



OFFICIAL REPORT
AITHISG OIFIGEIL

Health, Social Care and Sport Committee

Tuesday 25 November 2025

Session 6



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HEALTH, SOCIAL CARE AND SPORT COMMITTEE
32nd Meeting 2025, Session 6

CONVENER

*Clare Haughey (Rutherglen) (SNP)

DEPUTY CONVENER

*Paul Sweeney (Glasgow) (Lab)

COMMITTEE MEMBERS

*Joe FitzPatrick (Dundee City West) (SNP)
Sandesh Gulhane (Glasgow) (Con)
*Emma Harper (South Scotland) (SNP)
*Patrick Harvie (Glasgow) (Green)
*Carol Mochan (South Scotland) (Lab)
*David Torrance (Kirkcaldy) (SNP)
*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)
*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackie Baillie (Dumbarton) (Lab)
Miles Briggs (Lothian) (Con)
Pam Duncan-Glancy (Glasgow) (Lab)
Ross Greer (West Scotland) (Green)
Professor Alexandra Johnstone (University of Aberdeen)
Stephen Kerr (Central Scotland) (Con)
Ewan MacDonald-Russell (Scottish Retail Consortium)
Liam McArthur (Orkney Islands) (LD)
David McColgan (NCD Alliance Scotland)
Jenni Minto (Minister for Public Health and Women's Health)
Sue Webber (Lothian) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Alex Bruce

LOCATION

The Sir Alexander Fleming Room (CR3) and the Robert Burns Room (CR1)

Scottish Parliament

Health, Social Care and Sport Committee

Tuesday 25 November 2025

[The Convener opened the meeting at 09:01]

Subordinate Legislation

Food (Promotion and Placement) (Scotland) Regulations 2025 (SSI 2025/303)

The Convener (Clare Haughey): Good morning and welcome to the 32nd meeting of the Health, Social Care and Sport Committee in 2025. We have apologies from Sandesh Gulhane, so Sue Webber is joining us as a substitute.

Our first agenda item is to take evidence from a panel of stakeholders on the Food (Promotion and Placement) (Scotland) Regulations 2025. I welcome: Professor Alexandra Johnstone, a nutrition scientist at the Rowett institute at the University of Aberdeen; Ewan MacDonald-Russell, deputy head of the Scottish Retail Consortium; and David McColgan, chair of the NCD Alliance Scotland.

We will move straight to questions, beginning with Emma Harper.

Emma Harper (South Scotland) (SNP): Good morning to youse all. I get to go first and am interested in your thoughts about the fact that the restrictions on the promotion and placement of certain foods are not being presented in primary legislation. We are doing this by further regulation and in guidelines. What are your thoughts about that?

Professor Alexandra Johnstone (University of Aberdeen): That is a good question. We need to think about why we have the regulations, which is because we know that two thirds of people in Scotland are overweight and that about a third are classified as living with obesity. We know that the food environment has a major influence on a healthy weight, so the regulations are coming into force in an attempt to change the food environment and make it easier to have healthy and environmentally sustainable eating habits.

We also know that obesity is not equitable—a topic that will come up again later—and that we have higher rates of obesity in the most deprived areas and particularly among females. Instead of thinking of this as a nanny state approach, it is really a way of taking the blame and responsibility

away from individuals by trying to change our food environment in Scotland.

Ewan MacDonald-Russell (Scottish Retail Consortium): I would usually have concerns about doing this through secondary legislation and a negative instrument, because we broadly think that there is merit in having the opportunity to look at regulatory changes in detail.

However, this is unusual and we would probably consider it to be bit of an exception, because the way that the regulations have been drafted is relatively straightforward. Most of our members have implemented such regulations elsewhere or have clear practice on how to implement them, which means that they should be relatively straightforward.

The benefit of using secondary legislation is that it can happen far more quickly. We have been talking about the issue for some time and the retail industry is supportive of the regulations being brought in next October, about 10 months after they pass through the Parliament. That is very tight and we would usually want longer to implement policy, but, in this instance, and after a lot of discussion, we would quite like to get on with it. In this unusual instance, we support the regulations, although I might give a different answer on other occasions.

David McColgan (NCD Alliance Scotland): Members of NCD Alliance Scotland take a pretty similar view. We have been talking about this since 2017 or 2018. The policy intent has been slowly shaved over the years and there is probably a PhD to be done on commercial influence on public health policy.

From the alliance's point of view, we just want to see it done, if I am honest. Introducing the regulations in their current state is better than holding out and waiting for them to be watered down even more following further consultation.

Emma Harper: Professor Johnstone, you mentioned stigma and shame. I have worked on issues relating to stigma and overweight people feeling shamed and as though they are being blamed for being overweight. Can you speak a wee bit more about that?

Professor Johnstone: That issue is incredibly important. There are many reasons why people gain weight, and the food environment has an important role in that regard. The regulations are about the retail food environment, product placement and the way in which food is sold to citizens in Scotland, and I highlight that shoppers with children and those who experience food insecurity are more susceptible to product placement and price promotions in the retail food environment. Therefore, the types of strategies that we are talking about are particularly important

in targeting consumers who face food poverty and have low incomes.

David McColgan: The narrative of stigma and individual responsibility has existed since the tobacco industry used it in the 1950s and 1960s, and the food, alcohol and gambling industries are copying the tobacco industry's tactics. The regulations lay bare the role of commercial interests in influencing people's habits. For example, producers use temporary price reductions to increase their brand share, not to make it cheaper for people to purchase food. The regulations lay bare the need for commercial actors to take responsibility for the actions they take that influence the everyday decisions of citizens in Scotland.

Emma Harper: You mentioned commercial aspects, which I was going to ask about. The policy has already been implemented in England and it will soon be implemented in Wales. Are there differences between what is proposed for Scotland and the policy in England? In relation to commercial aspects, there are issues relating to the influence of the big food giants in determining which products we see and which are promoted. They even have an influence on policy makers. The whole food system needs to be tackled, and what we are talking about is only part of that.

David McColgan: On the influence of industry, the reality is that there are 10 industry lobbyists for every one public health lobbyist—that is the world in which we operate. Those lobbyists have a role in their organisations to do as they see fit.

The challenge involves considering where the public good lies. What are we doing for the benefit of people in Scotland? NCD Alliance Scotland uses the World Health Organization's big bangs, which consider marketing, availability, price and promotions. A number of those points are included in the regulations.

We need to consider how commercial actors, whether they are multinational or national organisations, operate to create a food system. The regulations relate to only a small part of the food system in which we operate, so they are not a silver bullet, but we are trying to create an environment that is more conducive to people in Scotland making healthy choices.

Brian Whittle (South Scotland) (Con): Good morning. I will start with an easy question—well, it is an easy one to ask. How will the regulations support population health?

Professor Johnstone: As a researcher, I have already conducted a robust evaluation of the effectiveness of the regulations in England.

The policy came into force in 2022 and the implementation of the legislation was split. In

2022, restrictions on location in store were introduced and, on 1 October 2025, volume price restrictions—what we call, in slang, the BOGOF offers: buy one, get one free—were introduced.

The research that I have been doing, which is funded by UK Research and Innovation, has involved obtaining data from four major retailers: Asda, Morrisons, Sainsbury's and Tesco. It is very much a big-data approach, and I will give you the scope of that. We looked at 480 stores in Scotland, Wales and England and at 11.6 billion items sold, including 6.8 billion kilograms of food. It was a huge spreadsheet. The magnitude of effect was that, when we compared 18 months pre-regulation and 12 months post-regulation in England, 2 million fewer of the products that were in scope—those high in fat, sugar and salt—were sold per day. That meant a reduction of 220,000 tonnes of food. This is the first study to independently evaluate the effectiveness and equitability of the HFSS legislation in relation to its impact on supermarket sales data in the UK.

Your question was about how the regulations will impact on population health. Scotland's population health framework was announced in June this year. The regulations very much fit in with the framework, because its scope is preventative strategies, which is what the regulations are about. Its scope is also access, and the regulations are about access to healthier foods. The framework is person-led and, less so, about equality of healthcare. The framework emphasises reducing the stigma around individuals living with obesity. It also makes particular mention of improving the retail food environment. Finally, it embraces the reformulation of foods to reduce the levels of fat, sugar and salt. The regulations very much embrace the ethos around producing a healthier population in Scotland.

Brian Whittle: I want to dig into that a bit, because these ideas have been around since the 2011 Christie report. It is hardly groundbreaking to say that, if we continue to follow a diet of ultra-processed foods—foods high in sugar and salt—we will be unhealthy or unhealthier. My concern is that, instead of looking at how we can promote a better diet and physical activity, especially in youth, we seem to be looking at how to prevent people from accessing ultra-processed foods. How do we encourage a healthier lifestyle? The regulations are all about banning stuff. I absolutely agree with prevention in marketing, but where is the balance in the legislation?

Professor Johnstone: In my experience, consumers, and indeed retailers, would tell you that we need further regulation and subsidisation of healthy products. I agree with you that the regulations are about the restriction of unhealthy

products. The balance to that, which is what consumers are looking for, is to make healthier foods cost less. That is particularly important for those who face food insecurity and food poverty, because those are the consumers who are attracted by meal deals, and offers that are often on products that are high in fat, sugar and salt.

With all due respect, the regulations do not cover ultra-processed food. In the United Kingdom, we do not yet have any regulations around processing or ultra-processed food. If you went into a store and I asked you to identify which products are high in fat, sugar or salt, you would find it quite difficult. Those aspects are not aligned with the traffic-light labelling on the front of the pack; you would have to use something called the nutrient profiling model, which is actually quite confusing. I would find it difficult, as an expert in nutrition, to truly identify those products. If it is confusing for me, it will be confusing for other consumers who are less educated in nutrition.

09:15

Ewan MacDonald-Russell: I am glad that Professor Johnstone mentioned the nutrient profiling model first, so that I do not have to try to explain it. It contains myriad complexities; the SRC has produced guidance to help our members with it, because it is confusing.

I agree with all of what has been said, but I would add that the regulations create an incentive in the supply chain around how businesses are operating because, ultimately, they do not want their marginal products to fall within the restrictions. Some products are always going to fall within the restrictions—if you are selling a bag of crisps or a chocolate bar, you cannot really make them non-HFSS, and that is fine.

However, a lot of products can end up being a little bit more marginal, and reformulation can provide an opportunity to get them out of the restricted space. That is interesting with regard to the way in which we set up incentives. There is stuff that Government decides to ban. There are also areas in which we want to nudge businesses to remove the unhealthy and problematic elements of products in order to let consumers make healthy choices by stealth. Reformulation has been really successful. When that sort of policy-making is done cleverly, it can help to encourage people across the supply chain—retailers, producers and so on—to make changes on the margins. That is just a small point about the food environment.

Finally, I would say that some of what we are discussing is not mutually exclusive. We can put restrictions on stuff that has explicit health harms; that does not prevent us from running healthy campaigns and promotions. Retailers, the

Government and Food Standards Scotland all do some of those things. More can probably be done collectively in that space, in particular by public and state bodies, but that does not exclude our doing things to get rid of some of the difficult bits, too. I am aware that I am making the pro-regulation argument here—in this instance, I am quite comfortable doing so.

Brian Whittle: Before I bring in David McColgan, I go back to Professor Johnstone's points. If the labelling is confusing, why are we not legislating to make it easier to understand? Why are we focusing on calorific intake, when that does not necessarily result in a healthier diet? Why are we not looking at—I keep saying this—the need for people to be physically active, especially when they are young? Why are we not looking at preventing people from falling into an obesity trap in the first place?

I absolutely agree with regulation, but that is my concern. We have known about these aspects since around 2011—it is hardly groundbreaking—but we are still not looking at how we help to educate people, or create an educational environment that enables them, to know what healthy food is. If labelling is the problem, why are we not looking at that?

Professor Johnstone: Education is key, so that we inform consumers to enable them to make the correct choices. The area in which labelling is tricky concerns the categorisation of products that are high in fat, sugar or salt. You need to collect data from brands, and that means that retailers need to collect nutrition information from other companies such as NielsenIQ brandbank for the brands that they are stocking. The retailers do not necessarily have all that information to hand. We do not have a public database that we can all log into and check, and that makes enforcement tricky. The nutrition information on products that are being sold in the retail food space uses the nutrient profiling model.

With regard to the reason why we are focusing on calories, I will give an example. Nesta conducted a review and estimated that the regulations would have an impact, per person, of a 60 kcal per day reduction in energy intake, which could potentially lead to a 16 per cent reduction in obesity. For me, that is one of the primary end points. I accept that we need better diet quality, but we also need to help to nudge consumers into consuming fewer calories in order to reduce the current public health crisis in relation to obesity and people being overweight.

Brian Whittle: If someone went for an hour's walk, they would burn 600 calories. Why are we not addressing both of those things?

Professor Johnstone: The two approaches are not mutually exclusive. We need an environment that encourages green space and thinking about transport, and that is where the whole food system becomes quite complicated. There is not one solution to the obesity epidemic—it involves multiple solutions to address issues throughout the life course.

We have not touched very much on children—I work mostly in relation to adults—but the first 1,000 days of a child’s life are incredibly important, as are the school, hospital and work environments. Our discussion today, however, is specifically about the retail food environment and the impact that that has on consumers making healthy choices.

Brian Whittle: I have not brought in David McColgan yet, but I have to say that my problem is this: the outcomes are important. We are the most obese country in Europe, and one of the most obese countries in the world, so we are not doing very well, either in terms of diet or being physically active. It is all very well to say that we are going to bring in these regulations, but surely the only measure is the outcome, and the outcome tells us that that approach is not working.

David McColgan: I would echo the findings of the study that was done by Nesta. There is clear evidence that backs up what we are discussing today: that, on the back of these regulations, there will be a positive outcome with regard to obesity in Scotland. No one involved in the debate thinks that, when the regulations are passed, we can all go and be happy with what is happening. There is a whole range of issues at hand. There are promotions that are not even included in the regulations, and which NCD Alliance thinks should be, such as meal deals and temporary price reductions.

There is a major issue with regard to physical inactivity and its contribution to health, and we have had many discussions on that. One could, I am sure, argue that one of the challenges with physical inactivity is that it is not commercially driven, whereas we are looking at a retail food environment that is being commercially manipulated in a way that influences people. In an analysis from Obesity Action Scotland, 43 per cent of people said that they were buying impulsively because of temporary price reductions; they were buying things that they did not need, just because those products were on offer. If we start to change that environment, we will start to see calorific intake going down.

There is a big challenge that NCD Alliance is grappling with all the time. The easy approach would be to say, “We should regulate the bad thing”, but the hard question is: how do we promote the healthy aspects? How do we make

fruit and vegetables cheaper and easier to access? There are communities in Scotland that cannot access fresh fruit and veg easily, and we have to look at how we can make them more readily available. It is not a case of saying, “This is it—we’re all done.” The regulations that we are discussing today are a step forward, but it is a step on a long journey.

Brian Whittle: I agree. It is ridiculous that a coffee and a sandwich can cost me less if I add in a pack of crisps. That is absolutely bonkers.

This is where I am coming from. Again, I support the regulations, but I can give you an example of what has been done in Japan to positively influence the food environment. Every school in Japan has a nutritionist, and children are not allowed to eat anything in school that has not been passed by a nutritionist as being extremely healthy. Japan’s level of obesity is 4 per cent.

I go back to the idea that what we really want to do is change the environment in which obesity is an issue. Scotland is not Japan, but that sort of example shows that, if the political will is there, we can make significant changes to our communities. That is what I am pushing back on—the regulations are just scratching round the edges, and we are not making the big changes that we need to make in order to improve public health.

Professor Johnstone: The good food nation plan will create opportunities for local authorities to bring in new measures that protect vulnerable groups in society—for example, in schools.

Brian Whittle: I think that the school environment, along with the 1,140 hours of early learning and childcare, is absolutely the battleground on which we should be fighting.

Joe FitzPatrick (Dundee City West) (SNP): The area that was being covered towards the end of that line of questioning is roughly the one that I want to move on to. I was involved in the legislation back in 2018, when there was a major consultation; David McColgan has said that it feels as if, every time there is a consultation, the legislation is being weakened, and I have to say that the current measures do not feel anything like as strong as the proposals that we had back then. Are we still confident that they will make a difference? It feels to me that they are better than nothing, but they do not go nearly as far as we should be going. I guess that I am agreeing with Brian Whittle’s point.

David McColgan: The phrase “better than nothing” is probably the one that we would use at the alliance. I have been in the Parliament many a time talking about the legislation. For example, Scottish Government data shows that there could be a 600-calorie reduction per week from restrictions on price promotion and marketing, but

it also shows that, when the measures cover only multibuy promotions, the figure drops to 115 calories.

We could talk about certain language and words being cut out of the legislation as we go, but its intent is being weakened, too. There is clear evidence that we have cut back the provisions, whether it be because of political will to stand up to industry or because of the industry's power. If we do not include meal deals and temporary price reductions, we will see loopholes all over the place. Three-for-two deals will suddenly become 30p off for three weeks, which will equate to the same issue.

There is also a huge discussion about brand loyalty discounts, which I do not think appeared in the original legislation. Most supermarkets now have brand loyalty cards and, everywhere you go, you see the discounts. Those are not included, either.

The public health community wants action. The regulations are a baby step compared to the steps that we could have taken—by which I mean, the proposals in 2017 and 2018, which would have been a giant leap.

Joe FitzPatrick: I am not coming back to the Parliament next year, as I am not standing in the election. It will be for those colleagues who come back next year to look at how the legislation is working and what more can be done.

Ewan MacDonald-Russell has said that there is a lot of good practice. In many parts of the retail industry, some of the things that are being proposed are already happening, and there are examples of supermarkets promoting more healthy food deals for vegetables. How do we make that the norm? The point of regulation is, I hope, to level things up. Do we need regulation for absolutely everything in order to push the retailers who are not following good practice?

Ewan MacDonald-Russell: If it is okay, I want to come back slightly on a couple of things that David McColgan mentioned. As the industry lobbyist in the room, I never realised that I was so powerful.

The first thing that I would say is that the approach can be iterative. We support the regulations; indeed, there are similar regulations in other parts of the UK, which give us a baseline. That means that, by October next year, the three nations in Britain will all have the same approach. For retailers of scale and the majority of the retail industry—even smaller retailers—the supply chain will be similar, and we will now be working from that baseline. We can then look at the next thing.

We are not saying that we should never have regulation again; obviously, that is not reasonable.

Public health issues have been raised, and they are real. The regulations will not deal with every public health issue, but they are a good starting point, and they are also something that we can do quickly. We are supportive of that, and we are happy to continue the discussion.

As for meal deals, I think that the Government's proposals on meal deals were meant to be aimed at lunch-time volume, or multibuy, sandwich deals. That is one type of promotion. However, the measure was framed in such a way that it covered a whole gamut of things—everything from a volume promotion of things in the freezer area to a dessert deal or a barbecue deal. Some of those deals involve foods high in fat, salt and sugar, and some do not. One of our members went away and dug into the issue properly, but they stopped when they got to 3 million combinations of items. That does not mean that we cannot do this—it is just very complicated and complex.

If we had included meal deals, we would have needed a definition, as the term is not legally defined at the moment. That stuff all takes time, but that does not mean that we cannot do it. Indeed, I imagine—I hope—that Government officials are working on what some of that might look like. However, the “how” is quite difficult, even if you accept that it is a good idea.

Our members probably have different views on that—they have a very broad range of views. We probably do not have a coherent view; after all, some members would be commercially advantaged if such regulation came forward, because they do not offer such deals, or they offer them in a way that has less of an effect. However, some retailers would lose part of their business, because they do only a lunch-time meal deal.

There is a complexity to the issue that probably deserves examination. We have talked about secondary legislation not always being the appropriate approach, and this is probably a good example of an issue where you need quite a lot of input. However, I can speak only for the retail part, not the follow-on issue.

09:30

Secondly, the multibuy provisions cover pre-packaged food, not fresh food or food prepared at a certain point. That, too, will have an impact. It addresses one quite narrow area of the food environment—the easiest area—but there is, absolutely, a way in which it can push further.

Thirdly, on the scope of the regulations, they apply to shops with an area of more than 185m²—that is, 2,000 square feet—or those that have more than 50 employees. A chunk of businesses will therefore be unaffected. Some of them are responsible retailers and will probably have

enacted similar things, just as there are lots of retailers that have not done BOGOF deals for years. However, some will not enact them. Some businesses based in the communities that probably have the most need for the regulations will be unaffected, because the Government and the Parliament have, broadly, taken a view that the onerous burden of implementation should not be applied to the smallest businesses.

However, not taking a level-playing-field approach will have a public health impact, too—that is a consideration that is perhaps not always made. Again, some businesses that are not retail businesses that sell food will have an impact on that environment; we represent some of them, too, so we are in there.

Finally, we think, philosophically speaking, that temporary price reductions are good. They encourage competition, including between brands and between retailers, and in our view, that keeps prices down. We think that keeping prices down for customers is good, and we think that competition between retailers keeps prices down across the market.

I want, finally, to say a little about that food environment. If you look at price—

The Convener: Please say it very briefly.

Ewan MacDonald-Russell: I am sorry—I beg your pardon. Quite a lot of points have come up.

There is huge price competition in healthy products and healthy food—and you will find out exactly how acute that competition is when you go and buy vegetables for Christmas.

The Convener: I remind members that the session finishes at 10 o'clock, and four members still have substantial questions, so I ask that we be concise in our questions and our answers.

Sue Webber (Lothian) (Con): My question is for David McColgan and Professor Johnstone. You have talked a lot about obesity and the retail environment. Are you perhaps a little disappointed at the fact that some of the food that can be delivered to people's homes via Just Eat and Deliveroo bikes, and its accessibility, do not fall within the scope of the regulations? Might putting them in scope make a positive impact on what you are trying to achieve?

David McColgan: Yes, to be brief. We are grappling extensively with that area, especially online delivery of food that is high in fat, salt and sugar, as well as alcohol, which is a major issue. It is an emerging area, and we are looking at it, but we would probably have to go to a fifth and sixth consultation to have it included. I welcome Ewan MacDonald-Russell's remarks that the approach might be iterative, and these things might come further down the line. We need to consider that

ease of access, and the fact that you do not even have to move off your couch.

Sue Webber: Indeed.

Professor Johnstone: Food Standards Scotland recently presented data showing that the out-of-home environment plays a hugely influential role in healthy weight and nutrition. During Covid, there was an increase in ordering through those online systems, and they have become more commonplace since then. I agree that we need further consultation, with a whole-system and evidence-based approach, so that we can think about how we manage what I would call a novel and evolving way of ordering food. We should also think about advertising, which is often targeted at young people, for example.

David Torrance (Kirkcaldy) (SNP): Good morning. Is the Scottish Government's assessment of health benefits of £2 billion to £2.4 billion over 25 years realistic?

David McColgan: Assessments are modelled and looked at, so they are always open to interpretation. We know the scale of the challenge around obesity and its contribution to heart disease, cancer, stroke, diabetes and other non-communicable diseases.

We could look at the pounds and the pence, but we could look at the human factor, too. We know that the majority of non-communicable diseases can be prevented and that obesity is the largest growing area contributing to NCDs.

The policy has the right intent, but the outcome and the expense on our side are debatable. I always remember Sir Harry Burns saying to me once, "Don't tell me that you will save the national health service money. Tell me the difference you will make in people's lives." For me, this piece of legislation is about the environment that people will exist in and the impact that it will have on their lives thereafter.

David Torrance: In light of the experience of using the guidance accompanying the regulations in England, what, if any, changes should be considered for the guidance procedure for the regulations?

Ewan MacDonald-Russell: The guidance procedure in England was lengthy and rather painful, and the guidance itself is imperfect, although the working version that we have is probably quite good.

I would make two points about that. First, I am concerned that, in Scotland, we do not have a devolved primary authority model, which means that there is a risk that different local authorities might take different views on how the policy is enacted. We have not spoken about enforcement, for example. Enforcing this in England has barely

happened, to be honest, because it is very complex. The Government has a working group on the guidance, and we are on it.

A second point is on symbol groups and whether retailers are, or are not, part of franchises. The legislation in England broadly bodged that question, which allowed different organisations to have different views on it. That might be a sensible approach; if the Government tries to rewrite it, the odds are that it will have lots of different impacts. Those are the two particular bits that I wanted to highlight, but we have put together pretty significant guidance on the products that are in scope.

My final point is this: can we please not change the nutrient profiling model at least until we have got this up and running? It has taken a huge amount of work to get it going.

Professor Johnstone: In the research that I have done—and which I would like to submit as written evidence—as part of the food insecurity in people living with obesity project and the diet and health inequalities food project, the retailers to whom we have spoken, and who are based in England, interpreted the regulation instead of following the letter of the law, shall we say.

We have seen evidence from England of the high-profile, end-of-aisle area being used for exempt products such as baby food and alcohol, which is not the ethos that we are trying to promote. Digital and print advertising—for example, stickers on the floor—was used in that area, and we know that the food-to-go section was moved to other areas away from the front of the store, which is the prime area, and that seasonal lines were moved into an aisle instead of being at the front of store or on pallets. Last but not least, some stores even changed the layout of their store and shrunk its size to make the total store area less than the legislative cut-off, and they built bigger in-aisle promotion spaces.

The spirit of the regulation, therefore, might not be being upheld. At the end of the day, retailers are there to make a profit, and there are other ways of promoting those types of in-scope products in store.

David Torrance: My final question is aimed at Ewan MacDonald-Russell. The Scottish Government undertook extensive financial and business modelling on the impact of the regulation on businesses. Do those assumptions, that modelling and those predictions match those of the industry, presuming that businesses have conducted their own modelling?

Ewan MacDonald-Russell: They seem about right, I guess. It is quite difficult, because bringing this into Scotland means that we need to worry about the thin bit of the iceberg, such as the in-

store changes and how to do them. However, it does feel as though this will not be particularly onerous per business.

That is our assumption, but there are caveats. Obviously, there are assumptions for businesses that have not had to do this before and which will be affected. That sort of thing will not affect retailers at scale, but a smaller retailer might not have gone through the process. That would be my one question.

Certainly, the hard part was product identification—that is, which products were in and out of scope—and it was incredibly difficult. That should not be an issue. We are quite confident that it can effectively be done within 10 months, although it will have been a year since the announcement. As I have said, the assumptions feel right, but I do not have definitive data to confirm that.

Patrick Harvie (Glasgow) (Green): Good morning. I want to move on to enforcement. Obviously, the ideal would be that enforcement is not necessary and there is just compliance, not only with the letter, but with the spirit of the regulations. However, as we have heard, that is not happening down south.

Assuming that enforcement is necessary, I am curious about your attitude to the penalties that are included in the regulations and whether they will be adequate—that is, whether local authorities will find that the fines that roll in are enough to pay for regulation, or whether it will take additional resource for local authorities to be able to enforce the regulations.

I will start with you, Professor Johnstone, because you talked about your work on studying the impact of the regulations down south. Are the big retailers simply rolling the policy out at a company-wide level? Is the regulation in England already having an effect on their behaviour in Scotland, or are they just doing whatever is allowed within the law in the different jurisdictions?

Professor Johnstone: That is an excellent question. The answer to it is yes, as we can see that the legislation in England is already having an impact in Scotland, with sales of in-scope products having already decreased as a result. It is understandable that, if retailers are instigating reformulation of products, those products are not just held within England but are rolled out across all stores.

I come back to evaluation and the work that we have done with the Institute of Grocery Distribution. It is not aware of any enforcement or any fines involving any retailers in England.

Patrick Harvie: None at all?

Professor Johnstone: None. Enforcement is incredibly hard. There is no portal or app that enforcement officers can use to assess whether a product is in scope or out of scope.

Patrick Harvie: If I read between the lines, it sounds as though you are saying that we cannot know whether the rules are actually being broken, rather than seeing voluntary compliance to a level where fines are not necessary.

Professor Johnstone: Yes. The retailers coined the phrase that it was a force for good—but. So yes, there are a number of loopholes.

Patrick Harvie: That leaves me turning to you, Mr MacDonald-Russell.

Ewan MacDonald-Russell: I agree with all of that, because that is our experience. I said that there has been little to no enforcement purely because it is possible that there has been some, but we do not have any experience of it.

I would say that, from a Scottish perspective, the issue is wider than just the regulations. We already see that there is a problem with local authorities not enforcing a large amount of regulations—for good reasons of resource, of course. My small-format retailers complain about the disposable vapes ban being de facto not enforced, with a large number of retailers still selling them. That creates a pernicious environment in which responsible retailers who follow the regulations are, in effect, disadvantaged.

We are relatively comfortable with the criteria, but we think that enforcement is needed and that it needs resourcing. It needs the technical resourcing that Professor Johnstone spoke about, so that people understand which products go where and how things should be laid out. On top of that, there simply need to be enough people to do the enforcement. Trading standards officers will need training and support—they need that for these regulations.

I hope that the Scottish Parliament will push the Government to do more across all regulations. Regulatory burden is one thing, but if regulation is not enforced, it just disadvantages responsible businesses.

Patrick Harvie: How much of the responsibility for enforcement lies with the industry?

Ewan MacDonald-Russell: First, I think that retailers should be following the regulations. They are the law, and retailers absolutely should be following them. If they are not doing so, I hope that they do not expect me to defend them for that.

Retailers of scale will follow them. There will be mistakes, because the regulations are complex.

Some retailers will find gaps in them, because they want to push things.

The committee has heard that some retailers have introduced the policy in Scotland. Others have not done so because they see a commercial advantage—it is a market decision. That is why you need that two-tier approach. On the one hand, retailers probably should do so, and a lot of retailers will, for brand or consumer reasons—they want to be seen as doing the right thing. Others, though, need enforcement to ensure that they do the right thing. That is probably as big an issue with small independent retailers as it is with retailers of scale.

Patrick Harvie: Leaving it to individual businesses to decide the extent of their compliance and how they will enforce the policy within their own business is not adequate, is it? What responsibility would your organisation have in identifying the extent to which the industry as a whole is complying, providing that information and making sure that businesses know that they are in the wrong when they have not complied?

Ewan MacDonald-Russell: There are only two of us in Scotland, so the number of shops that we are able to check ourselves is finite. We provide guidance and support, and we try to bring members together with the Government, enforcement agencies and regulators to discuss the regulations. We will make sure that we are briefing them and we will give them the information, but we are not able to take any role beyond that.

However, I agree with where you are coming from here, because regulation that is unenforced is not regulation that will be effective. We want the Parliament to produce good law and we want that law to be enforced properly. That will create a level playing field that advantages responsible retailers. That is what we would support.

09:45

Patrick Harvie: I will probably ask the minister how we ensure the adoption of the principle that the cost of regulation falls on the industry that is being regulated.

I will move on to talk about how we might expect the regulations to work alongside the other aspects of how the industry is regulated. Can we improve compliance with the regulations by aligning them with other aspects of what local authorities do to regulate the industry, whether that is on environmental standards or other aspects that they already have responsibility for? Can we get a more effective bang for our buck, if you like, from the resources that local authorities have available to make sure that we achieve compliance in a more coherent way?

David McColgan: To echo Ewan MacDonald-Russell's point, for years, one of the biggest challenges in public health policy has been the lack of discussion around the resourcing of enforcement. We speak to colleagues about enforcement in relation to alcohol, tobacco, vaping and, increasingly, the food environment. We are piling more on to the back of the same person, which becomes a major challenge.

I would welcome an open conversation, whether that is here in the Parliament or across Government, about the landscape for our trading standards and environmental health colleagues. I know that there are major workforce issues regarding the number of officers who are coming up to retirement age and those who are coming into the industry. To again echo Ewan's point, regulation without enforcement is just setting the regulation up to fail. A serious conversation on enforcement would be welcomed by everyone.

Patrick Harvie: You have already mentioned to members on a couple of occasions that you have concerns about the narrow scope of the regulations and the aspects that were not included. My final question is why you think that they are narrow in scope. What is the Government's rationale? Is it simply taking the path of least resistance, or do you think that there is some other reason why it has decided that this approach is the right one?

David McColgan: Given the weight of evidence about the potential impact of acting on price promotions for food that is high in fat, sugar and salt, the only logical conclusion is that the Government just wants to get the regulations over the line so, yes, it is the path of least resistance. If you look over the consultation responses, you will see that there was huge resistance to acting on temporary price reductions and meal deals. Ewan MacDonald-Russell narrated that point well. There is an industry narrative on meal deals of, "Oh, they are difficult to define—we would need to do this or that." The truth is that regulation can happen if there is the political will. The best examples of that are the ban on smoking in public places and minimum unit pricing. Industry told us that the world would end if we did those things. There is a playbook that industry uses and that is shared around.

We need to be aware that we are talking about a piece of public health legislation. Why would a turkey vote for Christmas if you told it that that would impact its pocket? For us, it is about health over wealth; for others, it is the other way round. As I said, there is a PhD in this topic, but you can absolutely go through the policy and see that.

There is a challenge for everyone in Scotland. Industry absolutely has to be involved in conversations about the implementation and

delivery of policy, but if we as a citizen body say that we want to prioritise public health, that has to be the priority when it comes to this kind of legislation.

Patrick Harvie: I will come back to Ewan MacDonald-Russell—

The Convener: Briefly, please.

Patrick Harvie: Very briefly, convener.

I do not want to be at all personally unpleasant about this, but I think that you are saying that we should be more comfortable if the industry representative at this meeting were to be less comfortable with such a degree of regulation.

David McColgan: Yes. Ewan MacDonald-Russell and I had a conversation on the way into the meeting about a meeting that we both attended that was largely uncomfortable. However, we are all grown-ups.

Look—Scotland is a democracy, and everyone has a right to say what they want, and to have an input. When policy goes through the meat machine, it comes out in a certain way. We are not happy with the way that it has come out this time, but that does not mean that we will give up.

NCD Alliance Scotland has a very strong action on our hands around tackling conflicts of interest in public health policy.

Patrick Harvie: Should the Scottish Government be making you a bit less happy, Ewan?

Ewan MacDonald-Russell: I am very happy with the Scottish Government making me happy on this occasion—it is unusual.

Briefly, the SRC would simply argue for public health actions to be proportionate, so that we balance the cost to industry against the public health benefit, erring on the public health side.

Secondly, I want to make a slight correction. Since I have been in post at the SRC—since 2016—we have been comfortable supporting minimum unit pricing of alcohol. That is a good example of a public policy intervention that is proportionate. I just wanted to be accurate on that.

Patrick Harvie: Thank you, convener.

The Convener: Thank you for being brief. I bring in Elena Whitham.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Good morning. I know that we only have a short amount of time for this item, so I will be brief. The regulations are quite narrow; they seek to have an impact on just one part of the commercial determinants of health. I am interested in understanding how they will impact on the social determinants of health, both in a positive way and

in terms of any potential negative impacts that we might see on health inequalities.

Perhaps you can start, David. How do you feel that the regulations will impact on health inequalities?

David McColgan: We know that obesity is disproportionately represented in our most deprived communities. Taking a regulatory approach and an environment approach is about changing the environment in which people live and operate.

One of our concerns about the regulations relates specifically to the exemptions for companies with fewer than 50 employees and below a certain floor area, because those are traditionally the stores that are accessible to people who live in the most deprived communities. By taking that decision, there is a risk that we create a gap, or widen the gap, in health inequalities relating to obesity. We raised that issue in our response to the consultation and in our evidence to the committee. We would encourage the Government to look at that aspect again.

Elena Whitham: It is important to get that on record. You alluded earlier to the fact that we have food deserts, with a lack of fresh food in some of our communities. That is not just in urban settings—it can be in rural settings, too. Even if people have the skills, knowledge and ability to cook fresh, healthy food and know what to do with it, they may not have access to it. Is it a real concern for NCD Alliance that some health inequalities may be slightly exacerbated if we do not work on the rest of the food environment in which people are living?

David McColgan: Absolutely. For us, the regulations are a small sliver of legislation that was probably bigger when it was first proposed. We need to accept that, if they go through as they are, that is fine, but it is not the end of the conversation. The food environment has major challenges around transport and access, and even marketing and availability. We know that people are more likely to be marketed to if they live in a deprived community.

For us, the regulations address a small part of the issue, which is the price and the promotion element. A huge part of it is about access to and the availability, or overavailability, of products that are high in fat, sugar and salt. There is also the marketing element.

The legislation is a start, but a wider conversation needs to be had. I hope that the regulations will be the icebreaker that will lead to conversations about the wider food environment in Scotland.

Elena Whitham: Professor Johnstone, I will ask you about the impact, too. Looking at individuals who have health issues or disabilities, is there any concern that the regulations could have not only a positive impact but maybe even a negative impact? I am thinking about individuals who are neurodivergent and have associated health issues such as avoidant/restrictive food intake disorder; they might be reliant on foods that come under HFSS guidance and would therefore be subject to the restrictions. Is there any concern in that space?

Professor Johnstone: I am sorry—I do not have any data on that particular group of people, but I can address the wider issue of whether the regulations are equitable. The last thing that we want to do is introduce regulations that increase dietary health inequalities, which may impact the groups that you mention.

We have done work on that, looking at the transaction data across England and Scotland. I am pleased to report that, where we saw an impact in the form of a reduction in sales among retailers, it was equitable across different areas of deprivation. That means that all areas were affected equally.

People may argue that we want the regulations to benefit some consumers more than others. However, we are in a situation where at least those findings—which I can submit in written form—are promising and demonstrate that restricting the placement-based promotion of less healthy foods can lead to a meaningful change in sales.

We have not done any research into specific types of consumer, beyond those living with food insecurity and obesity. I would urge the ministers to think about evidence-based decision making. As my colleague David McColgan has said a few times, there is a PhD in this. I will volunteer—I will lead that research for you so that we can ensure that the legislation will be equitable for all.

Elena Whitham: I will now go to Ewan MacDonald-Russell for the industry perspective.

We have had the population health perspective explained clearly—it is about zooming out and looking at it from that population health perspective and not, perhaps, from the perspective of individual groups of people.

What can industry do to support healthy options for people who experience food insecurity and who find themselves in those food deserts and being serviced by those smaller shops that—as David narrated—fall out of scope? What can industry do to support people to make the best choices?

Ewan MacDonald-Russell: I will answer incredibly briefly.

Regulations such as these, which have a limited economic impact, mean that jobs, shops and stores are not particularly affected, and that there is not an impact on food prices. It makes trading more economically beneficial.

More broadly, a large number of financial levers is involved if we want to have more shops in communities. One way to look at the issue is to treat it as one that is wider than a health issue and to ask how Government fiscal policy is aligned to incentivise investment in those communities and whether that would offset the potential health costs. In that way, businesses would not lose out but would be incentivised to do better things.

That was a very short answer.

Elena Whitham: Thank you. It was very short.

The Convener: I thank the witnesses for their attendance.

I will briefly suspend the meeting to allow for a changeover in witnesses.

09:57

Meeting suspended.

10:01

On resuming—

The Convener: We continue taking evidence on the Food (Promotion and Placement) (Scotland) Regulations 2025.

I welcome Jenni Minto, the Minister for Public Health and Women's Health, and, from the Scottish Government, I welcome James Wilson, unit head, population health strategy and improvement, and Rosie MacQueen, solicitor. The minister has a brief opening statement.

The Minister for Public Health and Women's Health (Jenni Minto): Thank you. I am delighted to be here to provide evidence on the regulations, which were made on 29 October and laid before the Scottish Parliament on 31 October.

As the committee will be acutely aware, in Scotland, we have an issue with high levels of overweight and obesity, and poor diet. Those factors cause and contribute to many health problems that impact on people's quality of life. Given that around two thirds of adults are overweight or living with obesity, addressing obesity is a public health priority to ensure that Scotland is a place where we eat well and maintain a healthy weight.

Restricting the promotion of less healthy food and drink is a population-level intervention that is

expected to have a positive impact on public health across all population groups. The policy seeks to reduce the public health harms that are associated with the excess consumption of calories, fat, sugar and salt, including the risk of developing type 2 diabetes, various types of cancer and conditions such as cardiovascular disease, as part of a wide-ranging suite of actions to support healthier diets and healthy weight.

The regulations have been published alongside a full suite of impact assessments and were developed with valuable input from a range of stakeholders, both in response to the four earlier public consultations, and through targeted engagement with key groups. The regulations will make it easier for people to make healthier food choices, by targeting those food categories that are significant contributors of calories, fat and sugar to the Scottish diet and of most concern in relation to childhood obesity, as described in the UK-wide reformulation programmes.

The regulations will restrict promotions of pre-packed food and drink products in targeted food categories that are high in fat, sugar or salt; restrict certain price promotions of targeted HFSS foods, such as multibuy offers—buy one, get one free offers, for example—and free refills of soft drinks with added sugar; and restrict the placement of targeted HFSS foods in prominent locations in store and online.

The regulations align with equivalent policy in England and Wales and will come into force on 1 October 2026, ensuring that businesses have sufficient time to prepare. However, it is important to note that no single intervention can turn the tide on Scotland's high levels of overweight and obesity. That is why the Scottish Government is taking wide-ranging action to improve diet and support people to be a healthy weight. The regulations form part of our longer term, whole-system system approach to preventing high levels of overweight and obesity, and poor diet, which cause and contribute to many health problems that impact on people's quality of life.

I am sure that the committee will agree that the regulations, the first of the actions delivered under "Scotland's Population Health Framework 2025-2035", are a key and necessary measure to improve the health of people in Scotland.

The Convener: We will move straight to questions.

Emma Harper: Good morning. I am interested in the regulations on high fat, sugar and salt foods and how they may link in the future to ultra-processed foods and how we deal with the advertising, marketing and display of those. Is the Government's rationale for introducing measures in regulations, rather than in primary legislation as

previously proposed, that we will be able to expedite the changes in a more timely manner?

Jenni Minto: I recognise the work that you do on ultra-processed food. You are right that, initially, the Scottish Government thought that the measures would have to be introduced through primary legislation. However, work that has been done across the years has shown that regulations are the best way to introduce such provisions. Regulations will allow the changes to take place more quickly and, to take a phrase from Ewan MacDonald-Russell and David McColgan on the previous panel, we need to see it done. That is why we are implementing the measures through regulations.

Emma Harper: I have set my timer, convener, as I am conscious of the time.

I am aware that England has already introduced the measures and that Wales is about to. How do the regulations align with England, Wales and the EU? Are those regulations similar to what is being proposed in Scotland?

Jenni Minto: Yes, they are, is the short answer. We did a lot of evaluation and consultation. It was felt that the appropriate way to follow what has been done in England, as the Welsh have done, was to introduce product placement regulations and regulations for the buy one, get one free price promotions at the same time. That is what we are introducing.

Emma Harper: Basically, product placement is part of it. How will we measure whether the regulations are working?

Jenni Minto: That will be absolutely key. The committee has just heard some evidence about the importance of the work that the University of Leeds has done on the implementation of regulations in England. We have asked Public Health Scotland to ensure that it is doing the right evaluation and to look at how the regulation ties into our population health framework.

Emma Harper: I will leave it there.

Brian Whittle: Good morning. The minister will understand my interest in this topic. My frustration is that we have known about this for a long time: the Christie Commission's report was published in 2011; and Harry Burns has done a lot of great work on this. As much as I welcome any move to tackle what is a huge issue in Scotland—we are the unhealthiest, most obese country in Europe—and to reduce and ban the use of unhealthy foods, where is the work around the promotion of what is healthy? Where is the work on the erosion of our opportunities, especially for kids, to be physically active? There is a huge symbiotic relationship between activity and diet. Where is the work to look at that in preschool, where children receive

1,140 hours of funded childcare, and into primary school, where we create those habits? In the end, it will take much more than the regulations and much greater political will to make the significant changes that we need.

Jenni Minto: We have had many conversations about this topic. I am very clear that I am pleased that we are introducing the regulations at this time. Do I think that we can go further? Yes, I do, and we are continuing to do that work, certainly through one particular piece of legislation—the Good Food Nation (Scotland) Act 2022—and the population health framework. I think that you are right: there is no one solution that will improve the health of people living in Scotland. There has to be a much wider and more rounded whole-person approach.

Just yesterday, I spent some time in Dunoon in my constituency with people from the Argyll and Bute youth action council. We were talking about the importance of healthy food in their diet, having lessons on cooking healthy soups and so on. I do think that we need that whole-person approach. I should say that we were also talking very much about the importance of activity and recognising the importance of getting out in nature. In fact, there were some young people from Helensburgh—which is not in my constituency—who were part of a group who climbed to the top of Ben Nevis, and that gave them a lot of learning points. They learned from the exercise about the importance of having good nutrition to keep their energy levels up as they were climbing the hill, as well as about the importance of teamwork and working together to improve health and wellbeing.

Brian Whittle: That is great, so why are we reducing those opportunities for kids? We know what health is, and how to be healthy; we know that we have to move about and eat better. The concern here seems to be more about calorific intake than the make-up of those calories. I know that you are passionate about this, too, but I hear a lot about what we could do, and about what being healthy actually is. Why are we reducing the opportunity for this sort of thing to be universally accessible across our country?

Jenni Minto: I have just given you an example of where that sort of thing is happening across Argyll and Bute, and where we are working to ensure that children get the right education, which I think is part of this.

Brian Whittle: Absolutely.

Jenni Minto: I have said on a number of occasions that I find this to be one of the most difficult areas of my portfolio, because I love food, and I was lucky to have an upbringing in which the education side of things was explained to me. Indeed, that is why I am passionate about looking

at this from a whole-environment perspective and ensuring that when families go to the shops, they see healthy food first and that, when they pay for their shopping, they are not seeing the treats that might push them into a less healthy environment.

You have just taken evidence on the pressure to spend more money on high in fat, salt and sugar items because of buy one, get one free offers. What we want to do with the regulations—they are a nudge in that direction—is ensure that people use their available budgets in the best way possible, so that they get the healthier meals and the healthier food environment that will, hopefully, allow them to be healthier.

As for getting sport on the agenda, I think that last week's result against Denmark has really put sport front and centre. I would also mention the curling that is going on in my constituency just now, the world stone skipping championships and so on. There is a lot of sport going on that the Scottish Government is supporting, as required.

Brian Whittle: If sport is important, we need to stop cutting the sports budget. In fact, we need to double it, as was declared in a previous manifesto. My final question is—

The Convener: I am sorry, Mr Whittle, but we have to move on.

David Torrance: Good morning. What will be the financial impact of the regulations, in terms of both cost and benefits to health?

Jenni Minto: When we introduced the regulations, we carried out a partial business and regulatory impact assessment that set out where we felt they could impact on consumers, and we found that the impacts were minor. It is important to recognise that.

I think that it was David McColgan who talked about the relationship between wealth and health, and vice versa. I am very clear that, by introducing the regulations, we are allowing people to make the right health choices and ones that, according to the business and regulatory impact assessment, will not impact on their budget too much. As I referenced to Mr Whittle, sometimes the buy one, get one free offer means that people are spending more of their resources on the high in fat, salt and sugar foods than on healthier options.

10:15

David Torrance: The modelling used for health benefits has focused on calorie reduction. Is that an appropriate approach, and do you think that it underestimates or overestimates the health benefits of the regulations?

Jenni Minto: I have had a lot of conversations with officials, third sector organisations and public health areas and businesses. My understanding is that most people recognise what calories are, so they can make informed decisions when calories are on the product. Again, we have received evidence from Food Standards Scotland and Public Health Scotland, and more widely through Nesta and Obesity Action Scotland, about the impact of diets that are high in fat, salt and sugar on health outcomes, whether it be type 2 diabetes, cardiovascular issues and so on.

Patrick Harvie: Good morning. My internal red flag went up when I saw that the industry representative was entirely comfortable with this level of regulation, which leaves me worried that it will not be robust enough. One of our witnesses said earlier that, although this is better than nothing, you are taking the path of least resistance, particularly in relation to the scope and aspects of harmful activity that will not be covered. Why is that?

Jenni Minto: When we were gathering evidence for the regulations, I hosted a number of round-table events to support the decisions that I finally made. Those events included people from third sector organisations—NCD Alliance Scotland, for example—and business and health stakeholders, such as Food Standards Scotland and Public Health Scotland. I was very clear at the start of those events that this had to be a whole-system approach. We cannot have a healthy Scotland without healthy people or healthy businesses, and we need healthy people to operate healthy businesses. A circular requirement exists for everything to be ensured.

Patrick Harvie: In those round-table events, you would have heard people arguing that temporary price reductions, meal deals, freestanding displays and other aspects should be included in the regulations. However, you decided not to do so. Why is that?

Jenni Minto: For a number of reasons. You are right that I heard those explanations. Meal deals are more difficult to define—they are not simply a sandwich, a fizzy drink and crisps. I recognise that having a meal deal and getting a free packet of crisps is not the best thing to do, which is why we are continuing to explore those specific things under the population health framework.

Patrick Harvie: The definition would take a bit longer. Does that mean that you will do that work? Is that a commitment for the next parliamentary session? Is the Government's position that you will do this first and that more will come?

Jenni Minto: I have been clear that this has always been the first step in relation to all the food environment regulations. As I said, we are

considering the matter, taking evidence on it and exploring it under the population health framework.

Patrick Harvie: I come to enforcement. Ideally, enforcement would not be necessary and you would get complete compliance, but the experience from England suggests that that is not happening. Local authorities already have a significant burden of responsibility and do not feel resourced enough in relation to existing issues such as food crime, environmental health and so on. Would you accept the principle that, if an industry requires to be regulated, it should pay for the cost of that regulation? Does local government have the tools to ensure that the activity of regulating generates enough income to pay for itself?

Jenni Minto: Enforcement is one of the areas that we have to get right, which is why we have pulled together a group to consider it. We work very closely with COSLA and local authorities to ensure that they have the right support to do the enforcement.

Patrick Harvie: Does COSLA agree that it has enough support?

Jenni Minto: We are exploring ways to ensure that it has the right support to enable it to focus on the areas that it considers the biggest risk.

Patrick Harvie: I am trying to be very specific in a limited amount of time. Did you say that you are working with COSLA and that the intention is that it will be given enough resource to enforce the regulations, and that COSLA will be satisfied with the amount of resource that it will have?

Jenni Minto: We have to be clear and understand the resource that COSLA believes that it needs.

Patrick Harvie: Do you mean that we need to be clear about what it is, understand it and also provide it?

Jenni Minto: I cannot comment on that now. I accept where you are coming from, especially based on the evidence that Professor Alexandra Johnstone gave.

Patrick Harvie: I think that I have got two minutes left, if I am timing correctly.

The Convener: No, you do not. You are just about at five minutes.

Patrick Harvie: This is my very last question, then. How do you intend to measure and monitor the impact of the regulations? How will that be evaluated so that we know what needs to happen next?

Jenni Minto: We have been very clear with Public Health Scotland that that is within its remit,

and we are working with it to ensure that the evaluation is done.

You are quite right that there is no point in bringing in regulations if we do not do an evaluation to understand the differences that are made, which would then provide the evidence that would allow us to take additional steps as required.

Elena Whitham: Good morning. I want to spend a little bit of time considering the impact that the regulations could have on inequalities.

Earlier, we heard from David McColgan from the NCD Alliance about food deserts and the impact that the lack of availability of fresh food can have on people who are experiencing inequalities. Can you explain how the population health framework and other food-related policy will mitigate any potential skewing effects of the regulations on inequalities? If we think about minimum unit pricing, although that had a good effect on the population, there could be a different impact on individuals.

Jenni Minto: When we were gathering evidence, I recognised that it was important to get feedback from areas where people live with higher deprivation. We had two round-table discussions with the Poverty Alliance to understand how it felt that the policy could impact such areas.

It comes back to what I said earlier about the whole environment that people are shopping in, and we need to look at how we reduce the poorer health outcomes of those in poverty. We did an equality impact assessment, alongside a fairer Scotland duty assessment, to ensure that we were bringing in recommendations and regulations that did not impact too negatively on people's available budgets; I have spoken about that.

We heard evidence that buy one, get one free offers resulted in people making unplanned purchases, which is why we wanted to review that area and bring in regulations to cover that.

We have also got to recognise that the Scottish Government does a lot outwith the food regulations to address inequalities. We have provided £3 billion to tackle poverty, 1,140 hours of free childcare and free school meals as well as investing in community food networks to ensure that people have access to high-quality, healthy food.

As I touched on earlier, what I saw yesterday, and what I have also seen in a number of food pantries, is the ability to educate people on how to cook healthier meals. There is a whole-system approach.

Elena Whitham: The Scottish Pantry Network— and access to community grocery stores and so

on—is something that we should be supporting and helping to flourish.

Given that a lot of convenience stores not only in some of our remote and rural areas but in population centres where there is a lot of deprivation will fall outwith the scope of what the regulations will deliver, how can the Government support such retailers to offer healthier food to the individuals whom they serve?

Jenni Minto: We have put in place a healthier food initiative through the Scottish Grocers' Federation, and we have invested just over £300,000 in that this year for the promotion of healthier foods. I have been to primary schools in areas of higher deprivation where I have heard it explained that healthier food is brought in at breakfast time and for breakfast clubs to support children in choosing healthier options. As I have said, this is a whole-system approach.

Elena Whitham: Finally, is the Government going to monitor any impacts on inequalities and then bring that work back to the Parliament for scrutiny? It is really important that we understand the impacts of the regulations, positive and negative, on individuals who have disabilities and how they access food.

Jenni Minto: I agree. That would be part of the work that I would expect Public Health Scotland to be carrying out in its evaluation.

Elena Whitham: Thank you.

The Convener: I thank the minister and her officials. We will continue our meeting, but you are free to leave at this point, minister, if you wish to do so.

Agenda item 2 is consideration of three negative instruments, the first of which is the instrument on which we have just taken evidence—the Food (Promotion and Placement) (Scotland) Regulations 2025. As we have heard, the purpose of the regulations is to restrict the promotion and placement of targeted foods that are high in fat, sugar or salt, where they are sold to the public.

The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 11 November and made no recommendations, and no motion to annul has been lodged. If members have no comments, I propose that the committee make no recommendations in relation to the instrument. Are members agreed?

Members indicated agreement.

Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2025 (SSI 2025/335)

The Convener: The purpose of the instrument is to amend Commission Implementing Regulation (EU) 2019/1793, on the temporary increase of official controls and emergency measures governing the entry into the European Union of certain goods from certain third countries. It will give legislative effect to the minister's decision in respect of the outcome of a review of regulation (EU) 2019/1793, which lays down requirements that apply to certain high-risk food and feed commodities of non-animal origin on entry into Great Britain.

The Delegated Powers and Law Reform Committee considered the instrument on 18 November and made no recommendations, and no motion to annul has been lodged. If members have no comments, I propose that the committee make no recommendations in relation to this negative instrument. Are members agreed?

Members indicated agreement.

National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2025 (SSI 2025/280)

The Convener: The purpose of the instrument is to ensure that overseas visitors who have been medically evacuated from Gaza for NHS treatment via the Gaza medical evacuation scheme can receive relevant healthcare services provided by NHS Scotland at no charge.

When the Delegated Powers and Law Reform Committee considered the instrument on 28 October, it made no recommendations. However, it drew the instrument to the Parliament's attention under reporting ground (j), because of the failure to lay the instrument in accordance with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, although it concluded that it was satisfied with the reasons given for the failure to comply with the laying regulations. No motion to annul has been lodged on the instrument.

If members have no comments, I propose that the committee make no recommendations in relation to this negative instrument. Are we agreed?

Members indicated agreement.

The Convener: I suspend the meeting briefly before we progress to the next agenda item.

10:29

Meeting suspended.

10:45

On resuming—

Assisted Dying for Terminally Ill Adults (Scotland) Bill: Stage 2

The Convener: Our third agenda item is day 4 of stage 2 proceedings on the Assisted Dying for Terminally Ill Adults (Scotland) Bill. I begin by formally welcoming Liam McArthur, the member in charge of the bill, and a number of other members who have lodged amendments to the bill. Depending on the progress that we make, the committee may continue its meeting from 6 pm this evening, with a view to completing stage 2 proceedings of the bill.

As members will be aware, the debate on the group “Reviews and assessments, commencement and expiry of the Act” was commenced, but not concluded, on day 3 of stage 2 proceedings. The debate on the group will continue where it left off, with Liam McArthur to speak as the member in charge of the bill, and Jackie Baillie to wind up.

Liam McArthur (Orkney Islands) (LD): I begin where I concluded at the last meeting by reminding the committee of my declaration of interests. I am supported by Dignity in Dying Scotland, Friends at the End, and the Humanist Society Scotland.

With regard to Jackie Baillie’s amendments 54, 55, 57, 64 and 61, I wish to express in general my support for any work that is undertaken to assess the status of palliative care, hospice and end-of-life services, and anything that seeks to support such services. With regard to the potential impact of the bill on palliative care, I again refer to the report on assisted dying that was published by the House of Commons Health and Social Care Committee just under two years ago, which concluded:

“In the evidence we received we did not see any indications of palliative and end-of-life care deteriorating in quality or provision following the introduction of”

assisted dying. It went on to say that

“indeed the introduction of”

assisted dying

“has been linked with an improvement in palliative care in several jurisdictions.”

Amendment 54 would require the Scottish ministers,

“as soon as reasonably practicable after Royal Assent, to carry out an assessment of”

and publish a report on

“the likely impact of the provisions of this Act on hospices and providers of palliative and end of life care services.”

Amendment 57 would require the review of the act to set out the impact of the act on hospices and palliative care providers.

An assessment of the likely impact of the act may be difficult at such an early stage but, from my engagement with Hospice UK and Jackie Baillie, I understand and am sympathetic to amendment 54. On amendment 57, I believe, and evidence suggests, that the bill will not negatively impact palliative care, hospice and end-of-life services. However, the existing provision requiring a five-year review of the operation of the act is intended to deal specifically with the function of the act—in other words, supporting terminally ill adults in being lawfully provided with assistance to end their own lives. The bill also provides that any concerns with the operation of the act that have been raised must also be covered in the report, alongside the Scottish Government’s response. That would allow for any concerns about palliative care, hospice and end-of-life services in relation to the act to be raised and reported on and for a response to be provided.

I am mindful that amendment 57 would add aspects that are not directly related to the legislation to the review of assisted dying legislation. Bringing in other matters may risk diluting the review process. I am also mindful that amendments 54 and 57 duplicate each other to a certain extent. I note the Scottish Government’s view:

“From a delivery perspective, it would be challenging to measure the impact of the Act on hospices and palliative care.”

It notes that that would be reliant on data from Public Health Scotland that it does not currently collect in the necessary manner. Furthermore, the Scottish Government adds that

“if any data collected were to show changes in relation to hospices in and palliative care, it may not be possible”

to attribute those changes to the act

“rather than other factors such as delivery of actions outlined in the Palliative Care Strategy Deliver Plan, the ageing population in Scotland, changes in the palliative care workforce, etc.”

Amendment 61, which seeks to prevent the substantive provisions of the act being commenced by the Scottish ministers until they publish a report as outlined in amendment 54, could delay implementation, even though all necessary measures are otherwise in place. Therefore, it would prolong suffering for people with terminal illnesses who wish to access the choice.

As I have said about other similar amendments, the bill provides for the Scottish ministers to commence the substantive parts of the bill by regulation. The Scottish ministers will have the

necessary oversight, and I expect them to commence the various substantive parts of the act only once all relevant health, social care, social work and other services are appropriately prepared and all necessary measures are in place to allow assistance to be requested and provided in that way. Singling out in statute particular steps that must happen before the act can be commenced risks undermining that process and potentially delaying the availability of assistance for those who wish it.

Pam Duncan-Glancy (Glasgow) (Lab): Does the member recognise, however, that if social care services are not in place, there is a risk that some people who rely on them—even before they have a terminal illness diagnosis—might find life very difficult, which could be a factor in their decision making? Does the member not think that it would be useful to ensure that those services were in place and up to capacity before the act came into place?

Liam McArthur: I understand the point that Pam Duncan-Glancy has made, which is why I am supportive of the assessments being carried out. However, the assessments will not necessarily speak to the specific circumstances of any individual who is going through the process. As I have said, it is incumbent on ministers to ensure that all the requisite steps are being taken in relation to aligning health, social care, social work and other services to ensure that the provisions under the bill can be safely provided for and delivered. On that basis, I am content to support amendment 54 and consequential amendment 64 but urge the committee to resist amendments 57 and 61.

On Jackie Baillie's amendment 55, as with amendment 57, I note that the Scottish Government has made some points in relation to data gathering responsibilities and resource implications; I share those concerns and do not support the amendment.

On Pam Duncan-Glancy's amendment 258 and consequential amendments 280 and 284, although I am fully supportive of anything that would assess and support the social care sector, I question whether that is best placed in my bill, the primary purpose of which is to allow mentally competent, terminally ill eligible adults to voluntarily choose to be provided with assistance by health professionals to end their lives. Again, the Scottish Government has identified the need for new processes and investment, and investment in supporting social care is almost certainly better targeted elsewhere.

With regard to amendment 284, which would prevent the bill being commenced before an assessment of social care services had taken place, I refer members to the previous concerns

on such provisions in the bill and the comments that I have just made in response to Pam Duncan-Glancy's intervention.

On Stuart McMillan's amendments 259, 281 and 285, if the Parliament passes the bill after rigorous, thorough debate and amendment—which has been anything but rushed—I cannot see the case for holding a costly and time-consuming referendum on the act. As I recall, there was no call for such a referendum during stage 1. It is not a feature of our legislative process and would come at considerable cost while also delaying the ability of those terminally ill adults who meet the criteria and wish to access the choice of an assisted death from doing so.

If this is any consolation to Mr McMillan, I point him and members of the committee to the recent Scottish Parliament information centre briefing, which stated that

“public opinion polls and surveys”

since 2005

“have generally shown that a majority of adults in Scotland and the rest of the UK support a change in the law to allow assisted dying for someone who is terminally ill.”

On Miles Briggs's amendments 21, 22 and 23, the bill provides for the collecting and publishing of data. It is crucial that the assisted dying process be transparent and that relevant anonymised data be made publicly available. The collected data will help to inform understanding about the impact and effect of the bill. Amendment 21 might aid transparency and provide useful information, but it and amendment 22 appear not to link to the data-collecting requirements under the bill, which provide that declarations, doctor statements, cancellations and the final statement after a person's death are recorded in the adult medical records. That is the information that is then drawn on by Public Health Scotland, as per section 24, for the purposes of the reporting provisions of the bill.

I am not opposed to amendment 22, but I note that it might place added burdens on healthcare professionals to research for themselves or even patients to assess what is available. There are some questions to consider, such as how quality would be judged and how healthcare professionals would investigate the distribution. Medical records might be useful in providing some of that information. Although I am not opposed to them, I feel that amendments 21 and 22 would benefit from further refinement ahead of stage 3.

I turn to amendment 23. Section 27 of the bill provides that the Scottish Government

“must, as soon as reasonably practicable”

after a review period, review and report on the operation of the act. That period is set at five

years, beginning with the day on which section 1 of the act comes into force. Amendment 23 sets out that the report must include “the Scottish Ministers’ assessment” of matters relating to palliative care services, as described.

As I have stated, the bill provides for the collecting and publishing of data that is focused on the assisted dying process. That will assist the Scottish ministers in assessing how the legislation is operating. As for the last part of amendment 23, it is not clear how the methodology would show a direct correlation—that is, the impact of assisted dying on palliative care—given so many variables. That point has also been picked up—

Sue Webber: Will the member take an intervention?

Liam McArthur: Yes, certainly.

Sue Webber: I have some data showing that, when assisted dying was legalised in New South Wales, there was a commitment to spending an extra 743 million Australian dollars on palliative care over the next five years. However, when the decision was reviewed in 2023, the palliative care budget was slashed to 249 million Australian dollars in a single year. Bearing that in mind, and given some of the figures and the coverage that we have seen today about the pressures that our hospice services are under in Scotland, can the member not see that this bill poses a real risk to support for services and the expansion of palliative care that is very much needed right now?

Liam McArthur: On the specific instance in New South Wales that Sue Webber has raised, I have always argued that seldom is an increase in budget, were it to happen, a part of the legislation. That sort of thing tends to come in a separate decision taken by the Government or the Parliament.

The debate around my bill has allowed more of a debate on palliative and hospice care, and I very much welcome that. Ultimately, any additional resource that is delivered to the sector will come through budgetary decisions by the Scottish Government and this Parliament. Those of us who believe that additional resources are needed must continue to make that case, and we can make it on a cross-party basis—with an election forthcoming, I dare say that it will feature fairly prominently in the manifestos of each party. However, it will be delivered through a budgetary process rather than through the legislation.

The point that I was making, and the conclusion that has been reached by the Health and Social Care Committee in the House of Commons, is that no evidence has been seen of a deterioration in the delivery of palliative and hospice care. Indeed, in many instances, there has been an increase in not only the budget for but the quality of the

engagement with palliative care, which the committee heard in evidence at stage 1, too. That has arisen from the processes put in place for those accessing assisted dying, who need to have discussions with medical professionals about all the options available to them. Too often, palliative care is not necessarily understood as well as it might be.

Do you want to make another intervention, Ms Webber?

Sue Webber: We should bear in mind that the hospice budget, which delivers the majority of palliative care, is not really funded by Scottish Government funding decisions. Moreover, assisted dying legislation was not in the manifesto of anyone’s party. I see a bit of conflict arising there.

Liam McArthur: That is on us, Ms Webber. If we want to prioritise palliative care, there is an election coming up and each of us can make manifesto commitments. My point was in response to the earlier comment about a budget reduction in New South Wales, presumably by the Government in New South Wales.

Sue Webber: And I also referred to the coverage in *The Herald*.

Liam McArthur: I can respond to your questions, Ms Webber, or you can continue to intervene.

The point that I was making was in response to your point about the budget allocation in New South Wales, which was a Government decision. If there is a feeling that the hospice sector—or indeed palliative care more generally—requires more resources, that is an argument that we can make. As I have said, it has been encouraging over the past two or three years to see not only the profile of the issues going up but more of a cross-party endeavour to highlight them and to press for additional resources.

As I have said, on the last part of amendment 23, it is not clear how the methodology would show a direct correlation. As sympathetic as I undoubtedly am to the arguments that have been put forward, I ask members to reflect on the extent to which the bill is the most appropriate place for the sort of process that amendment 23 sets out. Certainly, the first two parts of it seem distinct from the assisted dying process.

I am not opposed in principle to Daniel Johnson’s amendments 18 and 19, but I question how necessary the proposed commission would be, given the provisions that are already in the bill and the level of Scottish Parliamentary Corporate Body resource and MSP capacity that are likely to be involved. The bill requires data gathering, reporting and review. There will be opportunities

for the Parliament to consider monitoring and scrutiny through existing structures, such as the relevant committee considering the annual reports or undertaking any other scrutiny of the act that it wishes to do. Thus, I do not believe that a commission is necessary. I also note the drafting issues highlighted by Scottish Government, not least in relation to the interaction with the Public Finance and Accountability (Scotland) Act 2000 and the Interpretation and Legislative Reform (Scotland) Act 2010.

11:00

Murdo Fraser's amendment 199 is similarly well intentioned. Ahead of introducing the bill, I gave lengthy consideration to the issue of how best to provide for proportionate oversight. However, I am not convinced of the extent to which such an oversight body would provide an additional safeguard. I also note that its remit appears to overlap with that of the General Medical Council. As I did for Daniel Johnston's amendments, I would argue that the balance is always to ensure that safeguards do not act as an unnecessary obstacle without providing any meaningful added protection. I am also mindful that various amendments have been lodged that propose different models of oversight.

In that context, I reiterate what the bill provides for and the processes that exist currently that would ensure that the act can be implemented safely and transparently. I have previously referred to the stage 1 evidence from the Crown Office and Procurator Fiscal Service's Scottish fatalities investigation unit. The bill also provides for the collection of data, a publication of annual reports and a five-year review of the legislation—which amendment 199 also provides for.

Stephen Kerr's amendment 129, which relates to his amendment 126 that was debated before, would provide for capturing information relating to the time between a person using the substance and dying, and to any complications. Amendments 183 and 184 in relation to that were passed last week, and I would expect the issues to be captured by those provisions.

Stephen Kerr's amendments 201 and 204 to 206 would establish a rolling review period every two years. I consider that allowing for five years before a review of the legislation strikes an appropriate balance and allows the assisted dying process to have been operating for enough time to gather meaningful data, identify trends and draw conclusions or, if necessary, make recommendations.

Stephen Kerr (Central Scotland) (Con): Will the member take an intervention?

Liam McArthur: I certainly will.

Stephen Kerr: The issue—which I think you appreciate—is that the bill represents a fundamental change in the relationship between patients and doctors, and between patients and lots of other people who are there to help them. Naturally, should the bill pass into legislation, the start-up phase would be a period in which we as legislators would be required to take a keen interest in how the law was working and the impact it was having on the very people that, I sincerely believe, you have at heart.

At least in the initial phase of the enactment of the law, would it not be a good idea—with that close inspection in mind—to narrow the five-year period to two years so that we get real-time information about what is happening because of the law? It will be an area that we have never gone into before. Assisted dying has not happened anywhere in the United Kingdom before, although it has happened in other places, and the need to pay close attention to it is met by amendment 206.

Liam McArthur: I agree entirely with the point that Stephen Kerr makes. In relation to the five-year review, there is a balance to be struck about the timeframe within which sufficient data can be gathered to make informed decisions about the way the act is operating: whether it is performing as intended, who is accessing it and for what reasons, what the experience is of medical professionals who are engaged with the process, and so on.

There is always going to be a balance—I recognise that. However, alongside that, there is also the requirement for annual reporting of data. As I said earlier, future health committees can look at the data annually and take evidence on it as required. I think that it is problematic to set on a two-year time horizon a full-scale review of how the act is operating in practice, not least because of what we know from other jurisdictions that have implemented similar legislation, which is that the number of people who access it in the early years is relatively small. It takes a number of years for the number to increase, and then even out.

There is a balance to be struck in relation to when we carry out the review. However, I have concerns that doing so after two years would leave a data set from which some erroneous conclusions could be drawn about the way the act is operating in practice. As I said, the review also sits alongside the annual reporting requirements, which provide sufficient safeguards to address the concerns.

Stephen Kerr: I am grateful to Liam McArthur for his response to my intervention. However, because of the expectation he outlined—which may or may not be met—of the number of people who will ask to have the procedure, I think that he

made the case for a two-year review at the outset of the bill. The need for close inspection and careful and proper review is much greater during the initial phases and the initial experiences of patients, doctors and every other individual and organisation that is impacted by them.

I am not trying to read Liam McArthur's mind or heart on these matters. However, there could be a real danger that the way in which the law is enacted will spiral in a direction that I genuinely do not think that he would anticipate. Having such a check and balance built in by way of a two-year review would satisfy that concern.

Liam McArthur: I understand the rationale; I even understand the rationale for setting the timeframe at two years. However, I go back to the point that the five-year review of how the act is operating sits alongside a requirement for the annual reporting of figures in relation to the number of people accessing assisted dying. The Scottish Government, Public Health Scotland and future committees of this Parliament will have oversight of that reporting.

We also had evidence from the Crown Office at stage 1 about the interest that it will take in each and every instance of an assisted death, certainly in the first five years. The regulatory professional bodies themselves will also take their own interest in what is happening and in how it is happening. I do not think that consideration of the act is solely reliant on the review.

There is a need for a wholesale review of how the act is operating in practice; that is required. However, as I said, there is a balance to be struck in relation to when we hold that review so that we have sufficient data to make informed assessments of what is happening without leaving it too long. The public need to have confidence that a weather eye is being kept on a process, which, I fully accept, is a new one.

Stephen Kerr: Will the member take an intervention?

The Convener: Mr McArthur is about to wind up.

Stephen Kerr: Okay.

Liam McArthur: I am sorry, Mr Kerr.

My view is also informed by the experience in other jurisdictions. Two years would be too short for the first review, and a recurring review every two years thereafter would be excessive, particularly given the bill's requirement—as I said—for annual reporting data. I do not think that a perpetual state of review is in anyone's interests.

With regard to Brian Whittle's amendment 202, I can see that the requirement in it could pose a number of difficulties. For example, who would

carry out such a review, on the basis of what information, and from whom? I know that Brian Whittle has been rightly concerned to ensure input from, and the confidence of, medical professionals. However, I worry that the amendment may work against the latter.

In relation to Stephen Kerr's amendment 130, I have already set out the purpose and scope of the provision in my bill that requires a five-year review on the operation of the act. I also refer members to my earlier comments in relation to amendment 57.

Murdo Fraser's amendment 203 appears consequential to amendment 189, which has already been debated. Again, I refer members to my earlier comments.

On Stephen Kerr's amendments 131 and 132, I observe that the bill does not prevent the Scottish Government from consulting any organisations or individuals that it considers relevant in undertaking the five-year review, and I would expect it to do so. As such, I do not believe that those amendments are necessary.

With regard to Daniel Johnson's amendments 14, 15, 271 and 272, I am wary of adding a sunset clause to the bill, which could impact on both the engagement of health professionals and the views of some people who wish to request assistance to end their own lives. For example, people may feel that they need to make a more hurried decision based on a belief that assisted dying may be available for only a time-limited period. Evidence from other jurisdictions, such as California, has indicated that sunset provisions in assisted dying legislation are not helpful and end up being further amended or, indeed, removed—as has been the case in California this year.

Sunset clauses are not a feature of our legislative process, except in very limited circumstances that often relate to issues that are felt to be time-limited and over a short period. That is demonstrably not the case in this instance. I believe that it is imperative that the legislation be subject to detailed review, and I have provided for that to happen after five years. That is in addition to annual reporting, as well as any additional scrutiny that Parliament wishes to undertake.

I note that Mr Johnson's amendments offer a range of timeframes for such a sunset clause—five, 10 and 15 years. The first of those timeframes would certainly be far too soon, but even the longer time periods appear problematic for a mechanism that is, so far, confined to matters affecting Parliament as an institution, such as MSP pensions and lobbying—as the Scottish Government has observed.

I understand the rationale and accept that such provisions have been a feature of similar legislation elsewhere, but we would be interested

in the views of committee colleagues on the principle. For much the same reasons, I do not support Stephen Kerr's amendment 218, which includes a three-year sunset provision and might also conflict with the rolling review envisaged in Mr Kerr's earlier amendments.

On Michael Marra's amendments 280, 282 and 286, I note the Scottish Government's view that, from a delivery standpoint, the timing of the review could be challenging. Should the bill pass, there would need to be a substantial implementation period and consultation with relevant stakeholders to develop the policy framework for the bill, during which the Scottish Government would undertake its own assessment of the financial impact of the bill. The review proposed by Mr Marra, therefore, could result in duplication and would be curtailed by decisions needing to be made on implementation. As far as I can tell, it is also out of step with the approach to any other piece of legislation, and it would have significant financial implications.

With regard to Paul Sweeney's amendment—

Pam Duncan-Glancy: Will the member take an intervention?

Liam McArthur: Very briefly, yes.

The Convener: Mr McArthur has now been speaking for 26 minutes, so we need to come to a conclusion.

Pam Duncan-Glancy: Does the member accept that significant variables exist in relation to the cost outlined in the financial memorandum, which would depend largely on whether this was in or out of the NHS? In both situations, a significant cost would be attached, which is why it would be useful to assess it ahead of time.

Liam McArthur: I had a lengthy exchange with the Finance and Public Administration Committee on my financial memorandum about my understanding of costs. I know that the Government has taken a different view, and it is for the Government to explain its rationale.

Paul Sweeney's amendment 269 appears to relate to amendments 245 and 275 and the issue of complications, which we debated in the previous meeting. Although those amendments were not agreed to, others were. If I can do more on that particular issue ahead of stage 3, I will be happy to work with Mr Sweeney on that.

Finally, Pam Duncan-Glancy's amendment 287 seeks to delay the commencement of the act until legislation is introduced to remove charges for non-residential social care for terminally ill adults requesting assisted dying. I note and echo the Scottish Government's concern that, from a legal standpoint, it is unusual to prevent provisions of any bill—other than provisions that come into force

the day after royal assent—from being brought into force until some other action has been carried out. I do not believe that that would be appropriate in this instance.

With that, I bring my remarks to a close.

The Convener: I call Jackie Baillie to wind up and press or withdraw amendment 54.

Jackie Baillie (Dumbarton) (Lab): Thank you, convener, and my apologies for being slightly late. I missed Liam McArthur saying that he supports amendment 54, but somebody told me that he does. Unfortunately, he does not support amendment 55, and I fail to understand why, given that, should the bill pass, it is important that it fits into the landscape of palliative and end-of-life care.

All that amendment 55 seeks to do is to create a code of practice to ensure that assisted dying interacts appropriately with hospices and other providers of palliative and end-of-life care. All my amendments come from Hospice UK. Although it has taken a neutral position on the bill, it feels that sufficient safeguards are required for the smooth operation of the bill, should it pass. I therefore suggest that we should listen to the views of key stakeholders in that regard.

We all recognise that this is a significant piece of legislation. The Scottish Government has not yet fully engaged in the legislative process. I understand why—it is a member's bill—but it is safe to say that this is probably the most significant member's bill that we have ever considered in the Parliament, at this stage. I know that Patrick Harvie and Margo MacDonald introduced such bills previously, but this is the furthest that such a bill has ever got. It is really significant, and I hope that the Scottish Government engages soon.

It is important to be sure that the bill works effectively and, at the very least, does no harm. Therefore, scrutiny and monitoring will be essential to ensure that we get this right. I urge committee members to support amendments that advance reviews and assessment to assure people as to the suitability of the bill. I therefore press amendment 54.

11:15

Amendment 54 agreed to.

Amendment 55 moved—[Jackie Baillie]—and agreed to.

Amendments 71 and 71A moved—[Jackie Baillie].

The Convener: The question is, that amendment 71A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 71A disagreed to.

The Convener: The question is, that amendment 71 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 71 disagreed to.

Amendment 80 moved—[Jackie Baillie].

The Convener: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Mochan, Carol (South Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 6, Abstentions 1.

Amendment 80 disagreed to.

Amendment 81 moved—[Jackie Baillie].

The Convener: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Mochan, Carol (South Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 6, Abstentions 1.

Amendment 81 disagreed to.

Amendment 128 moved—[Emma Harper].

The Convener: The question is, that amendment 128 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 128 disagreed to.

Amendment 196 moved—[Brian Whittle].

The Convener: The question is, that amendment 196 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Haughey, Clare (Rutherglen) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Mochan, Carol (South Scotland) (Lab)

The Convener: The result of the division is: For 4, Against 5, Abstentions 1.

Amendment 196 disagreed to.

The Convener: Amendment 197, in the name of Miles Briggs, is grouped with amendments 261 to 267, 44, 44A, 56, 268, 212 and 278.

Miles Briggs (Lothian) (Con): Good morning, members. I have the majority of the amendments in the group, so I apologise for the time that I might take to talk through them.

My amendments 197 and 212 relate to the provision of information and guidance, and I have taken the proposals forward on behalf of the British Medical Association Scotland and the Royal College of General Practitioners Scotland. The amendments would require the establishment of an independent information service to provide information and support to people who may be eligible for assisted dying and who wish to pursue the option to help them to navigate the process. The service that the amendments look to establish would provide factual information about the full range of options that are available to patients, which would help them to make informed decisions and ensure that doctors who did not wish to or did not feel confident about providing information to patients about assisted dying had somewhere that they could direct patients to, in the knowledge that they would receive accurate and objective information. Patients who may meet the eligibility criteria would be able to access the information that they need without the requirement to go through their doctor, and would also have support to navigate the process.

The Nuffield Trust report, "Assisted dying in practice: International experiences and implications for health and social care", looked at the implications of assisted dying legislation in 15 jurisdictions. It recommended that policy makers consider examples from other countries, such as

"establishing dedicated care navigator roles to provide information on assisted dying"

and about how service information can be accessed and how people can be connected with eligible clinicians, and to

"offer support to families, carers and health professionals."

The report concludes that there is evidence that such roles help to improve access and understanding.

I appreciate amendment 44 in Liam McArthur's name, but I do not think that it goes far enough. Although it focuses on the provision of information, it does not focus on the aspect of support, which I would also like to be included in the bill. It is not clear whether amendment 44 would cover personalised information for patients or whether it could also take the form of generic leaflets setting out information for eligibility to access assisted dying. I welcome the amendments in Ross Greer's name that were passed on advocacy services and care navigation services, which are really important and almost supersede some of what I am trying to create. My amendments are important, especially in providing clarification for healthcare professionals.

Patrick Harvie: I am keen to understand a little more clearly what Miles Briggs has in mind and how he envisages an independent information service working.

Does he anticipate that it would operate within the NHS, or would the Scottish Government fund it through the voluntary sector? Can he tell us a little more about how he envisages that working, and, in particular, whether he considers that such an independent service could come under pressure because of contested views about what impartial or neutral information consists of?

Miles Briggs: It would have to sit in the NHS. Given the nature of our health service and how it is structured with the different health boards, we want to ensure that Scotland-wide information is provided. It is important that if someone requests information from a clinician, the clinician can refer them to a service with nationally shared information.

Guidance should be developed in partnership with representative bodies. That is why BMA Scotland and RCGP Scotland have asked me to lodge the amendments. I hope that that clarifies that the information would be a national resource. It is important to ensure that we have clarity and that there is no variation.

My amendments 261, 262, 264, 265 and 266 are lodged on behalf of the Royal College of Nursing Scotland. RCN Scotland maintains a neutral position on assisted dying, but the amendments address two separate concerns that it currently has in relation to the bill.

The bill outlines several distinct roles involved in the provision of assisted dying, but it remains largely silent on where legal and professional accountability lies. Care for an individual and responsibility for the approved substance can be transferred between the roles on a number of occasions. In particular, the bill is silent on the legal effects of a co-ordinating doctor appointing an authorised health professional.

The amendments ask three key questions. First, should that be seen as a delegation of a task to the authorised health professional? Secondly, what responsibilities does the co-ordinating doctor retain at that point? Thirdly, does the bill make any reference to whether the authorised health professional is a doctor or a registered nurse or their respective responsibilities?

RCN Scotland members must be clear about those issues if they are to have confidence that they can be involved in the provision of assisted dying. RCN Scotland is of the view that outlining legal accountability in the bill would be challenging. Amendments 261, 262 and 264 propose, as an alternative, that the bill should require Scottish ministers to publish statutory guidance that clearly outlines where legal and professional accountability lies at each step of the assisted dying process.

Given the subject matter, the guidance should have the input of the Lord Advocate, as outlined in amendment 266. In developing the guidance, consultation with relevant trade unions and professional bodies is important and should be required. That is covered in amendment 265.

Amendment 264 would also require the Scottish ministers to set out guidance on how assisted dying services should be arranged by health boards, including, as discussed earlier, through the development of patient pathways. The committee has already considered amendments setting out a stand-alone assisted dying service, and RCN Scotland has proposed that requirement, as it shares the concern that has been expressed by others that adding assisted dying to the workload of existing underresourced teams would not be sustainable.

Along with RCN Scotland, I believe that the amendments would introduce essential legal clarity for health professionals who are involved in each stage of service delivery, and that they would ensure that, if the bill is passed, assisted dying can be delivered safely and sustainably across Scotland.

I move amendment 197.

Ross Greer (West Scotland) (Green): I start by thanking the committee for its forbearance last week. In particular, I thank Patrick Harvie for reading out my script, when I literally was unable

to talk, which is a bit of an inhibitor in this role that we have all chosen.

My amendments in the group are intended in part to mitigate the potential risks of the system being dispersed rather than specialist. If the bill passes, we expect that a lot of non-specialist clinicians will be involved, particularly GPs, who, as we all recognise, are already under huge pressure. In particular, we will expect them to make really difficult non-clinical judgments about issues such as potential coercion.

11:30

Clinicians—GPs in particular—already make non-clinical judgments as part of their wider duty of care towards their patients; however, when it concerns the potential choice to end one's own life, the stakes are, clearly, extremely high. My earlier amendments on independent advocacy, which Miles Briggs has referenced, alongside those that he has proposed, would go some way to addressing that and providing a safeguard, but it is also important that we set minimum standards for both clinical and non-clinical staff who provide the service.

I support Miles Briggs's amendments 261 and 262 in particular, which would change "may" to "must" when it comes to guidance, and my amendments 263 and 267 would build on those. Amendment 263 would, effectively, set mandatory minimum standards to which people must be trained in order to carry out functions under the act, as well as setting up a system to ensure that such functions are carried out to the required high quality. That would go some way to addressing the concern that has been expressed by the BMA and others about having the proposed dispersed service model rather than a specialist one, because it would require those who wished to provide the service to opt in by meeting certain standards or undergoing certain training. We should want that kind of service to be provided only by those who absolutely know what they are doing. Why would we not set some minimum standards for something so significant?

The intention of amendment 267 is to ensure that professionals who are less directly involved in the provision of assisted dying must also comply with minimum standards, as would be set out in the guidance. That reflects concerns that have been raised—certainly with me and, I know, with others—by stakeholders and experts, around the importance that people such as GP receptionists and carers play in a person's experience of requesting and being provided with assistance. Clearly, the training that would be required of a receptionist would be different and altogether much lighter than what would be required of a GP but, if the goal is to ensure that the whole setting is

as safe as possible for the patient, everyone in that space has a role to play.

Training for non-clinical staff—training for all staff in any workplace—is perfectly normal. In some cases, it would involve things as simple as ensuring that staff do not make comments to patients that could make them feel as though they are a burden, such as expressing concern about the impact that their condition must be having on their family. However, for clinical staff, I envisage training and guidance going into much greater detail on matters such as spotting potential coercion.

It would not be appropriate to specify the details of the training and guidance in the bill, but we should ensure that material is produced and that it applies to everyone with a role to play in the service. That is why—

Sue Webber: Will the member take an intervention?

Ross Greer: I was just about to close, but I will be happy to take one.

Sue Webber: I have been contacted by a GP who is a bit concerned. You have spoken about the expertise that is needed and the training that is required. GP appointments are quite short—10 or 15 minutes, on many occasions. How do you foresee a GP being able to address some of the issues that you have outlined, given that sort of time constraint?

Ross Greer: I do not think—and I certainly do not think that it would be Liam McArthur's intention—that such decisions would be taken purely in the space of a 10-minute appointment. It would be an iterative process and would require a lot of engagement. That is why I am concerned.

We are asking an awful lot of GPs. That profession is under a huge amount of pressure, and massive demands are made on the time of its members, who also need to be masters of all things. People will come to them with all sorts of issues—with multiple issues in the same appointment and with complex social issues, not just health issues. That is why I say that, in this case, we need to set out minimum standards, the minimum training that should be achieved in the first instance, and on-going quality assurance, so that, alongside the issues of capacity that Sue Webber is perfectly right to raise, the required expertise and knowledge are there—which involves not just the GP but everybody in the setting. Much as the training requirements would be different for the GP versus the receptionist, everybody should have some level of awareness and understanding of what would be required to make the setting as safe as possible for those who are potentially considering the option.

I am happy to close there.

Liam McArthur: I thank both Ross Greer and Miles Briggs for very thoughtfully setting out the thinking behind their amendments. I found myself nodding along to much of what they had to say. I may turn to their amendments after addressing my own.

My amendments 44 and 44A would require the Scottish ministers to make information available about the lawful provision of assistance, in an accessible and understandable format, to terminally ill adults, to health, social care and social work professionals, and to the wider public.

Section 23 of the bill allows ministers to prepare and publish guidance on the bill. Section 23(2) sets out the particular guidance that may be included. Having given further consideration to the issue during and since stage 1, I believe that that guidance should be strengthened and that there should be a stand-alone requirement for the Scottish Government to ensure that all relevant persons—terminally ill adults, medical, social care and social work professionals, and the general public—have the information that they require made available to them. That may, for example, be via a website that provides information, as well as a central contact point where inquiries can be made and information signposted.

Amendment 44 relates to my amendment 27, which requires a registered medical practitioner who is approached by a terminally ill adult who wishes to make a first declaration, but who is unable or unwilling to assist, to direct the person to a practitioner who may be able to or be willing to assist, and to a source of relevant information. Amendment 44 ensures that such relevant information will be available in an accessible and understandable format and can be easily pointed to by the professional.

I turn to the other amendments in the group. First, Miles Briggs's amendment 197 would require the Scottish ministers to make regulations to provide for an independent service that would provide information and support to those who may seek assistance and, where requested, to support a person in navigating the process. I was interested in the exchanges with Patrick Harvie, because one of the issues that I too wrestled with was the extent to which that would be about the provision of information and the extent to which it would be about providing advice and guidance, which may be more appropriately picked up in the amendments that Ross Greer lodged earlier around advocacy. Miles Briggs's amendment 212 would require such regulations to be subject to the affirmative procedure. I think that my amendment, combined with Ross Greer's amendments, perhaps address that sufficiently. However, if there

are gaps in provision following today's votes, I will be happy to work with Miles Briggs on those.

Jackie Baillie has not had a chance to speak to amendment 56, but I will offer some thoughts, and will respond in due course to what she says. I note that section 23 of the bill allows the Scottish ministers to make guidance relevant to the bill's provisions and, in particular, allows for guidance to be made about the assessment process, which includes determining that an adult has a terminal illness in line with the definition in section 2. It is further expected that organisations such as the GMC will issue guidance relating to some of the clinical aspects of the bill, such as the terminal illness definition. I hope that, on that basis, Jackie Baillie feels that the bill already covers the issues that she has raised. She is shaking her head, so that hope has been frustrated.

Miles Briggs's amendments 261 and 262 would amend section 23, so that the Scottish ministers "must", rather than "may", prepare and publish guidance on the act. Although I do not foresee a situation in which ministers would not issue guidance where there is a clear need to do so, I have absolutely no objections to those amendments.

Ross Greer's amendment 263 would provide that the guidance that is provided for in section 23(2) of the bill may include provision on training and quality assurance to ensure the effective implementation of the act. I note that the list that is provided in section 23(2) of areas on which ministers may bring forward guidance is not intended to be exhaustive and that there is nothing to prevent guidance on training and standards being issued. I also note that, if Ross Greer's amendment and those of Miles Briggs are agreed to, such guidance would be required, rather than being at ministers' discretion. I also consider that the GMC and other professional bodies will have a role here. All that said, I have no objection to amendment 263.

I turn to amendments 264 to 268 and 278, lodged by Miles Briggs, Ross Greer and Paul Sweeney.

Miles Briggs's amendment 264 would provide that the guidance should also set out

"how the provision of assistance to terminally ill adults in accordance with this Act should be arranged by Health Boards, including the development of patient pathways"

and

"where legal and professional accountability lies in relation to the provision of assistance".

Miles Briggs's amendment 266 would provide that the guidance in amendment 264 relating to legal and professional accountability should be developed in consultation with and approved by

the Lord Advocate. I have no objection to the first paragraph of amendment 264, but I am wary about stipulating where legal and professional accountability lies. As with other amendments in the group, professional bodies will have a role in providing guidance and there may be a risk of duplication or confusion. That was acknowledged by Miles Briggs in relation to the acceptance by the RCN. Although there are challenges here, that is not to say that they cannot be addressed. However, I thought that it was important to flag that to the committee.

The bill requires ministers to consult with relevant persons when preparing guidance and Miles Briggs's amendment 265 adds to that by requiring consultation with relevant trade unions and professional bodies. Again, I am not opposed to the amendment, but I draw attention to the existing requirement in section 23(3) for the Scottish ministers

"to consult such persons as they consider appropriate."

I cannot foresee circumstances in which ministers would not consult such bodies.

Section 23(4) provides that a person carrying out a function under the act "must have regard to" the guidance. Ross Greer's amendment 267 would add to that by requiring that a person

"who is otherwise involved in the process"

by which a terminally ill adult requests and is provided with assistance must also have regard to guidance. I think it likely that the provision as drafted would ensure that everyone who is involved in the requesting and provision of assistance, who would need to follow guidance from ministers, would be covered, meaning that the amendment is therefore not essential, although, once again, I have no strong objection to it.

The situation with Paul Sweeney's amendments is the same as the situation with Jackie Baillie's. I have yet to hear him speak to them, but I will offer the following thoughts in relation to his amendment 268 and consequential amendment 278. Amendment 268 would require ministers to

"prepare and publish guidance for coordinating registered medical practitioners and authorised health professionals"

regarding

"the provision of assistance under section 15."

Amendment 268 also sets out what should be included in that guidance and would provide that ministers must consult such persons as they consider appropriate and that those carrying out functions in relation to section 15 must have regard to the guidance. That guidance should also address

“the management of cases where a terminally ill adult has used the substance, but has ... not died within a reasonable period”.

The amendment would also require ministers to set out in regulations what is meant by a “reasonable period”.

I believe that the existing guidance provision in the bill, which makes specific reference to the section 15 provisions regarding the use of a substance, is sufficient and I have some concern, as I have said in debates on previous amendments, about including a reference to a “reasonable period” in statute. I appreciate that there is a sizeable list on the agenda for my further discussions with Paul Sweeney ahead of stage 3, but at the risk of overloading it, I will add that issue to it.

I conclude my remarks, convener, by offering further thanks to the committee for its painstaking work. It has allowed detailed scrutiny and probing of a range of issues that were raised at stage 1. I know that it has been a pretty herculean task, but I thank you very much for your forbearance, not least in allowing me far more time than you probably felt was necessary.

Jackie Baillie: I speak to amendment 56, which I lodged on behalf of Children’s Hospices Across Scotland. I think that we would acknowledge that one of the central problems with the bill as drafted, as identified in the committee’s stage 1 report, is the definition of “terminal illness”. It is extremely complex to diagnose and assess, particularly in young adults. There is a genuine feeling that there is a need for further definition in the bill about young adults specifically and not just about adults in general.

The bill’s definition of a terminal illness does not recognise the significant clinical differences between a young person with a life-shortening condition that might meet the bill’s definition of terminal illness and an older adult with a terminal prognosis. The current definition would bring into scope young people who potentially have years of stable life left to live, which goes against the stated intention of the bill that it should be reserved for those at the end of life.

An example is a young person with complex Duchenne muscular dystrophy, for which medical advances can delay an ultimately inevitable death for years or even decades.

Other conditions such as—*[Interruption.]*—I am having a problem pronouncing words today; I did not lose my voice as Ross Greer did and I kept going, but sometimes I wonder whether I should have done so. I will try again.

For other conditions, such as spinal muscular atrophy, treatment options are increasingly becoming available that might alter prognosis and

quality of life to such an extent that the position of the young person in relation to assisted dying would change dramatically.

Key terms such as “advanced and progressive” do not have accepted standard definitions or interpretations in the clinical context. There are multiple ways to define premature mortality, especially in the context of a young person with a life-shortening condition who, by definition, is likely to die young. My amendment 56 is essential if we want to safeguard young people and provide certainty and clarity to medical practitioners about how they must interpret the act in their clinical assessment of a young person. I believe that a guarantee is needed within the bill. Making provision for such guidance within the bill will help to ensure that young people are not at risk of being approved for assisted dying prematurely.

11:45

Paul Sweeney (Glasgow) (Lab): My amendments 268 and 278 aim to strengthen the practical framework for administering assisted dying safely and responsibly. The amendments would require the Scottish ministers to publish detailed guidance on what to do if complications were to arise, including on what constitutes a “reasonable period” before death and how to respond to side effects or even failed medication. Without such guidance, clinicians could face serious medical legal risk if problems were to arise during the final stages of the assisted dying process. I believe that, together, the amendments are a reasonable measure to ensure safety and consistency during the most sensitive stage of the assisted dying process.

The Convener: I call Miles Briggs to wind up and press or withdraw amendment 197.

Miles Briggs: I should have said earlier that I welcome Jackie Baillie’s amendments in the group. Given what I said about Ross Greer’s amendments in relation to advocacy services, I will not press amendment 197 or move amendment 212, but I intend to move all the others in the group.

Amendment 197, by agreement, withdrawn.

Amendment 198 moved—[Miles Briggs].

The Convener: The question is, that amendment 198 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 6, Abstentions 0.

Amendment 198 disagreed to.

Amendment 254 moved—[Paul Sweeney].

The Convener: The question is, that amendment 254 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 254 disagreed to.

Amendment 255 moved—[Paul Sweeney].

The Convener: The question is, that amendment 255 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 255 disagreed to.

Amendments 256 and 257 not moved.

Amendment 258 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 258 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 258 disagreed to.

Amendment 259 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 259 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Webber, Sue (Lothian) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 0, Against 10, Abstentions 0.

Amendment 259 disagreed to.

Amendment 260 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 260 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 260 disagreed to.

Section 23—Guidance

Amendments 261 and 262 moved—[Miles Briggs]—and agreed to.

Amendment 263 moved—[Ross Greer]—and agreed to.

Amendment 264 moved—[Miles Briggs].

The Convener: The question is, that amendment 264 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 264 disagreed to.

Amendment 265 moved—[Miles Briggs].

The Convener: The question is, that amendment 265 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Webber, Sue (Lothian) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)

Against

Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)

The Convener: The result of the division is: For 7, Against 2, Abstentions 1.

Amendment 265 agreed to.

Amendment 266 moved—[Miles Briggs].

The Convener: The question is, that amendment 266 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)

Against

Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)
 Webber, Sue (Lothian) (Con)

The Convener: The result of the division is: For 6, Against 2, Abstentions 2.

Amendment 266 agreed to.

Amendment 267 moved—[Ross Greer].

The Convener: The question is, that amendment 267 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Harvie, Patrick (Glasgow) (Green)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)

Abstentions

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 1.

Amendment 267 disagreed to.

Section 23, as amended, agreed to.

After section 23

12:00

Amendments 44 and 44A moved—[Liam McArthur].

The Convener: The question is, that amendment 44A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 8, Against 2, Abstentions 0.

Amendment 44A agreed to.

The Convener: The question is, that amendment 44, as amended, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 8, Against 2, Abstentions 0.

Amendment 44, as amended, agreed to.

Amendment 56 moved—[Jackie Baillie].

The Convener: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Torrance, David (Kirkcaldy) (SNP)

Abstentions

FitzPatrick, Joe (Dundee City West) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 2.

As the vote is tied, as convener, I will use my casting vote to vote for the amendment—sorry, I meant to say that I will vote against the amendment. [*Inaudible.*] I have to be consistent in my voting, Ms Baillie.

Amendment 56 disagreed to.

Amendment 268 moved—[Paul Sweeney].

The Convener: The question is, that amendment 268 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Haughey, Clare (Rutherglen) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 6, Abstentions 0.

Amendment 268 disagreed to.

Section 24—Provision of information by Public Health Scotland to Scottish Ministers

Amendment 21 moved—[Miles Briggs].

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 21 disagreed to.

Amendment 269 moved—[Paul Sweeney].

The Convener: The question is, that amendment 269 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Haughey, Clare (Rutherglen) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 6, Abstentions 0.

Amendment 269 disagreed to.

Amendment 22 moved—[Miles Briggs].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 22 disagreed to.

Sections 24 and 25 agreed to.

After section 25

Amendment 18 moved—[Paul Sweeney].

The Convener: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Mochan, Carol (South Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 3.

Amendment 18 disagreed to.

Amendment 199 moved—[Sue Webber].

The Convener: The question is, that amendment 199 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 199 disagreed to.

Amendment 200 moved—[Miles Briggs].

The Convener: The question is, that amendment 200 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 0, Against 8, Abstentions 2.

Amendment 200 disagreed to.

Amendment 270 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 270 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 270 disagreed to.

After schedule 5

Amendment 19 moved—[Paul Sweeney].

The Convener: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Webber, Sue (Lothian) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 9, Abstentions 0.

Amendment 19 disagreed to.

Section 26—Annual report

Amendment 129 moved—[Stephen Kerr].

The Convener: The question is, that amendment 129 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)

The Convener: The result of the division is: For 2, Against 7, Abstentions 1.

Amendment 129 disagreed to.

Section 26 agreed to.

Section 27—Review of operation of Act

Amendment 201 moved—[Stephen Kerr].

The Convener: The question is, that amendment 201 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 1.

Amendment 201 disagreed to.

12:15

Amendment 57 moved—[Jackie Baillie].

The Convener: The question is, that amendment 57 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 57 disagreed to.

Amendment 202 moved—[Brian Whittle].

The Convener: The question is, that amendment 202 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 202 disagreed to.

Amendment 23 moved—[Miles Briggs].

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

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 23 disagreed to.

Amendment 130 moved—[Stephen Kerr].

The Convener: The question is, that amendment 130 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 130 disagreed to.

Amendment 203 moved—[Sue Webber].

The Convener: The question is, that amendment 203 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 8, Abstentions 1.

Amendment 203 disagreed to.

Amendment 204 moved—[Stephen Kerr].

The Convener: The question is, that amendment 204 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 204 disagreed to.

Amendment 131 moved—[Stephen Kerr].

The Convener: The question is, that amendment 131 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 131 disagreed to.

Amendment 132 moved—[Stephen Kerr].

The Convener: The question is, that amendment 132 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 132 disagreed to.

Amendment 205 moved—[Stephen Kerr].

The Convener: The question is, that amendment 205 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 8, Abstentions 1.

Amendment 205 disagreed to.

Amendment 206 moved—[Stephen Kerr].

The Convener: The question is, that amendment 206 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 8, Abstentions 1.

Amendment 206 disagreed to.

Section 27 agreed to.

After section 27

Amendment 271 moved—[Paul Sweeney].

The Convener: The question is, that amendment 271 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 7, Abstentions 2.

Amendment 271 disagreed to.

Amendment 272 moved—[Paul Sweeney].

The Convener: The question is, that amendment 272 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Haughey, Clare (Rutherglen) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 6, Abstentions 0.

Amendment 272 disagreed to.

Amendment 14 moved—[Paul Sweeney].

The Convener: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 7, Abstentions 2.

Amendment 14 disagreed to.

Section 28—Regulation-making powers

Amendment 58 moved—[Jackie Baillie].

The Convener: The question is, that amendment 58 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 58 disagreed to.

Amendment 45 moved—[Liam McArthur].

The Convener: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 8, Against 2, Abstentions 0.

Amendment 45 agreed to.

Amendment 46 moved—[Liam McArthur].

Amendment 46A moved—[Liam McArthur]—and agreed to.

Amendment 46, as amended, agreed to.

Amendment 207 moved—[Brian Whittle].

12:30

The Convener: The question is, that amendment 207 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 207 disagreed to.

The Convener: It is clear from the number of amendments that we still have to vote on that the committee will have to sit this evening. Therefore, I will suspend the meeting now, and the committee will reconvene to continue stage 2 proceedings on the bill at 6 pm this evening.

12:31

Meeting suspended.

18:07

On resuming—

The Convener: Good evening. Welcome back to the reconvened meeting and to stage 2 of the Assisted Dying for Terminally Ill Adults (Scotland) Bill.

Amendment 208 moved—[Sue Webber].

The Convener: The question is, that amendment 208 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 208 disagreed to.

Amendment 59 not moved.

Amendment 47 moved—[Liam McArthur].

Amendment 47A moved—[Liam McArthur]—and agreed to.

Amendment 47, as amended, agreed to.

Amendments 209, 133, 134, 210, 135 and 273 not moved.

Amendment 274 moved—[Patrick Harvie]—and agreed to.

Amendment 275 moved—[Paul Sweeney].

The Convener: The question is, that amendment 275 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Harper, Emma (South Scotland) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Torrance, David (Kirkcaldy) (SNP)

Abstentions

Mochan, Carol (South Scotland) (Lab)

The Convener: The result of the division is: For 5, Against 4, Abstentions 1.

Amendment 275 agreed to.

Amendment 48 moved—[Liam McArthur].

The Convener: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 8, Against 0, Abstentions 2.

Amendment 48 agreed to.

Amendment 136 not moved.

Amendment 60 moved—[Jackie Baillie].

The Convener: The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 60 disagreed to.

Amendment 211 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 211 be agreed to. Are we agreed?

Members: No.

18:15

The Convener: There will be a division.

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 0, Against 8, Abstentions 2.

Amendment 211 disagreed to.

Amendment 72 moved—[Jackie Baillie].

The Convener: The question is, that amendment 72 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 6, Abstentions 0.

Amendment 72 disagreed to.

Amendment 82 not moved.

Amendment 63 moved—[Jackie Baillie].

The Convener: The question is, that amendment 63 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 63 disagreed to.

Amendment 137 not moved.

Amendment 276 moved—[Sue Webber].

The Convener: The question is, that amendment 276 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 276 disagreed to.

Amendments 138, 212, 213, 277, 278, 214 and 15 not moved.

Section 28, as amended, agreed to.

Section 29—Interpretation

The Convener: I remind members that amendments 1 and 215 are direct alternatives, and that the text of the last agreed of them is what will appear in the bill.

Amendment 1 moved—[Brian Whittle]—and agreed to.

Amendment 215 not moved.

Amendment 139 moved—[Emma Harper].

The Convener: The question is, that amendment 139 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 139 disagreed to.

Amendment 216 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 216 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Haughey, Clare (Rutherglen) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 6, Abstentions 0.

Amendment 216 disagreed to.

Amendment 217 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 217 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 217 disagreed to.

Amendment 140 moved—[Emma Harper].

The Convener: The question is, that amendment 140 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Haughey, Clare (Rutherglen) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 4, Against 6, Abstentions 0.

Amendment 140 disagreed to.

Section 29, as amended, agreed to.

Section 30 agreed to.

After section 30

Amendment 218 moved—[Sue Webber].

The Convener: The question is, that amendment 218 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 8, Abstentions 1.

Amendment 218 disagreed to.

Section 31 agreed to.

Section 32—Commencement

Amendment 279 moved—[Patrick Harvie].

The Convener: The question is, that amendment 279 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Torrance, David (Kirkcaldy) (SNP)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)

Against

Haughey, Clare (Rutherglen) (SNP)
 Webber, Sue (Lothian) (Con)

The Convener: The result of the division is: For 8, Against 2, Abstentions 0.

Amendment 279 agreed to.

Amendment 64 moved—[Jackie Baillie].

The Convener: The question is, that amendment 64 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

FitzPatrick, Joe (Dundee City West) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Mochan, Carol (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)

Abstentions

Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 6, Against 2, Abstentions 2.

Amendment 64 agreed to.

Amendment 141 not moved.

Amendment 280 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 280 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 280 disagreed to.

Amendment 281 not moved.

Amendment 282 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 282 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 282 disagreed to.

Amendment 283 moved—[Patrick Harvie].

18:30

The Convener: The question is, that amendment 283 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Webber, Sue (Lothian) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)

The Convener: The result of the division is: For 1, Against 9, Abstentions 0.

Amendment 283 disagreed to.

Amendment 61 moved—[Jackie Baillie].

The Convener: The question is, that amendment 61 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 61 disagreed to.

Amendments 142 and 284 to 286 not moved.

Amendment 287 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 287 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Against

FitzPatrick, Joe (Dundee City West) (SNP)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Mochan, Carol (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Torrance, David (Kirkcaldy) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 287 disagreed to.

Section 32, as amended, agreed to

Section 33 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill.

Meeting closed at 18:34.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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