The sanction for acting in contravention of that requirement is set out in section 47(4) of the 1980 act. As amended by the bill, the provision sets out that any authorised legal business acting in contravention of the requirement will have its authorisation to provide legal services automatically withdrawn for a period determined by the Scottish Solicitors discipline tribunal, or by the court, in the case of appeals against the refusal to be granted permission by the Law Society.

Amendment 63 instead provides for a more flexible approach to imposing sanctions, allowing the tribunal, or the court, in the case of an appeal, to impose conditions or restrictions on the authorisation of an authorised legal business to provide legal services.

Amendment 101 ensures that there is a right of appeal against decisions to restore a solicitor's practising certificate, subject to conditions in cases in which the solicitor has complied with requirements relating to the refunding of excessive fees charged to a client.

Amendments 108, 109 and 112 move a provision that was inserted into section 16 of the 1980 act at stage 2 to its correct place in section 34 of that act.

Amendments 110 and 111 insert titles into sections of the 1980 act. That was noted by the Law Society of Scotland and the Scottish solicitors discipline tribunal.

I ask members to support the amendments in my name. I move amendment 3.

The Deputy Presiding Officer: As no other member has asked to speak, is there anything that you wish to add in winding up, minister?

Siobhian Brown: No, thank you, Deputy Presiding Officer.

Amendment 3 agreed to.

Section 37—Transitional and saving provision for regulators approved under the 1990 Act

Amendment 4 moved—[Siobhian Brown]—and agreed to.

Section 39—Requirement for legal businesses to be authorised to provide legal services

Amendments 120 and 121 not moved.

Section 41—Rules for authorised legal businesses

Amendment 122 not moved.

Section 42—Authorisation rules

Amendment 123 moved—[Paul O’Kane]—and agreed to.

Section 44—Practice rules

Amendments 124 and 125 not moved.

Amendment 126 moved—[Paul O’Kane]—and agreed to.

Section 45—Financial sanctions

The Deputy Presiding Officer: Group 5 is on cost recovery. Amendment 127, in the name of Paul O’Kane, is grouped with amendments 128, 136 and 91.

Paul O’Kane: Colleagues might have been missing the sound of my voice. I am very grateful to the minister for her indication that she will not move her amendment 91 and is instead minded to support my amendments 127, 128 and 136.

My amendments deal with the issue of cost recovery by regulators when collecting a financial penalty that has been imposed on a business. Although the penalty is payable to the Scottish ministers, it is the regulators that collect it, so they will incur costs. It does not seem reasonable or fair for the rest of the legal profession—and, by extension, the consumers who consume legal products—to cover the costs of that process.

My amendments would allow regulators to recover reasonable costs and build in flexibility to discontinue or resume collection where it becomes unreasonable or unfeasible to collect the financial penalty.

I believe that, by collaborating on these amendments, we have put together a set of provisions that would bring more natural justice to the process for both lawyers and consumers.

I move amendment 127.

Siobhian Brown: After careful consideration of amendments 127, 128 and 136, in Paul O’Kane’s name, I am content to support them. I ask members to support Mr O’Kane’s amendments in the group. I will not move amendment 91.

The Deputy Presiding Officer: I call Paul O’Kane to wind up and say whether he wishes to press or withdraw amendment 127.

Paul O’Kane: I have nothing further to add, and I press the amendment.

Amendment 127 agreed to.

Amendment 128 moved—[Paul O’Kane]—and agreed to.

Section 54—Commission process relating to complaints

The Deputy Presiding Officer: Group 6 is on “Complaints: process”. Amendment 5, in the name of the minister, is grouped with amendments 5 to 9, 11 to 16, 135, 22, 23 and 83 to 90.

Siobhian Brown: I turn first to the amendments in my name.

Section 54(7) of the bill repeals section 12 of the Legal Profession and Legal Aid (Scotland) Act 2007, which specifies how the Scottish Legal Complaints Commission must notify the complainer and practitioner of a decision to uphold or not uphold a services complaint. The SLCC and I agree that that is too restrictive, so the amendments provide for minor and technical changes to add additional flexibility. As a result, amendments 9, 83, 84, 85 and 88 amend paragraph 26 of schedule 3 to the bill to remove the express requirement that notice under sections 3, 8, 16, 17 and 24 of the 2007 act must be given in writing.

Amendment 5 repeals section 45 of the 2007 act, which relates to the giving of notices, and amendment 89 is a consequential amendment.

New section 20A enables the complainer and the practitioners to whom the complaint relates to apply to the SLCC for a review of its decisions as listed in the provision. An amendment that was passed at stage 2 now allows the SLCC to discontinue the investigation of a complaint if the practitioner accepts a settlement that is proposed by the SLCC but the complainer does not. Amendment 7 ensures that that decision by the SLCC is reviewable, thereby securing a right of

review and enhancing transparency and accountability in the complaints process.

Section 61 of the bill inserts new section 17A into the 2007 act, giving the SLCC the power to request practitioner's details in connection with complaints. Amendments 12 and 13 expand the powers in section 17A to cover the investigation and reporting of handling complaints. The changes also enable the power to be used by the SLCC where it initiates a conduct or regulatory complaint.

Amendments 86 and 87 amend section 17 of the Legal Services Act 2007 by adding a reference to new section 2A, following the stage 2 amendments that inserted complaints initiated by the SLCC and handling complaints, to the list of sections mentioned in the 2007 act. That is to address and rectify an SLCC concern regarding the omission of handling complaints from the powers in sections 17 and 17A.

Amendment 14 amends section 66 of the bill, which in turn amends paragraph 1 of schedule 3 to the Legal Profession and Legal Aid (Scotland) Act 2007, which lists what the rules for the practice and procedure of the SLCC must include.

The effect of amendment 14 is that the rules must include provision to require complaints that are

"frivolous, vexatious or totally without merit to be considered ineligible",

which would mean the SLCC need not take any further action other than to give notice of that fact to the complainer, the practitioner and any other person as required under the rules.

Amendment 6 and consequential amendment 8 remove the ability to review the decision to categorise a complaint as a conduct complaint or as a regulatory complaint. We agree with the SLCC's view that these decisions should not be open to review, particularly given the introduction of hybrid complaints, which means that complaints can now be categorised as both types—conduct and regulatory.

Amendments 15 and 16 make small changes to section 66 of the bill, which amends schedule 3 to the 2007 act. The changes mean that the SLCC practice and procedure rules—that relate to the recategorisation of a services complaint—include regulatory complaints.

16:15

I turn now to Mr O'Kane's amendments. I cannot support amendment 135, as it would weaken the SLCC's authority to set standards in complaints handling. The minimum standard setting was introduced in response to calls for more independent regulation of legal services from

stakeholders that represent consumer interests. Consumer bodies support the strengthening of the SLCC's independent oversight of the setting of minimum standards for complaints handling. As members will remember, the committee heard evidence from Rosemary Agnew, the Scottish Public Services Ombudsman, that this is best practice. Giving the Lord President a direct role in determining whether guidance that sets minimum standards is to be complied with—or not—may be viewed as a step away from the consumer-focused approach. I do not think that allowing a veto on the setting of minimum standards, potentially prior to SLCC consultation, is in the consumer's interest.

The current procedure in the bill for setting and issuing minimum standards is aimed at providing greater quality assurance and continuous improvements in complaints handling. As currently drafted, the process is open and transparent. Prior to issuing any guidance that sets minimum standards, the SLCC would carry out a consultation to seek the views of those persons—or their representatives—who would be affected. The SLCC must consult the Lord President, the regulators, practitioners and any other appropriate persons on the initial proposals. The SLCC must again consult the regulators and other appropriate persons on any subsequent drafts. It must take into account any representations that have been made and, further to that, publish a document that summarises the consultation that has been undertaken, the responses and any changes that have been made to the guidance as a result. The SLCC must also give its reasons for including the minimum standards. As a statutory consultee, the Lord President will have had an opportunity at that initial stage to express their views on the proposed minimum standards.

The intention is that the regulators and the Lord President have an opportunity to raise any concerns or challenge any proposed minimum standards through the initial statutory consultation process. As an iterative process, ultimately, given the role of the Lord President in approving a regulatory scheme—which must contain practice rules about the making and handling of complaints, as well as any revisions to it—the Lord President could withhold consent to any subsequent practice rule changes to reflect those standards if they retained concerns with the proposals. That would require the SLCC either to address any concerns that the Lord President raised or to abandon the proposal. The SLCC considers that adding even more stages to the process would add cost to the system and potential delay in addressing emerging consumer protection issues.

Moving on to Mr O'Kane's other amendments in this group, I am pleased to have been able to work

with him on his amendments 11 and 90, which provide relevant professional organisations with the power, when they are considering initiating a complaint against a practitioner or an authorised legal business, to give notice to the practitioner—or the practitioner's firm or the authorised legal business—requiring the production and delivery of the documents that are specified in the notice relating to the complaint. The amendments will allow all lawyers who are working for the Crown Office and Procurator Fiscal Service to be exempt from any requirement that is placed on them to provide information to prevent interference with their prosecution functions and independence. I am grateful to Mr O'Kane for taking on board my concerns and I am content to support amendments 11 and 90.

I am also pleased to have been able to work with Mr O'Kane on his amendments 22 and 23, which provide expressly that the Law Society of Scotland, which has discretionary powers to disclose information when it is in the public interest to do so, is not subject to the restriction in section 52(1) of the 2007 act, and that the SLCC, which has discretionary powers to disclose information when it is in the public interest to do so, is not subject to the restriction in section 41(1) of the 2007 act. I am therefore content to support amendments 22 and 23.

I urge members to support amendments 5 to 9, 12 to 16 and 83 to 89, in my name, and amendments 11, 22, 23 and 90, in the name of Paul O'Kane. However, I ask them not to support amendment 135, in Mr O'Kane's name.

I move amendment 5.

The Deputy Presiding Officer: For clarification, I remind members that we are currently dealing with group 6.

Paul O'Kane: I thank the minister for her co-operation and, indeed, collaboration on amendments 11, 22, 23 and 90, in my name.

Amendments 11 and 90 would provide relevant professional organisations that are considering initiating a complaint against a practitioner or an authorised legal business with the power to give notice to the practitioner, or the practitioner's firm, or the authorised legal business, requiring production or delivery of the document specified in the notice relating to the complaint. Those amendments would allow lawyers who work for the Crown Office and Procurator Fiscal Service to be exempted from any requirement placed on them to provide information, to prevent interference with their prosecutorial functions and independence.

Amendments 22 and 23 would expressly provide the Law Society of Scotland with

discretionary powers to disclose information where it was in the public interest to do so.

I believe that all my amendments would be extremely important for ensuring the swift resolution and advancement of complaints and also for ensuring that there is strong transparency around their resolution. I believe that they would represent good news for achieving transparency and proactive regulation.

Also in this group is my amendment 135, which would permit relevant professional organisations to appeal SLCC directions on minimum standards to the Lord President, for his determination. I whole-heartedly agree with the minister that the SLCC's ability to direct minimum standards would provide for a strengthening of the consumer voice and, it is to be hoped, would lead to improved practices within the complaints process. I note that members of the profession have widely accepted that view.

However, I think it reasonable to consider that, like any person or organisation, the SLCC is not infallible and therefore might issue guidance that did not account for certain circumstances. Such guidance could be impractical or simply wrong. Even if the processes that include consultation with affected stakeholders were observed, wrong or impractical conclusions could be drawn and evidence could simply be ignored.

In those instances it would seem fair to give the profession a mechanism to voice its concerns to a third party. My amendment 135 would require that it be put before the Lord President for final consideration, at which point he could uphold the direction, either in part or in full, or vary it.

The Lord President has indicated his agreement with that position, in principle, in a letter that he sent to the Equalities, Human Rights and Civil Justice Committee ahead of stage 3. In it, he stated that the senior judiciary's view was that the bill should be amended so that the Lord President is given a power to approve the SLCC guidance, which sets minimum standards before they are imposed on a regulatory body. The Lord President approves the practice and disciplinary rules of the Law Society and the Faculty of Advocates. If minimum standards from the SLCC are to be included in rules which the Lord President approves and the Lord President does not agree with these rule changes because the SLCC minimum standards are not workable or appropriate, the senior judiciary thought it would be unlikely that the Lord President would approve those rules.

I note that, without my proposed mechanism, in particularly egregious examples, the only avenue that would be available to relevant organisations would be to seek judicial review. That would be

significantly more costly and more time consuming than any costs or delays that might result from the ability to refer guidance to the Lord President for a final direction.

It appears that the minister and I are at odds on that point. However, it seems to me that amendment 11, in my name, would provide a reasonable safeguard.

Maggie Chapman: I thank the minister and her officials for our constructive and helpful conversations at various stages of the bill's progress. We support most of the amendments in group 6. However, I am not convinced by the minister's argument on amendment 14, which would reinstate the wording "frivolous, vexatious and totally without merit" that we removed at an earlier stage.

I understand the intention—at stage 2 we discussed the issue at length in order to ensure that complaints that are clearly intended to waste time can be dealt with swiftly. I agree that that is important. However, the SLCC does not support amendment 14, and it argues that we should grasp the opportunity that the bill provides to remove legalistic, offensive or archaic jargon and replace it with more consumer-friendly language.

The terms that are referenced in amendment 14 are not just archaic or inaccessible legal jargon; they have derogatory meanings in ordinary contemporary English, and so they will almost inevitably have a negative impact. Just because a body of case law is attached to the terms is not reason enough to keep them. The terms will likely have to be changed sometime—surely sooner rather than later is better.

The commission has said that the streamlined triage processes that are outlined in the bill would allow complaints that require further investigation to proceed swiftly to resolution or the relevant regulator and those that do not require investigation to be dealt with quickly without delay. The SLCC is the expert in handling complaints, which includes communicating to consumers when a complaint cannot be taken forward. If the commission says that the amendment's wording is unhelpful, we should perhaps respect its expertise. In her winding-up speech, I would be grateful to the minister if she could say why we should not do that in this case.

Siobhian Brown: I appreciate that Mr O'Kane's amendment 135 is a Law Society amendment, but, as we have all known throughout the passage of the bill, there has to be a balance for consumers and the legal profession. My view is that amendment 135 would weaken the SLCC's authority to set complaints handling standards. Consumer bodies support the strengthening of independent oversight by the SLCC.

Paul O'Kane: I recognise what the minister is outlining, but does she recognise the letter that came from the Lord President and his view that his office should be the final port of recourse before a complaint potentially has to go to judicial review? Does she share my concern that judicial review can be costly and slow things up even more?

Siobhian Brown: No, we do not share your view and have to agree to disagree. A lot of concessions have been made to the legal profession throughout the bill process. We also have to look after consumer bodies, which is why we will oppose amendment 135.

Maggie Chapman will be aware that amendment 14 was raised at stage 2. We have engaged with the SLCC on the approach to the wording in order to find a compromise and progress with a flexible approach that allows the SLCC to investigate a complaint more quickly while retaining the requirement to reject complaints that are without any merit. That is why we lodged amendment 14.

Amendment 5 agreed to.

Section 57—Commission decision making and delegation

Amendment 129 not moved.

Section 58—Commission review committee

Amendments 6 to 8 moved—[Siobhian Brown]—and agreed to.

Section 60—Disclosure of information by practitioners etc to the Commission and relevant professional organisations

Amendments 9 and 10 moved—[Siobhian Brown]—and agreed to.

Amendment 11 moved—[Paul O'Kane]—and agreed to.

Section 61—Power of Commission to request practitioner's details in connection with complaints

Amendments 12 and 13 moved—[Siobhian Brown]—and agreed to.

Section 65—Unregulated providers of legal services: voluntary register, annual contributions and complaints contributions

The Deputy Presiding Officer: Group 7 is on a register of unregulated legal services providers. Amendment 130, in the name of Tess White, is grouped with amendments 131 to 134 and 142.

16:30

Tess White: I thank the minister for her constructive engagement on section 65, following

stage 2 consideration of the bill. Amendments 130 to 134 and 142, in my name, allow the Scottish Government to lay regulations that would give specific organisations the mechanism to request that an unregulated provider of legal services is formally registered.

At stage 2, I lodged amendments from the Law Society that sought to change the voluntary register for unregulated providers of legal services in section 65 to make the register mandatory. The Law Society's position was that a voluntary register that requires payment of levies and fees and that subjects a service provider to a statutory complaint scheme is

"unlikely to attract a meaningful uptake",

and I agree.

The Equalities, Human Rights and Civil Justice Committee's stage 1 report called on the Scottish Government to strengthen the provision and consider "creating a mandatory register". Stakeholders such as the Competition and Markets Authority have made similar calls. However, the Scottish Legal Complaints Commission raised concerns about how the amendments at stage 2 would work in practice.

My view remains that it is in the public interest to have a mandatory scheme. Consumers currently have no recourse that would enable them to raise complaints about an unregulated provider.

I am pleased at stage 3 to have worked with the Scottish Government to find a way to strengthen section 65 that satisfies stakeholders. The Law Society states in its stage 3 briefing that my amendments

"significantly toughen up the provisions in the Bill"

and lay the foundations to begin to address the issues in the unregulated sector. The SLCC states that the amendments take

"a proportionate and risk-based approach".

I am grateful to the Law Society and the SLCC for their expertise and insights during this process, which has led to a positive outcome for consumers. I urge colleagues to support these changes.

I move amendment 130.

Siobhian Brown: I thank Tess White for her engagement and contribution to the bill through amendments 130 to 134 and 142. Those amendments significantly enhance the clarity and structure of the provisions relating to the registration of unregulated legal services providers under the Legal Profession and Legal Aid (Scotland) Act 2007. The amendments collectively strengthen and enhance transparency and ensure that the process for registration in the voluntary

register for unregulated legal services providers is both accountable and consultative.

I ask members to support the amendments in Tess White's name.

The Deputy Presiding Officer: I call Tess White to wind up and to press or withdraw amendment 130.

Tess White: I have nothing further to add, other than to thank the minister and others who were involved for their input and engagement on this package of amendments.

Amendment 130 agreed to.

Amendments 131 to 134 moved—[Tess White]—and agreed to.

Section 66—Unregulated providers of legal services: voluntary register, annual contributions and complaints contributions

The Deputy Presiding Officer: Does any member object to amendments 14 to 21 being moved en bloc?

Maggie Chapman: Yes.

The Deputy Presiding Officer: Ms Chapman, is it simply amendment 14?

Maggie Chapman: Yes, amendment 14.

Amendment 14 moved—[Siobhian Brown].

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Joe FitzPatrick (Dundee City West) (SNP): On a point of order, Presiding Officer. I did not manage to connect. I would have voted yes.

The Deputy Presiding Officer: I will make sure that that is recorded.

The Cabinet Secretary for Finance and Local Government (Shona Robison): On a point of order, Presiding Officer. I had the same issue. I could not connect. I would have voted yes.

The Deputy Presiding Officer: I will make sure that that is recorded.

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

The Deputy Presiding Officer: I will make sure that that is recorded.

Colin Beattie (Midlothian North and Musselburgh) (SNP): On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: I will make sure that that vote is recorded.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 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) [Proxy vote cast by Rona Mackay]
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Mackay, Gillian (Central Scotland) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

The Deputy Presiding Officer: The result of the division on amendment 14 is: For 104, Against 8, Abstentions 0.

Amendment 14 agreed to.

Amendments 15 and 16 moved—[Siobhian Brown]—and agreed to.

Section 67—Conduct or regulatory complaint raised by relevant professional organisation

Amendments 17 to 21 moved—[Siobhian Brown]—and agreed to.

Section 69—Complaints: monitoring and setting of minimum standards by the Commission

Amendment 135 moved—[Paul O’Kane].

The Deputy Presiding Officer: The question is, that amendment 135 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 67, Abstentions 0.

Amendment 135 disagreed to.

Section 71C—Restriction on disclosure of information: Commission

Amendment 22 moved—[Paul O’Kane]—and agreed to.

Section 71E—Restriction on disclosure of information: relevant professional organisations

Amendment 23 moved—[Paul O’Kane]—and agreed to.

Section 72—Conduct complaints: power to impose unlimited fine and removal of power to award compensation

Amendments 24 to 26 moved—[Siobhian Brown]—and agreed to.

Section 76—Commission reports

Amendment 27 moved—[Siobhian Brown]—and agreed to.

Before section 78

Amendment 136 moved—[Paul O’Kane]—and agreed to.

The Deputy Presiding Officer: We move to group 8, on licensed legal services providers: changes to the Legal Services (Scotland) Act 2010. Amendment 28, in the name of the minister, is grouped with amendments 29, 30 and 65 to 67.

Siobhian Brown: Amendment 28 makes it clear that different licence fees can be charged to different types of applicants for different types or categories of a licence to reflect the fact that there are now many types of business models entering the legal services market, such as those providing incidental financial services. The amendment allows for the charging of bespoke fees to be permissible under the Legal Services (Scotland) Act 2010. Allowing the charging of such fees would be part of the regulatory scheme rules. They would need to be approved by Scottish ministers, with the agreement of the Lord President, thus ensuring a check on the fee charging. An example of a licence that would apply only to certain businesses would be an incidental financial business licence.

Amendment 29 repeals section 49 of the Legal Services (Scotland) Act 2010. That removes the

requirement that, for business entities to be eligible to be a licensed provider, they must be at least 10 per cent owned by solicitors or members of other regulated professions. That simplifies the regulatory framework and potentially broadens the pool of eligible professionals, which will encourage more diverse ownership structures within the legal profession and foster innovation and competition while maintaining high standards of professional conduct.

Under the 2010 act, an approved regulator must be satisfied that all non-solicitor investors are fit to have an interest in a licensed provider, for example in terms of their financial position and character. Section 64(4) of the 2010 act provides that, if a non-solicitor investor is a body, the regulator must be satisfied as to the fitness of both the body and any person having ownership or control of that body.

Amendment 30 relaxes that requirement so that it only applies in respect of persons who have significant control or ownership, as determined by the approved regulator, taking a more proportionate approach.

The bill repeals section 1 of the 2010 act, removing the duty on regulators to comply with specified regulatory objectives in the act in favour of the new regulatory objectives introduced by part 1 of the bill. Amendment 65 similarly repeals the obligation on legal services providers to have regard to the regulatory objectives under the 2010 act. Instead, those providers will need to adhere to the professional principles set out in part 1 of the bill. That change will reduce the regulatory burden on legal services providers, making compliance more straightforward while maintaining high professional standards.

Sections 77 and 78 of the 2010 act are, therefore, not needed. Section 77 requires approved regulators to act compatibly with the regulatory objectives in that act, and section 78 requires approved regulators to issue a policy statement in relation to section 77. Amendment 66 repeals those sections, and amendments 65 and 67 make related consequential changes.

I move amendment 28.

Amendment 28 agreed to.

Section 80—Majority ownership

Amendment 29 moved—[Siobhian Brown]—and agreed to.

After section 80

Amendment 30 moved—[Siobhian Brown]—and agreed to.

Section 86B—Safeguarding interests of clients

The Deputy Presiding Officer: Group 9 is on safeguarding. Amendment 31, in the name of the minister, is grouped with amendments 32 to 58, 60, 62 and 64.

Siobhian Brown: Where a solicitor or authorised legal business is unable to continue to operate, the safeguarding provisions that the bill inserts into the Solicitors (Scotland) Act 1980 enable the Law Society to take on any client account of that former solicitor or authorised legal business. That includes the ability to make a direction requiring the former authorised legal business to take any specified action.

My amendment 34 will allow for an authorised legal business to appeal such a direction to the court. Although the process is a protective one that can be put in place urgently, it is important that such matters can be tested by the court, and the court's decision is final. I am aware that the Law Society has raised concerns about delay, but we think that that can be catered for by the courts in urgent circumstances. Following stage 2, the Lord President also raised the issue of whether there should be an appeal.

16:45

The safeguarding provisions in proposed new section 46A of the Solicitors (Scotland) Act 1980 will apply in relation to an authorised legal business that is comprised of a "sole solicitor". Amendment 45 provides a definition of that term. Together, amendments 37 and 38 make it clear that the safeguarding provisions will also apply where the sole solicitor has, for any reason, ceased to practice. At present, similar but not identical requirements to satisfy the Law Society apply in those circumstances under section 46 of the 1980 act.

Amendment 42 follows amendments at stage 2 to set out duties that an authorised legal business must comply with within 21 days of its sole solicitor ceasing to practise. Although the requirements are different, they are not onerous. Vesting in the Law Society, as is provided for in the bill, will not, as the Law Society has said, apply unless the solicitor is disqualified, as in the provision at present. The main point is to give the Law Society the ability to make a direction. The amendment will also enable a solicitor or authorised legal business to whom a direction is given to appeal against it to the Court of Session, as I mentioned previously.

Amendments 31 to 33, 35, 36, 39, 40 to 44, 47, 46, 48 to 58, 60, 62 and 64 are minor technical amendments to update the drafting style and to correct minor errors such as cross-references.

I ask members to support my amendments in the group.

I move amendment 31.

Tess White: The Scottish Conservatives are broadly supportive of the amendments in the group. However, as the minister has said, the Law Society has flagged two amendments, in particular, that it believes are problematic. Amendments 34 and 42 would create a new right for a business to lodge an appeal to the court when the Law Society directs it, as part of its remit to intervene directly in the public interest. The Law Society has raised serious concerns about that approach, which it believes weakens public protections by delaying the ability to take necessary action to safeguard client assets. It gives the example of a conveyancing transaction to demonstrate the need to intervene urgently to protect client interests.

Has the Scottish Government taken into consideration the unintended consequences of the provisions, which could negatively impact the consumer?

Paul O'Kane: I, too, press the minister on the concerns that have been expressed by the Law Society and others regarding amendments 34, 38 and 42. Throughout the bill process, the Government and members across the Parliament have been trying to strike the right balance between effective and efficient regulation and the interests of consumers and their protections.

I am concerned that introducing the appeal mechanism that is provided for in amendment 34, on top of existing and other court actions, for situations in which a regulator has intervened in a failed firm and given directions to safeguard client interests, could delay the ability to act at speed. Tess White gave the example of a client filing to complete an urgent conveyancing transaction when it might be impossible to complete that transaction. That is a serious issue. I am sure that many of us are familiar with the circumstances of being in a chain and needing speed when involved in conveyancing. Has the minister weighed the potential consequences for consumers? Why does she feel that the proposed additional right of appeal is so critical?

On amendment 38, I ask what consideration the minister has given to the unintended consequences of the catch-all mechanism that she has created for triggering safeguarding mechanisms under proposed new section 46A of the 1980 act, given that there are reasons for cessation of practice, such as retirement, that do not necessitate safeguarding mechanisms being triggered.

Similarly, on amendment 42, I worry about the practicality of requiring all sole practitioners who

cease practising to prepare and submit interim accounts and to notify all clients within 21 days, when a date for cessation is often not determined until well after the fact.

Regarding the appeal rights and directions from the regulator for which amendment 42 provides, I refer members to the arguments that I outlined earlier in relation to amendment 34.

As they stand, I am concerned that the amendments, both individually and together, are unnecessary. I think that they are impractical and contrary to the interests of consumers, and members on this side of the chamber are minded to oppose them.

Siobhian Brown: When I agreed at stage 2 to support Tess White's amendment in respect of safeguarding the interests of clients, I said that I would revisit the provisions at stage 3 to ensure that they worked fully with the wider legislation and that I would make any adjustments that were necessary to reflect the wider policy intention.

Given the implications for practitioners, and following consideration of a query from the senior judiciary, I have lodged amendments 34 and 42, which would provide an appeal mechanism on the 14-day appeal timescale and would make the appeal final. That would allow directions to be appealed before the court in a timely manner, as the power is wide and can affect a variety of persons. An appeal on a genuinely urgent matter may be expedited by the court to avoid delay.

Regarding the Law Society's concerns about what amendments 38 and 42 would require from a business that is being wound down, perhaps due to a solicitor retiring, I do not consider that the duties that would flow from that would be unreasonable. The right for the client accounts to vest in the Law Society would apply only in relation to a practitioner who had been disqualified and would therefore not create undue requirements.

The other duties that are set out in amendment 42 are to prepare interim accounts that would, in particular, detail all sums held on behalf of clients, and to send a copy of those accounts to the Law Society. In the case of the orderly winding down of a business, that would be straightforward and would involve notifying clients of the intention to cease practice and of the powers that the Law Society has to safeguard clients and, finally, satisfying the Law Society that it had complied with the requirements to inform clients.

I ask members to support my amendments.

Amendment 31 agreed to.

The Deputy Presiding Officer: Does any member object to amendments 32 to 58 being moved en bloc?

Members: Yes.

The Deputy Presiding Officer: For clarification, are the amendments concerned amendments 34, 38 and 42?

Members: Yes.

Amendments 32 and 33 moved—[Siobhian Brown]—and agreed to.

Amendment 34 moved—[Siobhian Brown].

The Deputy Presiding Officer: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Marie McNair (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms McNair. I will make sure that that vote is recorded.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]

McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)

Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Deputy Presiding Officer: The result of the division is: For 59, Against 58, Abstentions 0.

Amendment 34 agreed to.

Amendments 35 to 37 moved—[Siobhian Brown]—and agreed to.

Amendment 38 moved—[Siobhian Brown].

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
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 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
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McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Deputy Presiding Officer: The result of the division is: For 59, Against 55, Abstentions 0.

Amendment 38 agreed to.

Amendments 39 to 41 moved—[Siobhian Brown]—and agreed to.

Amendment 42 moved—[Siobhian Brown].

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)

Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lacro Johnston, Jamie (Highlands and Islands) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

17:00

The Deputy Presiding Officer: The result of the division is: For 59, Against 59, Abstentions 0.

The vote is therefore tied. As is usual when the Parliament has not been able to reach a decision, I am obliged to exercise a casting vote. I will not make the decision for the Parliament; the established convention is to vote in favour of the status quo, because the chair is required to act impartially. I therefore cast my vote against the amendment.

Amendment 42 disagreed to.

Amendments 43 to 48 moved—[Siobhian Brown]—and agreed to.

Section 86C—Recovery of expenses of intervention

Amendments 49 to 58 moved—[Siobhian Brown]—and agreed to.

After section 87

The Deputy Presiding Officer: Group 10 is on review of the act. Amendment 137 is the only amendment in the group.

Tess White: I thank the minister for her constructive engagement on amendment 137 following stage 2. Amendment 137 creates a statutory post-legislative review of the act, to begin no later than 10 years after the commencement of sections 8, 39, 52 and 78. It requires the Scottish ministers to consult regulators of legal services, consumers of legal services and the Scottish Legal Complaints Commission as part of that review, and it leaves the door open for other individuals and organisations to be consulted, too. Following the raising of concerns at stage 2 about the length of the review period, I have agreed with the minister that 10 years is an appropriate length of time and that it should begin from the commencement of specific sections of the bill rather than royal assent.

Post-legislative scrutiny is important; however, in the case of the regulatory framework for legal services, it is essential. That point was made by the Competition and Markets Authority in its stage 3 briefing, which urged

“regular statutory review to assess whether”

the act

“is meeting the needs of consumers”.

Many of the issues that arise in the regulatory system have occurred because so much time has passed since the Solicitors (Scotland) Act 1980 was added to the statute book. The Regulation of Legal Services (Scotland) Bill is therefore long overdue. The Law Society has been campaigning for change for at least a decade.

Given that the bill has been so heavily amended, there is a strong case, too, for ensuring that it is operating as expected within what is a fragmented legislative landscape, and that it serves the interests of consumers.

Stakeholders are widely supportive of a post-legislative review, which, I hope, will give all parties involved an opportunity to take stock and recommend further changes in the public interest.

Regulatory issues must not get lost in the weeds for years to come, which is why I urge colleagues to support amendment 137.

I move amendment 137.

Siobhian Brown: I am pleased to have worked with Tess White on her amendment 137, which will require the Scottish ministers to undertake a review of the principal changes to the regulation of legal services arising from the legislation. I am grateful to Ms White for taking on board my concerns, and I am content to support the amendment.

The Deputy Presiding Officer: I invite Tess White to wind up and to press or withdraw amendment 137.

Tess White: I have nothing further to add, other than that I am pleased to hear that the amendment is supported on a cross-party basis. I will press the amendment.

Amendment 137 agreed to.

After section 88

The Deputy Presiding Officer: Group 11 is on interdicts. Amendment 59, in the name of the minister, is grouped with amendment 113.

I call the minister to move amendment 59, and speak to both amendments in the group.

Siobhian Brown: Amendments 59 and 113 respond to concerns raised by the Faculty of Advocates. The amendments put beyond doubt that it is competent for the civil remedy of interdict to be sought with a view to preventing the carrying out of an act that is subject to criminal law penalties under the Solicitors (Scotland) Act 1980 and the Legal Services (Scotland) Act 2010.

For example, an interdict could be sought to prevent a person from pretending to be a lawyer, a regulated legal services provider or a member of

the Faculty of Advocates. The Government recognises that interdict could be an effective remedy in preventing the continuance of that kind of deceptive behaviour as a matter of urgency, and could be a useful tool for a regulator.

I ask members to support the amendments.

I move amendment 59.

The Deputy Presiding Officer: As no other member has asked to speak, do you want to say anything by way of wind-up, minister?

Siobhian Brown: No.

Amendment 59 agreed to.

Section 91—Interpretation

Amendment 138 not moved.

Schedule 1

Amendments 60 to 64 moved—[Siobhian Brown]—and agreed to.

Schedule 3

Amendments 65 to 67 moved—[Siobhian Brown]—and agreed to.

The Deputy Presiding Officer: Group 12 is on “Complaints: Solicitors (Scotland) Act 1980”. Amendment 68, in the name of the minister, is grouped with amendments 69 to 78, 78A, 79 to 82 and 107.

Siobhian Brown: Amendment 75 replaces with a regulation-making power the Scottish ministers’ order-making power to increase the maximum amount that the SSDT can fine a solicitor in certain circumstances, which was inserted at stage 2. That reflects modern practice and is consistent with other ministerial regulation-making powers provided by the bill.

Amendment 82 restricts the SSDT from publishing any information that identifies or is likely to identify any person other than the solicitor against whom the complaint was made, unless it is considered to be in the public interest to do so and that person consents. That mirrors the approach taken in relation to the disclosure of information about complaints by the Scottish Legal Complaints Commission and relevant professional organisations, and it provides the SSDT with additional flexibility in relation to publishing information about cases.

The bill currently makes provision allowing the SSDT to take decisions and determinations relating to previous complaints into account when deciding whether a solicitor has been guilty of unsatisfactory professional conduct. The SSDT considers that that is inappropriate. Amendment 69 allows the SSDT to instead take into account

decisions and determinations in respect of previous complaints when it is deciding whether the censure of a solicitor is to have effect for a specified period only and whether to direct the solicitor to pay a fine or undertake training or to order their practising certificate to be subject to certain conditions.

Amendment 74 makes a broadly equivalent amendment in respect of the powers of the SSDT on appeal.

Amendments 68, 70 to 73, 76, 77, 80 and 81 make minor changes to tidy up provisions following changes made at stage 2.

The bill amends the 1980 act to enable the Law Society to appeal to the Court of Session against decisions of the SSDT to dismiss a complaint without inquiry. Amendments 78, 79 and 107 move those provisions from schedule 4 to the 1980 act into a new section.

Presiding Officer, there is an error in amendment 78, which should refer to leaving out line 22 on page 149 of the bill, rather than line 23. With your agreement, I have lodged a manuscript amendment, amendment 78A, to correct that error.

I ask members to support the amendments in my name.

I move amendment 68.

The Presiding Officer (Alison Johnstone): Does the minister wish to add anything in winding up?

Siobhian Brown: No, thank you, Presiding Officer.

Amendment 68 agreed to.

Amendments 69 to 77 moved—[Siobhian Brown]—and agreed to.

Amendment 78 moved—[Siobhian Brown].

Amendment 78A moved—[Siobhian Brown]—and agreed to.

Amendment 78, as amended, agreed to.

Amendments 79 to 89 moved—[Siobhian Brown]—and agreed to.

Amendments 139 to 141 not moved.

Amendment 142 moved—[Tess White]—and agreed to.

Amendment 90 moved—[Paul O’Kane]—and agreed to.

17:15

Amendment 91 moved—[Siobhian Brown].

The Presiding Officer: The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

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

The vote is closed.

Colin Smyth (South Scotland) (Lab): On a point of order, Presiding Officer. I would have voted no.

The Presiding Officer: Thank you, Mr Smyth. We will ensure that that is recorded.

Liz Smith (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. I could not connect to the app. I would have voted yes.

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

Clare Adamson (Motherwell and Wishaw) (SNP): On a point of order, Presiding Officer. I would have voted no.

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

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

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

Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 28, Against 87, Abstentions 0.

Amendment 91 disagreed to.

The Presiding Officer: Group 13 is on rolls and registers. Amendment 92, in the name of the minister, is grouped with amendments 94 to 97.

Siobhian Brown: Amendment 92 will allow the Law Society to contact a solicitor who was required to complete training before being enrolled to ask whether they plan to complete the training, and, if they do not respond within eight weeks or if they fail to complete the training within six months of entering a training contract, the Law Society may remove the solicitor from the roll.

Section 12D of the Solicitors (Scotland) Act 1980 was amended at stage 2 to give registered European lawyers the right to appeal to the Scottish Solicitors Discipline Tribunal where the Law Society decides not to restore the lawyer to the register. Amendment 94 ensures that the provisions applying to appeals to the SSDT include appeals under section 12D(2A) of the 1980 act.

Amendments 95 and 96 correct terminologies to make it clear that the power of the SSDT or of the court is to “order the restoration of” the foreign lawyer’s name to the register rather than to carry out the restoration itself.

Amendment 97 will ensure that the SSDT has consistent powers to award expenses in relation to all matters that it deals with, including applications for restoration, rather than just complaints and appeals, as is currently provided for.

I ask members to support the amendments in my name.

I move amendment 92.

The Presiding Officer: Does the minister have anything else to add in winding up?

Siobhian Brown: No, thank you.

Amendment 92 agreed to.

Amendments 94 to 115 moved—[Siobhian Brown]—and agreed to.

The Presiding Officer: That ends stage 3 consideration of amendments.

As members will be aware, I am required under standing orders to decide whether, in my view, any provision of a bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the Regulation of Legal Services (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Regulation of Legal Services (Scotland) Bill

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-17584, in the name of Siobhian Brown, on the Regulation of Legal Services (Scotland) Bill at stage 3. I would be grateful if members who wish to speak in the debate were to press their request-to-speak buttons.

17:21

The Minister for Victims and Community Safety (Siobhian Brown): I am pleased that we have completed stage 3 of the Regulation of Legal Services (Scotland) Bill with so much consensus on the final amendments to the bill, just as we had at stage 2.

The bill's journey from its introduction to this final stage has been a rigorous and collaborative process involving extensive consultation and discussion. I start, therefore, by acknowledging the contributions of all stakeholders, particularly the legal professionals, regulatory bodies, consumer representatives and members of the public who have shared their insights and views. I thank them for their input, which has been invaluable in shaping the bill and ensuring that it reflects the interests of all those who interact with the legal system.

I thank the members and the clerks of the Equalities, Human Rights and Civil Justice Committee for their scrutiny work and engagement with me throughout the passage of the bill. Last, but definitely not least, I express my deepest gratitude to the bill team, who predate my responsibility for the bill and have been a huge support throughout, for working tirelessly on the bill for two years.

There is no doubt that the Regulation of Legal Services (Scotland) Bill is a technical piece of legislation that may seem dry to many. However, it has provided Parliament with a major opportunity to modernise and improve the way in which we regulate legal services in Scotland. The bill will enhance the standards, accessibility and transparency of the legal profession, making it better equipped to serve the people of Scotland in an ever-evolving legal landscape.

At its core, the bill seeks to deliver a framework that ensures that Scotland's legal services are accessible, accountable and of the highest quality.

Tess White (North East Scotland) (Con):

There is huge concern that consumers have been forgotten in the bill. What is your view on that?

Siobhian Brown: I know that Tess White has become a member of the committee only recently. Throughout the bill's passage, it has been incredibly difficult to find a balance between the legal profession and the consumer side, starting from day 1, when it was suggested—before my time as minister in charge of the bill—that there be an independent regulator, and we decided not to pursue that. We have engaged constructively with the legal profession, and—as Tess White will know—on some of the amendments that have been considered today, to strengthen the consumer side. I am not going to say that the process has been easy—it has been difficult to get the bill through and find that balance. However, I hope that, as we move forward today, we have achieved that.

The framework delivered by the bill aims to balance the interests of stakeholders—who, although they have differing views, all support this bill—and ensure that Scotland's legal sector remains trusted, transparent and effective in meeting the needs of those that it serves.

I will briefly remind members of the bill's key provisions. It will provide a more consumer-focused approach by introducing a more flexible and consumer-focused regulatory structure that ensures that individuals who seek legal services receive high standards of service and clarity on their redress options. For too long, consumers of legal services have struggled to understand the complexities of the complaints system. The bill aims to remedy that by establishing clearer processes for consumers to seek redress and hold legal providers accountable. The bill also strengthens the consumer voice by providing the consumer panel with a robust footing and a wider remit.

The bill will also ensure improved oversight and accountability. As the ultimate regulator of Scotland's legal sector, the Lord President is empowered by the bill to oversee and improve the functions of legal services. For example, I lodged amendments at stage 2 in order to transfer to the Lord President the ability to review a regulator's performance. I have also lodged amendments that would require the Lord President's consent to be gained before any changes may be made to the regulatory category of a regulator.

Finally, the bill will increase access to justice, as it will introduce provisions to widen access to legal services. It will enable innovative service delivery models, including alternative business structures. This change will help to ensure that legal services are available in a way that meets the needs of a modern, diverse society. The bill also removes restrictions on third sector bodies, to allow them to employ solicitors and represent some of the most vulnerable in society.

Let me also reflect on the broader context within which this legislation has emerged. Scotland's legal sector plays an integral role in maintaining the rule of law and upholding justice. From individuals who are seeking advice in family law matters to businesses that are navigating complex commercial disputes, the demand for accessible, efficient and accountable legal services is growing.

However, as we know, the landscape of legal services has changed dramatically over the past decade, and that change has accelerated in recent years. The rise of technology, the increase in diverse legal needs, and the challenges that consumers face have highlighted the need for reform.

The bill is a direct response to those challenges and a recognition that, although our legal services sector is one of the best in the world, it is not without areas for improvement.

Throughout the consultation process, many views were expressed on the idea of having a single independent regulator. We have taken great care to ensure that the regulatory framework that the bill provides is proportionate, balanced and sensitive to the autonomy of the legal profession while ensuring that the public interest remains at the heart of the regulatory process.

This bill is a vital piece of legislation that has the potential to reshape the legal services landscape in Scotland, which I am sure we all welcome.

Ultimately, the bill is about improving the everyday experience of people who need legal help and ensuring that legal services are delivered in a way that is fair, equitable and accessible for all. It is about empowering both consumers and professionals to build a stronger, more resilient legal system that reflects the values of our society and meets the expectations of our citizens.

I am confident that the Regulation of Legal Services (Scotland) Bill can deliver a robust regulatory framework that serves both the interests of the legal profession and the people of Scotland, and I urge all members to support it.

I move,

That the Parliament agrees that the Regulation of Legal Services (Scotland) Bill be passed.

17:28

Tess White (North East Scotland) (Con): I thank all the individuals and organisations who have supported and contributed to the parliamentary passage of the Regulation of Legal Services (Scotland) Bill. I also thank the minister, who engaged constructively with members ahead of stage 3.

I appreciate that, for many stakeholders, the bill is long overdue, and I hope that my amendment 137, which secures a review of the act, will reduce the timescales for change in the future.

It is clear that the current system, which covers entry to the profession, professional practice, complaints and financial compliance, is not fit for purpose. Much of the relevant legislation is more than 40 years old, but the legal services market is constantly evolving. However, the corresponding regulatory regime is clunky and inflexible.

I am a member of the Equalities, Human Rights and Civil Justice Committee, which has been hearing about huge issues with access to justice. The whole system is frustrating for regulatory bodies, but it is often the consumer who bears the brunt of its failings. The committee has heard that, sometimes, consumers have to try 100 solicitors before they find one who will act on their behalf. The system is crying out for modernisation.

Scottish Conservatives believe that the bill truly represents a missed opportunity, which is why we will vote against it at decision time. In the brief time that is allocated to me, I want to explain our reasoning carefully, because I understand that the legal profession has expressed strong feelings on the subject. However, it is vital that the consumer's voice is heard during the process.

There are two key issues. The first is that the bill fails to consolidate the existing legislative landscape into a single act, which the Law Society of Scotland called for in order to simplify that fragmentation. At stage 2, the bill was the most heavily amended in the Scottish Parliament's lifetime.

Siobhian Brown: Does Ms White appreciate the history of the bill and how matters have progressed since 2010? If the bill is not passed today, we will go back to scratch and there will be no reform of the legal profession.

Tess White: When the bill process started, there was an unacceptable situation, which the legal profession reported directly to Scottish ministers. It was absolutely absurd and threatened the independence of the judiciary. The bill that we are debating and voting on today is not the one that existed at the start of the process.

The Scottish Legal Complaints Commission's consumer panel is clear that the bill will make the current regulatory landscape even more complex and difficult to understand. We had an opportunity to overhaul that landscape, but the bill simply tinkers around the edges of a byzantine system.

Secondly, there has been considerable debate on who should regulate the legal profession. The Robertson review concluded that there should be a single independent regulator and a single

streamlined complaints process. I note that, in its stage 3 briefing on the bill, Consumer Scotland echoed that call.

Paul O'Kane: Tess White spoke about the challenges that the bill presents, particularly with regard to the independence of the judiciary. However, I am not sure whether she is supportive of having an independent regulator, so it would be useful if she could clarify that. Does she recognise what the Faculty of Advocates said in its evidence to the committee, which was that it considers that to be

"a hare that was ... shot long ago"?

Tess White: We are fully supportive of having an independent regulator. The regulators and the judiciary were fundamentally opposed to the approach of having a single independent regulator, but we believe that it is important and that the corresponding recommendation of the Robertson review should have been followed through.

In its eternal wisdom, the Scottish Government settled on a so-called workaround in the bill, which satisfied no one. It created sweeping new ministerial powers to intervene directly in the regulation of legal services, prompting widespread condemnation—from the legal profession and beyond—of what was seen as a Government assault on the rule of law. Its approach was considered to be bad law making.

Siobhian Brown: Will the member take an intervention?

Paul O'Kane: Will Tess White give way?

Tess White: I will take the minister's intervention first.

Siobhian Brown: I am slightly confused by Ms White's contribution. She said that the Scottish Conservatives would fully support having an independent regulator, but then she referenced the legal profession's position. Does she appreciate that the profession was 100 per cent against having an independent regulator? We have to be on one side or the other—we cannot sit on the fence or be on both sides.

Tess White: I am saying that, when the bill process started, the Scottish Government wanted the judiciary to report directly to ministers, which was absolutely absurd. We have now reached a point where we are tinkering around the edges as the bill increases cost and complexity, and consumers are not being fully taken into consideration.

Paul O'Kane: On the theme that the member has raised, the judiciary's concern was about maintaining its independence in the processing of complaints. Does she envisage that an

independent regulator would be answerable to the Government or the Lord President of the Court of Session?

Tess White: The independent regulator should report directly to the Lord President, definitely not the Scottish Government.

It is to the minister's credit that ministers' powers to intervene were removed at stage 2, following calls from the legal sector and the Scottish Conservatives. At stage 3, our overriding concern is that the bill fails to decouple the complex complaints process from the system of self-regulation by the professional bodies. That was a recommendation of the Robertson review, as well as the Equalities, Human Rights and Civil Justice Committee at stage 1.

I note comments from the SLCC's Consumer Panel. It said:

"We are concerned ... that most of the attention and concessions in the debate so far have been given to the views of the legal profession, while there has been limited engagement with the views of consumers or consumer groups."

The reality is that, for consumers of legal services, it is not always clear where self-regulation ends and self-interest takes over. The view among consumers is that it feels like David against Goliath.

The complaints process is overly complex, impossible to navigate and glacially slow. At stage 2, I lodged probing amendments that proposed using the Scottish Legal Complaints Commission's existing infrastructure to investigate all conduct and service complaints.

My key point is that the bill merely tinkers with the status quo. The changes do not go far enough, which is why the Scottish Conservatives will vote against the bill later today.

17:37

Paul O'Kane (West Scotland) (Lab): I am pleased to speak in the debate on behalf of Scottish Labour and confirm that we will support the bill at decision time this evening.

As we have heard already in contributions, the process has been long for all involved—not merely this afternoon, although I appreciate that for colleagues it might have felt like two years when, in fact, it has been only two hours. We have been at the bill for two years, and it has been more than a decade since some stakeholders who have been calling for reform of the regulatory system began working for it. On that point, I thank all the organisations and individuals who have engaged on the bill, not least the Law Society of Scotland, the Faculty of Advocates, the Scottish Legal Complaints Commission and many others,

including people who have experience of complaints against solicitors in Scotland. Their time and efforts have certainly moved the bill into a much better place than where it started.

It would be remiss of me not to reflect on why the bill has taken so long to come to its conclusion. As we have heard, the bill was controversial when it was introduced, as the Scottish Government attempted to take control of legal services regulation through ministerial powers. Such was the significance of the threat to the independence of the judiciary and the legal profession, which is a fundamental tenet of a well-functioning democracy, the senior judiciary was left in the unprecedented position of speaking out on the proposals. It might be the first time in the Parliament's history that the senior senators of the College of Justice have come to give evidence on a piece of legislation that directly related to their functions and the function of legal services in Scotland.

I am sure that many, in and outwith the chamber, were baffled that a policy could be formed and a bill introduced that so fundamentally threatened the profession's independence, when there were no calls or recommendations for such a position to be taken.

I recognise that the minister listened to the depth and breadth of concern about the proposals and lodged significant amendments at stage 2 to reverse that position. However, I think that serious learning remains to be done by the Government about how it took that position in the first place.

I pay tribute, though, to the minister. She came into office part way through the bill process and inherited the bill in the condition that it was in. She has sought to listen and engage and has been constructive and co-operative through the stages of the bill—certainly with me. I genuinely appreciate her time and engagement and that of her officials and the wider bill team.

I continue to have some concerns about the stage 3 consideration process that we have just completed. The fact that an issue as significant as the status of registered foreign lawyers and multinational practices was left to the final day of the bill's passage to be resolved is quite concerning and shocking. We are talking about the ability of some of the biggest law firms in the United Kingdom to operate in Scotland and about—as I said in my remarks on the amendments—thousands of jobs and tens of thousands of clients. The Law Society and others have been highlighting those issues for the two years since the bill was introduced. It is my understanding that, although the Law Society is the regulator and the body responsible for administering the legislation, there have not been detailed discussions with it on those matters

preceding the correspondence that was issued last night, which I referred to earlier.

I believe that, ultimately, over the course of stages 2 and 3, the bill has been brought to a better place. It will provide tangible improvements to the legal system and legal services and much-needed additional protections to consumers and the public.

I am disappointed that the Conservatives will not join us in supporting the bill this evening, although I appreciate that they are speaking of their concerns about what it means for consumers. I point out to Tess White and others that an independent regulator is not being widely called for by people involved in the process, particularly the Faculty of Advocates, which I referred to earlier, but also the Law Society and others. If an independent regulator were answerable to the Lord President, I do not think that it would be an independent regulator. There is a challenge in the position that the Conservatives have arrived at. I believe that their previous position was to support the tenets of the bill and not to support an independent regulator.

I welcome the powers that I have worked on with the minister that have now been included in the bill. I highlight to the minister, however, that amendment 42 not passing and the related subsequent or previous amendments passing might cause some challenges in the legislation. It would be useful if, in a return to Parliament or in her summing up, she clarified how she intends to take that forward, given that it will be a challenge in the statute book. The post-legislative scrutiny would be a helpful vehicle to seek to deal with those issues. We need to understand what issues will remain in that space, and I hope that she will use the post-legislative scrutiny to do that.

I think that the bill will provide major, overdue regulatory changes for the benefit of consumers and practitioners alike. It will simplify a system that is too complex and will make proactive a system that is too reactive. Consequently, we will support the bill, as amended, this evening.

17:43

Maggie Chapman (North East Scotland) (Green): On behalf of the Scottish Greens, I welcome the bill and thank all those who helped to bring it—at last—to stage 3. I thank my committee colleagues, the clerks and all those who gave evidence, provided briefings and shared helpful conversations.

This has not always been an easy bill to navigate, but the progress that has been made and the co-operation that has been achieved between stakeholders, Government and

Opposition represents a source of encouragement for the future.

The bill is, in many ways, a compromise, falling short of the radical reform that was called for in Esther Robertson's report. It is nonetheless valuable and necessary for legal professionals and for those whose interests we, as Scottish Greens, are most concerned about—the people without wealth, power or privilege, for whom good legal services are too often out of reach. People typically need those legal services at some of the most stressful times in their lives—when they are moving home, setting up a business, dealing with bereavement or negotiating separation or divorce, or following accidents, work difficulties or involvement with the criminal justice system. Legal professionals who are skilled and sensitive, conscientious and good at communicating can make a huge difference to people's lives by lifting burdens, solving problems and providing real support and representation when it is most needed.

Of course, the converse is also the case at times. When legal professionals are slow, careless, incompetent, extortionate or absent, transactions become problems, problems become crises and crises become catastrophes. If, in addition, the system that is supposed to address complaints and redress wrongs does not work efficiently, those difficulties are multiplied. If the system is slow, complex and mysterious, if it uses language that is alienating and even insulting, and if it does not seem to listen, the legacy of legal experience can be bitter indeed.

The bill sets out to reform and improve those systems, enabling them not only to intervene swiftly and fairly when things have already gone wrong but to act proactively to prevent the spread of bad practice and bad experience. What people want so much and so often is to know that the same thing will not happen to someone else.

Access not just to law but to justice is a key foundation of what we Greens believe in. That includes access to good legal services and to redress when they are not received. It also includes dimensions of justice that are not addressed by the bill but are of urgent importance.

One of those is simply access to legal services. For many people across Scotland, legal advice and representation on matters of the utmost gravity, such as their homes, livelihoods, children, safety and liberty, are simply not available, either because of cost barriers or geographical distance. Legal aid reform is long, long overdue.

Another is access to appropriate courts and remedies. An environmental court with specialist expertise and a problem-solving approach would save resources of all kinds—time and money, as

well as biodiversity, precious green space and the wellbeing of our communities.

The human rights bill that we campaigned so passionately for would have opened up a route to remedy for violations of fundamental human rights of dignity, equality and respect. At a time when those rights for disabled people, transgender people and people who are seeking asylum and home are under unprecedented threat, access to justice matters desperately.

I welcome the bill, and we will vote for it at decision time this evening. I am grateful to all who have got us here, but we still have so much work to do. I urge us all to remember that, as we vote on the bill this evening, we are talking not only about law but about justice.

17:47

Liam McArthur (Orkney Islands) (LD): I noted the concerns that were expressed by Paul O’Kane earlier about the amount of time for which we have been considering the bill and debating it this afternoon. I observe that it is but a blink of the eye compared with where we found ourselves at the same time last week.

I join other members in thanking the committee and the minister for their work on this piece of legislation. I took part in the stage 1 debate, and it is fair to say that we have come a fair way since then.

The bill introduces many welcome reforms that are long overdue. The Law Society of Scotland fairly highlights that the legislation will act to modernise and reform regulatory systems, some of which have been in place for four decades or more.

I was a member of the Justice Committee when Esther Roberton published her review, which highlighted the lack of transparency, clarity and simplicity in the landscape of legal services regulation. Although the bill stops short of one of the review’s key recommendations for an entirely independent regulatory body, it nonetheless goes some way towards improving the accessibility and reliability of legal services, and it points to the issue of access to justice that Maggie Chapman raised.

The task faced by the minister and the committee was to find an appropriate compromise that does not diminish the principle of an independent and vigorous system of regulation but ensures that we do not tie the hands of regulators and practitioners in maintaining a system that is workable and flexible—and it was no small task. One area that prompted particular opposition and concern at the time was the inclusion of what felt like arbitrary and overreaching ministerial

intervention in our legal services. It was regrettable that that pretty fundamental tenet of the legislation was left to amendment at stage 2.

I acknowledge the point that Paul O’Kane made, very reasonably, that the minister inherited the situation, and I think that she has done a power of good work in seeking to address the issues with the co-operation of the Equalities, Human Rights and Civil Justice Committee.

The bill that we are dealing with today is a very changed beast from the one that confronted us at stage 1. I commend the committee for its efforts, and the scrutiny of the bill has clearly been a collaborative endeavour. The amendments that Tess White successfully progressed today in relation to the 10-year review will serve us well; likewise, the amendments to toughen up the approach to unregulated legal services are a valuable addition to the bill.

The steps that have been taken on the basis of Paul O’Kane’s amendments to improve transparency are also very welcome, and I know that they have been welcomed by the Law Society of Scotland. They go some way to restoring public confidence in the accountability within the relevant systems.

As the minister suggested, this process was embarked upon back around 2010. There has been considerable effort, through the amending phases, to address concerns. However, referring to an observation that I made at stage 1, it has felt like the introduction of the bill was rather rushed, which is surprising, given how long the issues have been under consideration.

However, the work that has been done at stage 2 and at stage 3 today has left us in a much better place. The eventual legislation will take important steps to improve a system that for too long has failed to meet the needs of consumers or even many of those working in the sector—a system that was outdated and overly complex and, as we have heard, that repeatedly failed the public, many of whom found themselves in vulnerable positions when seeking recourse in the face of misconduct or wrongdoing.

The bill before us today better reflects the needs of a diverse and rapidly evolving legal services sector, and it builds much-needed transparency, accountability and protections into a system that must work to safeguard the interests of consumers. For that reason, Scottish Liberal Democrats will be voting in favour of the bill at decision time shortly.

The Presiding Officer: I call on the minister to wind up the debate. You have a very generous four minutes, minister.

17:52

Siobhian Brown: I will take a moment to reflect on the importance of the Regulation of Legal Services (Scotland) Bill and the hard work that has gone into bringing it to this point, which includes engagement with members across the Parliament. I thank everybody, including the many members who have spoken today, for all their engagement.

The bill is a significant step forward in ensuring that Scotland's legal services are accessible, accountable and of the highest quality. The changes that we are debating today are about not just regulatory frameworks or the legal process, but the people of Scotland—the people who rely on legal services and the professionals who serve them.

We are crafting a legal services system that is robust and also flexible, transparent and equipped to meet the needs of a modern society. I am particularly pleased that we have been able to introduce changes that will enhance transparency for consumers, enhance access to justice and create a framework that fosters both public confidence and professional respect. The bill empowers the Lord President, bringing much-needed oversight, while ensuring that the legal profession in Scotland continues to uphold the high standards that it is known for.

I acknowledge that the bill is not the end of the journey but rather the beginning of an on-going process of refinement and improvement. We have created a foundation for a regulatory framework that can adapt to future changes, and it will be vital that we remain open to further improvement as the legal landscape evolves, including during the implementation of the eventual act by secondary legislation.

I am confident that, with this bill, we are setting Scotland's legal services on a path to greater fairness, accessibility and accountability for years to come. Over the course of today's debate we have heard a range of important contributions from members on this critical piece of proposed legislation, and I will take a moment to reflect on some of them.

First, I thank Scottish Labour, the Scottish Greens and the Scottish Lib Dems for all their engagement and for backing the bill today. I have to say, however, that I am really disappointed in the Scottish Conservatives for not supporting the bill at stage 3, and I am confused by their stance.

I think that consumer groups would be extremely concerned by Tess White stating that the independent regulator should be regulated by the head of the judiciary, the Lord President. For clarity, I note that Esther Robertson sought accountability outwith the judiciary. It is disappointing that the Scottish Conservatives do

not appear to have a clear understanding of the history of all the work that has gone into the bill or of the asks of consumers or the legal profession. That is very sad.

I will reflect on a few other contributions. The lead committee recognised the differing views of the legal profession and consumer groups on the question of regulatory reform, as well as the fact that there is broad support for the improvements that will be introduced by the bill. As members will note, I have sought to work in a collaborative way with members and stakeholders, considering their concerns and making concessions where I consider that it is sensible. I believe that the bill provides balance and delivers key priorities to stakeholders.

Members have the opportunity today to vote on a bill that will reshape how legal services are delivered for, and experienced by, professionals and consumers alike. Our goal is clear: a legal services system that works for everyone. I therefore ask members to support the motion in my name and to pass the Regulation of Legal Services (Scotland) Bill.

Paul O'Kane: I am aware that the minister is in her peroration, but I am keen to get some clarity on the issue of amendments that we debated, particularly those around safeguarding. She knows the significant issue that the Law Society of Scotland pointed to and which I raised in relation to matters such as conveyancing and there not being sufficient time to be able to finalise a house sale. Obviously, the Parliament agreed to amendments 34 and 38 but disagreed to amendment 42. It would be useful if she could put on the record her intention of how to deal with that, because there is a consequential lead-on from those amendments.

Siobhian Brown: I thank Paul O'Kane for his question and for reminding me to get to that point, because I might have missed it.

There are consequences to amendment 42 not being agreed to. There will be no right of appeal to the Court of Session for sole solicitors or a sole solicitor business against a direction given by the Law Society of Scotland under proposed section 46A(4)(b) of the Solicitors (Scotland) Act 1980, which would have been inserted by section 86B(3). Contrast that with the right of appeal for a legal business regarding a direction under new section 46A(4) of the 1980 act.

Obviously, this has just happened, so I will have to take time to reflect. I will get back to members on the specific point in relation to amendment 42.

I ask members to support the motion in my name and to agree to the Regulation of Legal Services (Scotland) Bill.

The Presiding Officer: That concludes the debate on the Regulation of Legal Services (Scotland) Bill at stage 3.

Motion Without Notice

17:57

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

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 5:58 pm.—[*Jamie Hepburn*]

Motion agreed to.

Decision Time

17:58

The Presiding Officer (Alison Johnstone): There is one question to be put as a result of today's business.

The question is, that motion S6M-17584, in the name of Siobhian Brown, on the Regulation of Legal Services (Scotland) Bill at stage 3, be agreed to. As it is a motion to pass the bill, the question must be decided by division. Members should cast their vote now.

The vote is closed.

Marie McNair (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. My app would not refresh. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

Pauline McNeill (Glasgow) (Lab): On a point of order, Presiding Officer. I had the same issue. My app would not refresh. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

Clare Adamson (Motherwell and Wishaw) (SNP): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

I understand that Stephanie Callaghan wished to make a point of order, but I can confirm that her vote has been recorded.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 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)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)

Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-17584, in the name of Siobhian Brown, on the Regulation of Legal Services (Scotland) Bill at stage 3, is: For 88, Against 26, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Regulation of Legal Services (Scotland) Bill be passed.

The Presiding Officer: That concludes decision time.

Radio Teleswitch Service Switch-off

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-17484, in the name of Beatrice Wishart, on the radio teleswitch service switch-off. The debate will be concluded without any question being put.

I encourage members who wish to participate to press their request-to-speak buttons now or as soon as possible, and I call Beatrice Wishart to open the debate.

Motion debated,

That the Parliament is concerned that the Radio Teleswitch Service (RTS), used by energy suppliers for some electricity meters, particularly in island and rural areas, to control heating and hot water systems, is set to end on 30 June 2025, with tens of thousands of customers across Scotland reportedly expected to be impacted as they are yet to have their RTS meter exchanged; understands that, in areas such as the Highlands and Islands region and other parts of rural Scotland, many households are still waiting for a meter exchange and that, as of the end of April 2025, Shetland still had 4,490 meters to be exchanged ahead of the deadline; further understands that energy companies are not replacing meters at the pace required before the deadline; considers that large areas of Scotland face technical issues with connecting smart meters and a lack of engineers; notes the view that functioning heating and hot water systems are fundamental to an adequate standard of living and that changes to metering technology should not leave households, particularly those in island and rural communities, financially worse off than they are on their current tariff, or facing the possibility of losing heating and hot water after the switch-off of the RTS signal; further notes the calls on local resilience partnerships to ready themselves for the potential adverse outcomes of the RTS switch-off, which may include thousands of homes being left without heating and hot water, and notes the calls to plug the gaps in smart meter coverage to ensure that rural areas are not disadvantaged due to their poor connectivity.

18:03

Beatrice Wishart (Shetland Islands) (LD): Thank you, Deputy Presiding Officer. I am sorry not to join members in the chamber in person this evening.

I thank members who have supported the motion and those who plan to speak in the debate. I also thank the organisations that have provided briefings ahead of the debate and those with which I have met over the past few months to discuss this serious infrastructure failing. I know that citizens advice bureaux across the Highlands and Islands are working hard to help people through the change, and I put on record my thanks to them all, including the Shetland bureaux, and to the other organisations that are doing the same across the country.

There are just 40 days to go until the nationwide radio teleswitch service switch-off deadline on 30 June. To be frank, however, I think that where we have got to with the switch-off is depressing, frustrating and entirely avoidable—it is, in my view, a national disgrace.

Although the RTS switch-off could be considered a purely reserved matter, it could, based on the latest figures, impact around 125,000 Scottish households, including 22,500 in Glasgow and just over 17,000 in Edinburgh. I urge local authorities and local resilience partnerships to ready themselves for any potential adverse outcomes of the switch-off, which might include thousands of homes being left without heating and hot water.

RTS was a revolution when it was developed in the 1980s as a means of switching electricity meters between different tariff rates at different times of the day, allowing for the cost-effective and efficient use of storage heaters. The signal to switch between timings is broadcast by the BBC, which has had a long-standing arrangement with the Energy Networks Association to transmit a teleswitching signal on the BBC Radio 4 long-wave frequency.

Support for the RTS signal will end on 30 June—a date that has already been pushed back at least twice—and the technology that supports the signal is reportedly already well past its end of life. That also means that it could stop working at any time, so there is a chance of disruption to the service ahead of the deadline.

The RTS and Radio 4 long-wave signal shutdown has been on the cards for a decade now, and it is completely unacceptable that households that rely on RTS for their heating and hot water have been left in limbo. The solution is to exchange RTS meters, which sounds simple. For many years, however, constituents have been contacting me—and other MSPs, as I know—about both the lack of engineers and the lack of connectivity to switch an RTS meter to a smart meter. Even replacing a broken meter has been fraught with difficulties over the years. We have been promised technological fixes in advance of the switch-off, yet we are, at the 59th minute of the 11th hour, still finding that there has been limited development in technology or in greater connectivity to the smart meter signal.

At the current rate of meter exchanges, it will take more than a year for all remaining RTS meters in Shetland to be exchanged, including the Shetland parliamentary office meter. Another short extension of the deadline will not solve the issue, and, if the switch-off happens in autumn or winter, the problems that it will cause will be exacerbated by cold weather.

As things stand, energy companies must increase their efforts to exchange all outstanding meters ahead of the 30 June deadline. However, it is still unclear what will happen when the signal is turned off and an RTS meter has not been exchanged. Storage heaters and the systems that heat water might remain off, leaving households in the cold, or they might remain switched on, which raises concerns about what could happen if heat continues to build in them. We simply do not know what will happen.

For thousands of households, therefore, this is a very stressful time. The impact is disproportionate in the Highlands and Islands; in places with high levels of fuel poverty; in the colder parts of the country that rely on heating all year round, including in the summer; where homes have low levels of insulation, are reliant on oil or electricity for heat and power and have no connection to the gas network; and where engineers are few and far between. It cannot be acceptable for energy companies to leave their customers without power, heat and hot water, nor is it acceptable that customers should be left in the potentially dangerous situation of systems possibly overheating.

Energy companies are responsible for ensuring that their customers' meters are changed over from the old RTS system, but companies across the market have not covered themselves in glory during this period, with variable response levels to their customers on the issue and an insufficient number of engineers. OVO Energy is the main energy supplier in Shetland, but its lack of informed and efficient customer service has taken up an inordinate amount of time and capacity within my office team, who have supported many constituents through this shambles. OVO's performance since it took over the domestic customers of SSE Energy Services has shown that it was not set up to take on the task that it faced in rural and island areas, and its failure to retain local engineers has come home to roost in this period ahead of the switch-off.

Customers have been let down, waiting at home all day only to find out that their engineer did not arrive as a result of not having prepared properly for the logistics of island travel. Just this morning, I heard from a constituent in one of the north isles of Shetland who had waited over a month for the only appointment that was available to him from OVO. After he stayed at home all day yesterday, no engineer turned up, without explanation. We learned this afternoon that the engineer had not booked himself on to the ferry to get to the island and it had been full, with no spare capacity. The constituent has complained to the Office of Gas and Electricity Markets, which has also, until recently, been missing in action in this debacle.

OVO was in Shetland in March and engaged face to face with local stakeholders as well as local customers—yet, even after that, it is failing its customers. OVO, along with other energy companies, has sent teams of engineers north, in the so-called spring surge, in a bid to exchange meters ahead of the deadline. However, it is too little too late, and customers are paying the price.

Scotland-specific tariffs have been removed in place of generic United Kingdom-wide rates, and the tariffs vary by company. Questions are still going unanswered about whether households will be stuck on higher rates after the switch-off. Customers will be unlikely to want to do battle yet again with their supplier to change tariffs, but why should they be stuck paying a higher rate? Moreover, if the heating is jammed on, how long will it take to notice that, fix it and make sure that the right tariff is reinstated? There simply should not be that much uncertainty so close to a nationwide shutdown of technology.

At the spring Scottish Liberal Democrat conference last month, I put forward a successful motion that set out practical steps to better prepare for the switch-off. Urgent action is long overdue.

The Deputy Presiding Officer: As we move to the open debate, I advise the chamber that there is a lot of interest in the subject, and therefore I must ask members to stick to their speaking time allocation.

18:10

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I thank Beatrice Wishart for bringing this important and urgent debate to the chamber, and I fully support her motion.

The RTS switch-off is of great concern to people across the UK, but the impact is particularly acute for those in rural communities, such as in my Carrick, Cumnock, and Doon Valley constituency, where many homes are off the mains gas grid and there remain many socially rented homes with electric heating tied to this antiquated technology.

As Scotland has nearly 135,000 RTS meters, we are set to be the hardest hit by the change by population share. We know from the briefing that was provided by the Scottish Federation of Housing Associations that it is very concerned for its tenants, who are disproportionately impacted.

I will share with members the experience of one couple who contacted me. They have an older-style meter, which uses RTS, to supply their heating, electricity and hot water. They were contacted by Scottish Power last August to inform them that they were eligible for a smart meter. They diligently booked their appointment, but it

was cancelled by the engineers at the last minute, as it was decided that their meter would not be compatible for replacement. They tried again; another appointment was booked, and there was another cancellation. Then, there was absolute radio silence, with no updates and no solutions, which led to my office becoming involved.

An appointment to replace the couple's meter has now been set for June—which is really close to the switch-off date—but, understandably, they are very worried about whether that will finally resolve the situation, given the complexities that so many have faced. For example, in some cases, engineers have arrived to discover that the existing set-up has too many cables for them to be able to complete the swap-out. That seems to be a common denominator in people's experiences—there are too many cables in the old meters.

If there is no fix, either the couple will have no electricity or hot water come the switch-off or they will be forced to pay a higher rate as the meter defaults to that rate without any applicable discounts. Conversely, as we heard from Ms Wishart, the heating might be stuck on, with no respite for the household from continual heat. Even if the couple are able to have their meter replaced, Scottish Power is unable to assure them that they will stay on their current tariff. That goes against Ofgem's pledge that

"no customer should be worse off"

as a result of the change. As we have heard today, stories like that are repeating themselves across the country, with members of the public doing their best to prepare themselves but experiencing constant pushback that is outwith their control.

Suppliers and consumers are now facing a ticking time bomb ahead of an ever-nearing cut-off date. Unfortunately, I and many of the people from whom I have heard have no confidence that the change will go smoothly. Beatrice Wishart referred to the situation as a "shambles", and it absolutely is. It is completely unacceptable, and the UK Government and Ofgem must take action immediately. The switch-off date needs to be postponed, or there needs to be an assurance that anyone who is financially impacted will receive full compensation.

I welcome the Acting Minister for Climate Action's comment that

"the Scottish Government is doing everything it can, within our limited devolved powers, to mitigate the impact."

Ultimately, however, this is a reserved issue, so the United Kingdom Government must take responsibility and control and step up to the plate to ensure that no one is negatively impacted by the change. I also agree with Beatrice Wishart that local resilience partnerships should be preparing

themselves for what might happen come the shut-off.

Households across the country are already struggling financially with the cost of living crisis and economic uncertainty, so this really is the last thing that they need to be dealing with right now. The situation is especially urgent given the number of individuals with such meters who are already in poverty and are dealing with unrelenting fuel poverty.

I hope that members in the chamber can unite today to send a clear message that the situation cannot be allowed to spiral any further. Action is urgently needed to protect our constituents and give them the peace of mind that they deserve.

18:14

Tim Eagle (Highlands and Islands) (Con): I am grateful to Beatrice Wishart for securing a debate on what is becoming an increasingly serious issue, for many of the reasons that have been mentioned.

Some time ago, I realised that the 30 June deadline would be too soon for many residents across the Highlands and Islands region and, indeed, in other parts of rural Scotland. As Beatrice Wishart rightly identifies in her motion, there is "a lack of engineers" on the ground, which is preventing the rapid switch-over from RTS to smart meters.

I am sure that every MSP who represents island communities will know that, whether we are talking about installing broadband, fitting new insulation or making the switch to a smart meter, every supplier will send contractors to an island only if there are several jobs to complete and only if there is overnight accommodation available for them. That is increasingly difficult to find in the summer months, as accommodation is booked out in advance—indeed, I know that problem all too well from other active constituency casework.

The number of households in the Highlands and Islands that have yet to make the switch from an RTS meter to a smart meter is staggering. Data supplied to me by Ofgem in February showed that more than 36,000 RTS meters are still in operation across the region. Just for context, that amounts to around 4 per cent of all active RTS meters remaining in operation across Great Britain, despite the fact that the Highlands and Islands accounts for fewer than 1 per cent of dwellings in Great Britain.

I realise that Ofgem has taken the task seriously, and I welcome its commitment to rapidly increasing the pace and number of RTS upgrades by targeting regions where RTS meters are most prevalent. However, according to Citizens Advice

Scotland, many people in rural and island communities face an acute challenge in trying to secure a smart meter installation. That includes one elderly couple in their 80s from a rural community, who repeatedly contacted their energy supplier after receiving a letter about the switch-off but who have yet to secure a meter engineer visit.

In addition, according to the Scottish Federation of Housing Associations, its members have stated that energy suppliers do not have the capacity to switch all RTS consumers for whom a smart meter will be appropriate by the 2025 deadline. Given that the UK Government has already delayed its digital switch-over for landline phones from December 2025 to January 2027, there is surely a case for a similar delay to the RTS switch-off, to ensure that every household is able to upgrade.

However, even for those lucky enough to have secured a smart meter, issues with unreliable broadband and mobile connectivity have resulted in smart meter connectivity issues, and Citizens Advice Scotland has reported the loss of heating in some instances as a result. That probably cannot have been helped by the Scottish National Party Government's failure to deliver the roll-out of its reaching 100 per cent—R100—broadband programme almost a decade on from when the promise was first made.

When I last asked for R100 data earlier this year, the SNP Government confirmed that not a single property in the Western Isles had been upgraded to superfast broadband under the scheme.

The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin): Will the member take an intervention?

Tim Eagle: I think that I have time, so yes.

Gillian Martin: I was not expecting to talk about R100 today, but I should say that we have activated 55 4G masts in areas where economic factors and challenges would have made that otherwise unlikely. Those areas would never have had those upgrades had it not been for the R100 programme. Does the member accept, therefore, that if we had not undertaken the R100 programme, we would be talking about an awful lot more constituents with connectivity issues?

Tim Eagle: I am talking not about what has been done but about the fact that the programme has not been rolled out according to the deadline that the SNP promised. I was not even trying to make a particularly political point; I was simply making the point that people in the Western Isles have not seen any upgrades in that respect, and good broadband is required for some of the meter upgrades.

Across my region—and this is a further answer for the minister—more than 21,000 premises have yet to receive an upgrade, including more than 3,400 in Moray. It is evident that many households and businesses will not meet the June 2025 deadline, and many people could, as a result, face an energy cliff edge.

I call on the UK Government and Ofgem to consider a delay to the switch-off date so that households across Scotland, including in rural and island communities, can catch up. Similarly, I call on the SNP Government, which has devolved responsibility for rolling out broadband infrastructure, to ensure that there are no more delays to these vital upgrades.

18:19

Pam Duncan-Glancy (Glasgow) (Lab): I thank Beatrice Wishart for securing this debate on an issue that affects people across Scotland, from Glasgow to the Shetland isles.

Figures from Ofgem show that, as of 18 April 2025, there were still 22,579 radio teleswitch service meters in the Glasgow region and that, in the fortnight leading up to 18 April, just 808 meters had been replaced. With some quick mental maths, we can say that, working at the same rate, it would take just over a year for my constituents who are still using the radio teleswitch service to have new meters installed. That would be too late for the thousands of constituents whose RTS meters will be switched off in just six weeks' time, which succinctly demonstrates what Age Scotland has called, in its briefing, a "looming crisis".

I thank the organisations that have taken the time to brief MSPs ahead of today's debate, including the Scottish Federation of Housing Associations, Ofgem, Smart Energy GB, Age Scotland and Citizens Advice Scotland. Given the scale of the task before energy suppliers, I share the housing federation's concern that they do not have the capacity to switch over all RTS consumers for whom a smart meter will be appropriate by the 30 June deadline.

Those who are still using a radio teleswitch service come 30 June could be negatively affected both financially and in their day-to-day lives. Without the ability to control their heating and hot water, many could be left without both, and others will be left with their heating turned on more than they would choose, incurring a cost that they cannot and should not have to afford.

Citizens Advice Scotland reports that some of those who have a new meter installed in the next six weeks will need to rewire or relocate it in order to successfully install it, which could incur other costs. The SFHA shares CAS's concerns and has highlighted the fact that consumers might face

higher energy bills due to changes in the tariffs that are available to them, or as a result of inaccurate information being provided by the supplier.

Given the significant number of RTS meters in housing association properties, the switch-off is an understandable and significant concern for the Scottish Federation of Housing Associations, and I am proud to voice that concern on its behalf.

I ask all energy providers to make it an urgent priority between now and 30 June to increase the number of installation appointments and to contact customers who have not switched over.

I ask the Scottish Government to request regular updates from energy providers on the progress that they are making to get the number of customers in Scotland who are still using the RTS down to zero by 30 June, and, in particular, to ask how many of those customers are on the priority services register.

Financial support must be put in place for residents who incur costs because they need to install a new meter through no fault of their own, and energy suppliers should automatically compensate customers whose meters are not replaced before the deadline and who face increased bills as a result of having to use more expensive heating alternatives.

Although I accept that the RTS has come to the end of its operational life, I cannot accept that energy suppliers could not have been more prepared ahead of the 30 June deadline. It is likely to be the hardest to reach in our communities who will struggle the most, including those who are digitally excluded, those who live in fuel poverty and those who live alone.

There is not much time left until the RTS switch-off, and we, as MSPs, should do everything that we can between now and 30 June to ensure that affected constituents are supported financially and practically to replace their meters.

I again thank Beatrice Wishart for securing the debate and bringing focus to this important issue. I look forward to updates from energy suppliers on how they plan to ensure that the 22,579 people in the region that I represent who are still using the RTS will be switched over by 30 June.

18:22

Emma Harper (South Scotland) (SNP): I thank Beatrice Wishart for bringing this members' business debate to the chamber. She has outlined extremely well the problems that will be caused for her constituents in the northern rural Shetland Islands, and I will highlight issues for Dumfries and Galloway and the Scottish Borders.

Beatrice Wishart highlighted that the RTS switch-off is due to the equipment coming to the end of its operational life, and she mentioned how that will affect the rates payable on some meters and, therefore, consumers' energy bills.

The BBC first outlined its plans for closure of the long-wave broadcasts in 2011. More than a year ago, Radio 4 discontinued its long-wave opt-out programming. A year before that, it began running down opt-out programming on long wave. Extension after extension to the cut-off has been put in place over the years, in large part to allow the distribution companies the time that they claimed they needed to switch over the RTS meters. Yet, here we are, 14 years on and only six weeks from the long wave switch-off, and the most recent numbers that I have show that more than 7,500 households in Dumfries and Galloway and more than 6,000 in the Scottish Borders are at risk of cessation of the service or of receiving sky-high bills once the switch happens.

How do consumers know whether they have an RTS meter? There are a few things to look out for. Do they have a separate box near the meter with a radio switch label on it? Is their property heated using electricity or storage heaters? Is there no mains gas supply? That would apply to about 40 per cent of rural Dumfries and Galloway homes. Another aspect is whether their energy is cheaper at different times of the day, such as is the case with economy 7, economy 10 or total heating, total control tariffs. If people are unsure, they need to contact their energy supplier.

Just as we saw with the spike in energy prices a few years ago, it is householders and bill payers who will have to bear the consequence of the energy industry squeezing them for every penny and refusing to invest in the staffing capacity to switch the meters.

The UK-controlled regulator Ofgem has not so much taken its eye off the ball as kicked it through the nearest window. I know that the engineers will be working flat out to do what they can, but the people who work with the householders day to day have told us of their real concerns. We have heard from Citizens Advice Scotland and Age Concern Scotland about some of the problems that are being faced, such as suppliers needing to do more to increase the number of engineer appointments. Securing engineer visits can be a challenge. Once someone manages to secure one, is the appointment being honoured? People have been told that they need to replace their meters with smart meters. That might not be appropriate for them, but no alternative is offered.

Deputy Presiding Officer, I know that I am approaching the four-minute mark.

There have been 14 years to prepare, but here we are, with six weeks to go. The process sums up UK energy policy in a nutshell: it is short-termist, deregulated, last minute and profit maximising, with shareholder dividends being protected off the backs of consumers. The UK Government's head is in the sand.

I ask the Scottish Government to do all that it can to support consumers ahead of the fast-approaching June 30 deadline. We need regulatory updating yesterday rather than in the future.

18:26

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank Beatrice Wishart for securing this important debate. The urgency with which we need to deal with the issue is growing with each passing day.

Scheduled to happen in weeks, the switch-off is not just a technical adjustment but a looming crisis for thousands of households across Scotland, particularly those in rural areas such as my constituency in the Borders.

It is clear that rural communities are being disproportionately affected. It is estimated that, as of early April 2025, around 5,000 households in the Scottish Borders were still using the RTS electricity meters. Many of those homes rely on RTS meters to regulate their heating and hot water, and they often use legacy electric storage systems and off-peak tariffs, such as total heating, total control. Those homes are frequently off grid in hard-to-reach areas, and the issue often affects elderly people and vulnerable residents.

Although urban areas have greater infrastructure for swift meter replacement, rural households, as we know, face barriers in accessing appointments, resolving technical issues and receiving timely follow-ups. In those communities, delays mean not just inconvenience but cold homes and unaffordable bills.

A further concern is the lack of clear and widespread communication from Ofgem and suppliers. Many people have not received adequate information about the RTS switch-off and what it means for them. Even when communication has been issued, it has been vague, overly technical and simply too late, leaving constituents confused about whether they will be affected, what action they need to take and how to get support. The failure to communicate effectively on such a significant national transition is simply unacceptable.

The real impact of the issue is being felt behind closed doors across the Borders. One elderly constituent of mine is from Duns. He is 97, blind

and profoundly deaf, and he has been left in limbo while his family has tried since February to secure a replacement RTS meter. Despite repeated attempts at communication with the energy supplier, they have received only mixed messages and no confirmed date for the meter replacement. My constituent now faces the real risk of disruption to heating and hot water—and entirely avoidable stress.

Emma Harper: Rachael Hamilton has just highlighted the challenges that some really vulnerable people are facing, especially the 97-year-old person in Duns. Does she agree that many other vulnerable constituents will be facing the same issues?

Rachael Hamilton: That is why it is so important that Beatrice Wishart has brought the debate to the chamber. I hope that it will almost be an awareness campaign for those who have not understood what is required of them.

Another constituent based in Coldingham received a replacement smart meter in December after her original RTS meter failed. Despite that, technical issues persisted. Her new meter is still not sending readings to her supplier, and months of chasing emails and phone calls have brought no resolution. With no accurate billing and no clear fix in sight, that constituent remains stuck in a broken system.

Those examples show that the problems are not just about replacing meters, but about ensuring that they work properly and that suppliers provide accountable and timely support. The transition to smart meters should be an opportunity to modernise and improve energy access, but it is being mishandled. Constituents are being moved on to unsuitable tariffs, facing connectivity issues and encountering long waits for engineers.

We cannot let vulnerable people and rural communities, such as the people in the Borders whom I have given examples of today, bear the brunt of this national failure.

18:31

Ariane Burgess (Highlands and Islands) (Green): I, too, thank Beatrice Wishart for bringing this important and urgent debate to the chamber. I speak on behalf of my constituents in the Highlands and Islands, many of whom are deeply concerned about the looming switch-off of the radio teleswitch service and the risks that it poses to their wellbeing. It is not just a technical transition but the result of a decision that was made in Westminster with little regard for the unique challenges that rural and island communities in Scotland face. Our most vulnerable residents—older people, those in low-

income households and social housing tenants—are being left to bear the brunt.

As of April this year, more than 390,000 RTS meters were still in use across Great Britain. Given the low uptake of smart meters in Scotland—particularly in the northern isles and the Western Isles, where fewer than 10 per cent of households have one—it is fair to assume that a disproportionate number of RTS meters are in my region.

One constituent of mine waited nine months for a resolution that came only after his energy supplier was forced to prove to the data communications company that all other options had failed before it was allowed to install a cellular system. Other constituents have seen action from their energy companies only after I—and my colleagues across the chamber, I am sure—contacted the companies on their behalf. That is not a system that is working for people—it is a system that is failing them.

The Scottish Federation of Housing Associations has raised urgent concerns. Many of its members report that energy suppliers simply do not have the capacity to replace all RTS meters by the 2025 deadline. Worse still, suppliers are not engaging proactively with tenants for whom a smart meter is not a viable option.

What happens after the switch? As other members have said, some tenants are being moved on to more expensive or unsuitable tariffs, often without clear information or consent. Citizens Advice Scotland has already seen cases of people falling into energy debt because their new smart meters do not work properly. That is not just inconvenient; it is pushing people into poverty. We need urgent assurances from Ofgem and the UK Government that no tenant will be penalised for the inaction or delays of energy companies, that there is a robust and fully funded plan to support those who are affected, especially those who lose heating or hot water, and that no one will be left in the cold because of a failure to consult or prepare.

This is a matter of energy justice. It is about ensuring that the transition to smart technology does not leave behind the people who need the most support. I urge colleagues from across the chamber to stand up—as they have said they will—for our rural and island communities and demand a fair, inclusive and properly resourced transition.

18:34

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate Beatrice Wishart on securing this debate on the motion, to which I was a signatory. Much has been said about smart meters—often

about their unreliability—but, as has been said, at the end of June, the radio teleswitch service that connects to some people's meters is being switched off.

Now I take myself and my head into the uncomfortable area, for me, of technology. Here we go. The difference between the position in Scotland and the north of England and that in the south of England is that in the midlands, Wales and southern England all smart meters use cellular technology, similar to mobile phones, to send data to energy providers. In the north of England and Scotland, the situation is different—I say to Tim Eagle that it is the same in the north of England. Here, as in the north of England, there is a long-range radio signal. What I do not understand is why, when the radio teleswitch service is switched off at the end of June, it will be replaced with another long-range radio signal. In Scotland, smart meters will run on that new radio signal and not on the public internet or wi-fi. I hope that that is so far so good, because my head is already birling.

What is the impact? Currently, more than 6,000 households in the Borders and more than 700 in Midlothian have yet to switch. That is bad enough. Besides that, the impact on too many of my constituents is that, even if they want to, they will not be able to connect to a smart meter system, because they cannot receive the new radio signal in their location. I have many constituents in that position. Scottish Power, for example, has advised that it will install instead a white meter. Meters must change because, without a new meter, people's heating and hot water will be affected. They may find that their heating and hot water are always on or off, or that charging happens at the wrong time of day. Their electricity supplier will not be able to confirm how much electricity they have used for heating and other uses, which means that electricity costs could be much higher for them than before.

If someone's area has a poor signal, their supplier must still replace their RTS meter to ensure that their heating is not disrupted. I am back in the technical maze again. If someone does not have a smart meter and currently has an RTS meter, they may be on a tariff that charges them a different price for the electricity that they use for their heating and hot water than it does for the rest of their electricity, such as for lighting and appliances. Some tariffs also offer lower rates at specific times of the day. That is a good thing, but it all changes after June.

After June, without a new meter, people's heating and hot water will be affected. A smart meter would ensure that their heating was not disrupted but, if that is not possible, the provider—Scottish Power, for example—can install a white

meter with the tariff pre-programmed. I emphasise that it is pre-programmed. People will have to send in manual readings and will not get the full benefits of a smart meter or any other kind of meter, but at least their heating will continue to work.

The trouble is that most white meters charge a slightly higher daytime price compared with a standard tariff, so it is very likely that people will end up paying a lot more. That brings us beyond the technology to the fact that Scotland is doing badly out of this different system. In the event that it is not possible to install a smart meter, people will perhaps be paying more on the pre-programmed tariff. They have to be the kind of person who does not mind cooler water in the evenings. The system will heat most of their water at night and store it in a storage heater, so their hot water will be hot in the morning and coolest in the evening. However, as I said, most white meters charge a higher tariff for daytime usage, which will apply to many older people and disabled people.

We end up with this technology, with too many of my constituents having to opt for a metering system that is more expensive. That is a bitter pill when the wind turbines around them are producing four times more electricity than the south of Scotland uses. They endure a landscape of pylons, but they pay more for the electricity that is generated on their doorstep.

18:39

Alexander Burnett (Aberdeenshire West) (Con): I thank Beatrice Wishart for bringing the motion for debate. As we have heard, the closure of the radio teleswitch service on 30 June is fast approaching. I have heard from many constituents who have experienced issues and delays with having meters exchanged. I should declare an interest, as that includes me. It was reported that, at the end of April, 432,000 meters still needed to be replaced in the UK, more than a quarter of which—nearly 135,000—are located in Scotland.

It has been estimated that the rate of replacement is about 6,000 a month. I therefore echo the concern that other members have raised that meters are not being replaced at a rate that will meet the deadline. In fact, at the current rate, it will take six years for the work to be completed.

Many people have had to wait months for an appointment, and for many rural households that are total heating, total control customers, the changeover to a smart meter has been a lot more complex and time consuming than expected, which has added to the delays. I know of constituents whose smart meter installations have failed more than three times due to the wiring of

their homes. The length of the process is very worrying, given the number of homes that are still to be connected. I have worked with an elderly vulnerable constituent who lives by herself to chase up her installation but, months in, she still does not have an appointment.

Given that I have also heard from constituents who have experienced poor communication about the RTS switch-off, there is an additional concern that some households might not even be aware that the switch-off is taking place. In fact, a poll by Age Scotland shows that nearly half the people who need their meter to be switched over are still not aware of that. It is simply not good enough. It is of great concern that people who still need to have smart meters installed face the possibility of losing hot water and heating or having their bills skyrocket to unaffordable heights.

Although technological upgrades are necessary and the switch-over will, ultimately, make bills more accurate, we must not let rural communities be left at a disadvantage. Whether we are talking about improvements to broadband or the energy systems in our homes, our rural communities are always the last to benefit from upgrades. I would be interested to hear what conversations the SNP Government has had with the UK Labour Government on the matter, with a view to ensuring that all properties will be upgraded by the deadline and that rural homes will not be left behind.

18:41

The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin): Like other members, I begin by thanking Beatrice Wishart for securing a debate on the hugely important issue of the RTS switch-off.

Members will know that energy infrastructure is reserved to the UK Government and that the actions of suppliers are regulated by Ofgem. That means that the Scottish Government has extremely limited powers to intervene, but it does not mean that we are not communicating. I have a whole page that lists the times when the Deputy First Minister, the Acting Minister for Climate Action and I have engaged with Ofgem on all the issues that have been mentioned in the debate, and we will continue to do so. I thank Pam Duncan-Glancy, who asked me to make that pledge.

I will cover some issues on which I thought that we had certainty, but I am not sure that that has been communicated, so I or Dr Allan will have to seek confirmation. We are taking the issue extremely seriously and are playing a full and proper part in raising awareness to protect households.

Rachael Hamilton: An issue that I did not get to in my speech is the fact that some of the remedial works are not being covered. Could the Scottish Government help with the process, given its responsibilities in relation to fuel poverty?

Gillian Martin: As I said, Ofgem is responsible for the process, and the responsibility to replace the meters lies with the energy companies. We have called for certain protections to be put in place, some of which I will outline. I hope that that will be of help to Ms Hamilton.

The number of meter upgrades that are outstanding is completely unacceptable, because Ofgem and the companies that have to replace the meters have known for years what was going to happen. We make that view clear at every opportunity. The Acting Minister for Climate Action, Alasdair Allan, wrote to the UK Government to seek penalties for suppliers that fail to replace RTS meters with fully functional or pre-programmed smart meters by June this year. I am pleased to say that Ofgem has listened and that, once refreshed licence conditions are in place, it will take compliance action against suppliers that fail to take reasonable steps to upgrade meters on time.

However, I am a little nervous, because I have heard examples of situations, including in my constituency, in which people have been unsuccessful in arranging a meter upgrade. Some people think that they have arranged an upgrade but the engineers do not turn up or, if they do, they are insufficiently trained to upgrade the meter in question. Elena Whitham gave the example of engineers turning up and being surprised by what they find in front of them and not knowing what to do. That is absolutely unacceptable. Companies must not be allowed to use the loophole of saying, "We took reasonable steps." I heard from one person that they were on the phone, thinking that they were arranging for someone to come round to change over their meter, but, when they were asked about parking and access to their home, all of a sudden, there was a problem, because two engineers would be needed. The company said that they would phone back, but they never did. Would the reporting mechanism show that an attempt was made? An attempt was made, but the company did not phone back and the work was not done.

The Data Communications Company, or DCC, controls the digital energy infrastructure for Great Britain and it collects and shares smart meter data with energy suppliers via the wide area network, or WAN. I agree with Beatrice Wishart that it is wholly unfair that people in significant swathes of Scotland have been unable to connect to this smart meter network. We believe that penalties

should also be applied to the DCC for failing to deliver coverage across every part of the country.

In my intervention on Tim Eagle, I meant to say that, for areas in Scotland that do not have coverage, we have been calling for the use of cellular technology to access the smart meter network. Christine Grahame also mentioned that in her speech. I understand from Energy UK that agreement has now been reached to allow the use of that technology, which will support many more rural and island customers to access the WAN.

Members will welcome our investment in the 4G infill programme to proactively address poor network coverage. As I mentioned in the same intervention, we have activated 55 4G masts to fill those gaps.

I am pleased that Pam Duncan-Glancy has taken part in the debate and given an urban perspective. She made the point that it is not only the areas that have connectivity problems that have an issue; there is a wider issue due to the lack of engineers going out. To my knowledge, there are no problems with digital connectivity in Glasgow, yet there are still issues with people getting smart meters installed there.

Ariane Burgess, Pam Duncan-Glancy, Emma Harper and many others mentioned that it should be a given that nobody becomes financially worse off as a result of the switch-over. I was going to say that I am pleased that our calls for suppliers to be mandated to

"take all reasonable steps to provide a tariff that leaves the consumer 'no worse off' than under their existing arrangement"

have been heeded. We had been told that that will happen; however, today, I am hearing from members that there is doubt about that. I will take that away and make sure that we are getting the right information. If we are getting the right information, that must be communicated to members and to the many—

Christine Grahame: Will the cabinet secretary take an intervention?

Gillian Martin: Yes, I will.

Christine Grahame: In taking all reasonable steps to ensure that customers are no worse off, should there be a discount on the bill if, to use my example, white metering means that customers will pay more than they paid under the old metering system? Should there be a discount on their bill, once it has been compared with previous bills?

Gillian Martin: My reading of suppliers being mandated to

"take all reasonable steps to provide a tariff that leaves the consumer 'no worse off'"

is that it involves exactly what Christine Grahame has just outlined. I will take away the testimony of all members today, to test it with Ofgem and suppliers.

It is also unacceptable to expect customers to pay for the expense of rewiring, which I have heard has happened in a few cases. That has not really been mentioned in the debate, but people are finding that there can be a bill associated with that. Too many consumers are already in energy and other consumer debt due to the cost of living crisis, and they should not have to deal with any additional anxieties as a result of a decision that is not theirs.

Rachael Hamilton: When I talked about remedial works, I meant rewiring. That is what I was talking about.

Gillian Martin: Right. Thank you.

We have asked for a fund to support consumers who are in that position, and we have called on Ofgem, the UK Government and industry to make urgent progress. Dr Allan wrote to them recently about that, but I am not entirely sure what response he has had to date. It might be in the works.

I will say a few words on resilience planning. The RTS switch-off could have a profound impact on some of our public services as well, and I reassure the Parliament that we are working across Government, and with suppliers and the regulator, to plan for any outcomes that would affect our national health service, local authorities and other public services. The Scottish Government will play its full and proper part in any resilience planning and response.

I assure members that I have heard everyone loud and clear on the confusion that still reigns about this issue. Rachael Hamilton made the absolutely fundamental point that the failure to communicate effectively has been the root of a lot of the problems. Consumers are left confused and, once they get over the confusion, they go out of their way to arrange things, but they are not being served particularly well. I will take all of that away.

The Deputy Presiding Officer: Thank you, cabinet secretary. That concludes the debate.

Meeting closed at 18:50.

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