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Scottish Parliament

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

Point of Order

The Presiding Officer (Alison Johnstone): Good morning. I have a point of order from Angela Constance.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Thank you, Presiding Officer.

I made a point of order yesterday to inform you and members that I had written to the editor of the official report to seek to update the parliamentary record to clarify the context of remarks that I made at stage 3 of the Victims, Witnesses, and Justice Reform (Scotland) Bill in September, when I used a media quote of Professor Alexis Jay. That was not able to be done and the request was forwarded to the members' corrections procedure. A short time ago, I was told that that request was not accepted.

However, I am able to provide the information that I would have provided to the official report to you as Presiding Officer. I will do that today, copy it to business managers and place a copy of that correspondence in the Scottish Parliament information centre.

The Presiding Officer: Thank you, Ms Constance.

General Question Time

11:41

Regeneration Projects (Support for Community Organisations)

1. **Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government what support it offers to community organisations that are seeking to take forward regeneration projects. (S6O-05307)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): We have a strong history of supporting community-led regeneration in Scotland through a range of policies, initiatives and funding opportunities across Scottish Government. Those include, for example, our regeneration programmes—which we have delivered successfully for more than 10 years—such as the regeneration capital grant fund. Through that fund, we have supported the delivery of more than 230 community projects with nearly £250 million of investment. That is complemented by our strengthening communities programme, which supports community organisations to build their capacity to develop and take forward shared local plans for the community.

Colin Beattie: The United Kingdom Government recently announced pride in place funding, and I was disappointed that Mayfield in my constituency was not included, following the abandonment of a previous funding pledge from the Conservative UK Government in 2024. Will the Deputy First Minister advise whether the UK Government had any contact with the Scottish Government during the allocation of that funding?

Kate Forbes: I am conscious that Welsh Labour politicians are also raising legitimate concerns about the UK Government's approach to devolution, describing the decision to impose policy on Wales as "deeply insensitive" and "a constitutional outrage". I hope that the Scottish Labour members will speak out as well as their Welsh counterparts.

The Secretary of State for Scotland wrote to me, along with other stakeholders, seeking input on potential neighbourhoods for receipt of pride in place funding, but that was after he had already determined the selection methodology. The UK Government did not consult us on the development of the pride in place programme and the methodology does not align with our approach to delivering regeneration in Scotland. Therefore, the UK Government made the decision on which places will receive pride in place funding and the Scottish Government was not involved.

Paul Sweeney (Glasgow) (Lab): Will the Deputy First Minister at least welcome the fact that £40 million of capital investment is going into two very deprived communities in Glasgow—Springburn and Sighthill, and Castlemilk—and that the funding will be allocated and prioritised by a neighbourhood board that will be set up in conjunction with the local authority, local parliamentarians and councillors? That could be an interesting experiment in how we direct significant levels of capital funding in deprived communities. Is the Scottish Government interested in engaging with that in a way that will enable us to build further capital investment in clearly deprived communities?

Kate Forbes: On Paul Sweeney's point on funding for deprived communities, I make it clear that, whether it be under the Conservatives or Labour, communities will always welcome being in receipt of funding. The first challenge that we have concerns the methodology for determining the funding, because there will be other deprived communities that were looking forward to some funding and will be confused as to why some communities were chosen over others.

Secondly, the transparency of the methodology is also vital if we are to ensure that every penny is well spent. In that respect, it will benefit from being aligned with other money that is being spent.

Finally, the Scottish Government will always engage with communities such as those that Paul Sweeney has identified.

Transport Workers (Assaults)

2. Richard Leonard (Central Scotland) (Lab): I remind members of my voluntary registration of trade union interests.

To ask the Scottish Government what steps it is taking to address the issue of assaults against transport workers. (S6O-05308)

The Cabinet Secretary for Transport (Fiona Hyslop): Assaults against transport workers are never acceptable and will not be tolerated. This month, I helped launch the respect our rail workers campaign, which pledges that partner organisations will work together to ensure that staff feel more protected and supported when they are faced with unacceptable behaviour. We have convened a working group to examine police enforcement powers on the railway and to strengthen responses to unacceptable behaviour.

We are also working with Police Scotland and the Crown Office and Procurator Fiscal Service to review existing fixed-penalty notice legislation. I have also written to the British Transport Police Authority to express my concerns about its budget cuts to Scotland, which were not consulted on or agreed to.

Richard Leonard: I thank the cabinet secretary for that reply.

Violence on our rail network is on the rise, and transport workers are in particular danger. British Transport Police has reported a 43 per cent increase in assaults against rail workers in Scotland between April and September this year, compared to the same period last year. When I met workers from rail, ferries and the taxi trade just last week, they described to me assaults at work that no one—no one—should face, and all this is happening at a time when the British Transport Police is reducing jobs and station coverage.

So, will the cabinet secretary act to end unsafe lone working practices on ScotRail and make sure that minimum safe staffing levels are met? Will she support the creation of a stand-alone offence for assaulting a public transport worker, similar to existing protections for other high-risk sectors like retail?

Fiona Hyslop: There are a number of aspects to that. I have raised my concerns about the situation with the British Transport Police—indeed, I wrote to it on 15 December. Part of the action that I am taking, along with our rail authorities, is to look at an enhanced police service agreement. That should not be needed, but we are prepared to take such action.

As for further legislation, the working group that I mentioned is bringing people together, including the unions. I work with the unions on a regular basis, and they are pleased with the activity that has been taking place through the group, which is looking at a number of issues including fixed-penalty notices, banning orders, greater protections for rail workers and youth justice. As I have said, we are working with the Crown Office and Procurator Fiscal Service, too.

The measures that Richard Leonard has set out would involve my working with the Cabinet Secretary for Justice and Home Affairs, and the member has my full assurance that we are taking the matter extremely seriously.

Sharon Dowey (South Scotland) (Con): Recent reports from across Scotland highlight a rise in antisocial behaviour, and not just on our transport network. The reason for that is simple: there is no deterrent in place. There are hardly any consequences for perpetrators, and they know it. How can the cabinet secretary assure transport workers and the public that those responsible will face real consequences? Just writing a letter and having more talking shops will not cut it.

Fiona Hyslop: I do not think that Sharon Dowey listened to my first answer, in which I talked about looking at legislation on fixed-penalty notices and what can be done in relation to enforcement.

Enforcement is an operational matter for Police Scotland, as I am sure that Sharon Dowey understands.

However, in terms of visibility, we are looking at having more workers on our transport network and at the idea of safety officers, particularly on our bus network. There is also the legislation that has just been laid before the Parliament on the enforcement of bus pass suspension measures. Those are all actions that are being taken by our Government. We are also providing funding to Police Scotland to allow it to do what Sharon Dowey is asking for—that is, its job, which is all about enforcing existing legislation.

Programme for Scotland's Childminding Future (Support)

3. Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab): To ask the Scottish Government whether it will commit to further support the programme for Scotland's childminding future beyond its current three-year cycle in order to continue to grow the number of childminders across Scotland. (S6O-05309)

The Minister for Children, Young People and The Promise (Natalie Don-Innes): Childminding is a welcome, valued and important part of the childcare offer for children and families in Scotland. I am keen to enable more people to become and to remain childminders.

We are providing £1.6 million of funding to the Scottish Childminding Association this year to help to improve the recruitment and retention of childminders. The association's current programme is expected to run until 2027 and has expanded across Scotland, with 30 local authorities now involved, including South Lanarkshire Council.

Davy Russell: The £1 million funding that was announced last year was designed to improve the recruitment and retention of childminders and to increase the childminding workforce by 1,000. However, the most recent statistics show that the number of childminders fell from 3,225 in 2023 to 3,040 by the end of last year. Does the Scottish Government still agree with its 2023 programme for government that childminders are "essential" to the childcare ecosystem? If so, is it prepared to better the token gestures that it has so far come up with?

Natalie Don-Innes: This is a really positive programme, but the decline in the childminding workforce is a long-term trend that, sadly, is mirrored across the entire United Kingdom. The programme has been active for 18 months, and it can take six to nine months for prospective new childminders to complete their induction.

However, recruitment is only part of the solution. More than 200 childminders have already participated in innovative pilots as we explore different ways of better supporting existing childminders. It is still relatively early days, but we have invested the funding and are committed to our childminding workforce.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Recent statistics on the uptake of early learning and childcare funded hours demonstrate the Scottish National Party Government's investment in supporting children and families. What assessment has the minister made of those figures in relation to the evaluation of ELC expansion?

Natalie Don-Innes: I welcome the 2025 census, which shows that more than 90,000 children were registered for funded ELC across Scotland in 2025. It is encouraging to see further evidence that so many families are choosing to take up our expanded ELC offer.

An interim evaluation that was published in 2024 found promising signs that the ELC expansion is delivering improvements in flexibility and affordability for families across Scotland. That speaks to our overall investment and, equally, to the priority that we have given to all forms of childcare, such as through our investment in childminding. Next year, we are due to publish our overarching outcomes-based evaluation, which will provide further important insights.

The Presiding Officer (Alison Johnstone): Question 4 has not been lodged.

Edinburgh Tram Network (Funding)

5. Jeremy Balfour (Lothian) (Ind): Presiding Officer, I wish you and other members a very happy Christmas.

To ask the Scottish Government whether it will confirm that it will not allocate any further funding to the extension of the tram network in Edinburgh. (S6O-05311)

The Cabinet Secretary for Transport (Fiona Hyslop): Work has recently begun to develop a proposed mass transit system for the south-east Scotland region known as SEStranist, which will be led by the regional transport partnership. The project is an important recommendation from the second strategic transport projects review. It aims to improve connectivity across the region, potentially comprising a mix of tram and bus-based transit modes, including bus rapid transit.

The Scottish Government has no plans to fund a stand-alone extension of Edinburgh's tram network, which is a separate project that is being promoted by the City of Edinburgh Council.

Jeremy Balfour: I thank the cabinet secretary for her answer and, in particular, the end of it. Does she agree that any extension of the Edinburgh tram network would be a vanity project by the City of Edinburgh Council and that it would be far better if the council spend its money on fixing potholes and mending the pavements, which are so badly maintained?

Fiona Hyslop: I will not comment on the City of Edinburgh Council's running of its own transport system. That is a matter for the council, which is held to account by the city's councillors and by the public.

I emphasise that the second strategic transport projects review is quite specific about the need for a cross-region mass transit system, which is what we anticipate will be developed.

On trams, I point out that 11,000 responses were submitted during the consultation period, which closed on 17 November, and that the consultation will inform the development of a strategic business case for the expansion of the tram network. The business case will be presented to the City of Edinburgh Council's transport and environment committee in 2026, and that is the appropriate course.

New Teacher Recruitment

6. Martin Whitfield (South Scotland) (Lab): Presiding Officer, I draw members' attention to my entry in the register of members' interests, which shows that I am a former teacher.

To ask the Scottish Government, in light of an increase of 63 full-time equivalent teachers in 2025 compared with the previous year, how it will fulfil its commitment to recruit 3,500 new teachers before the end of the current parliamentary session. (S6O-05312)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government has been clear that teacher numbers not only support the profession but lead to improved outcomes for pupils. Since 2014, the number of teachers has increased by more than 2,500 as a result of investment from the Scottish Government. In last year's budget, we provided extra funding, with an uplift in ring-fenced funding for teacher numbers to £186.5 million. This year's census data shows that, as a result of the increased funding to protect teacher numbers, there was an overall increase in the number of teachers for the first time since 2022. Scotland's pupil to teacher ratio also improved to 13.2 and remains by far the lowest in the United Kingdom.

Martin Whitfield: I am grateful for that response. So, the commitment will not be kept?

Jenny Gilruth: There is an awful lot of good news in Scottish education in 2025. Teacher numbers have increased for the first time since 2022, thanks to direct—[*Interruption.*]

The Presiding Officer: Let us hear the cabinet secretary.

Jenny Gilruth: Teacher numbers have increased for the first time since 2022, thanks to direct investment from this Government. As a result of the budget—which, I remember, Scottish Labour members were unable to bring themselves to vote for—[*Interruption.*]

The Presiding Officer: Thank you, members.

Jenny Gilruth: —the attainment gap for primary pupils in literacy and numeracy has reduced to its lowest level on record. Class sizes have reduced in our primary schools. Attendance rates are improving. Nearly all three and four-year-olds are in receipt of 1,140 hours of funded early learning and childcare, which is saving families up to £6,000 per year. The Government's investments are improving outcomes for Scotland's young people. What a pity that, even at Christmas time, the Scottish Labour Party cannot bring itself to celebrate that progress.

Marionville Fire Station (Proposed Closure)

7. Miles Briggs (Lothian) (Con): To ask the Scottish Government what assessment it has made of the Scottish Fire and Rescue Service's public consultation on the proposed closure of Marionville fire station in Edinburgh. (S6O-05313)

The Minister for Victims and Community Safety (Siobhian Brown): The Scottish Fire and Rescue Service completed a public consultation on its service delivery review, and an analysis of the responses is currently being conducted. It is important to stress that that analysis is independent of both the Scottish Government and the SFRS and that it will inform the final decisions that the SFRS board takes in 2026.

The purpose of the review is to better align resources to current risks. The SFRS plans to redeploy resources that are freed up by any changes that it makes to provide greater resource to its prevention and protection function, to boost training provision, to ensure that firefighters remain fully ready and competent to keep communities safe from the changing risks that they need to respond to, and to invest in the fire stations that need investment the most.

Miles Briggs: There is overwhelming public and cross-party opposition to that fire station being closed. The Scottish Fire and Rescue Service has acknowledged that the closure will lead to slower response times—an extra four to six minutes for residents in the north-east of the city. Once that

analysis has been reported, will the minister meet a cross-party delegation and local residents to understand the real concern across Edinburgh about the closure of that fire station? The Government should understand that and take on board the public feeling.

Siobhian Brown: The emergencies that the SFRS responds to have changed significantly over the years. For example, the number of dwelling fires has reduced by 20 per cent since 2013. The SFRS chief officer would not make changes to operations that would put the public at an unacceptable level of risk. Those in the SFRS are the experts—we, as politicians, are not—so we should allow them to take decisions on how the service should be best configured.

Scotland's Rural College (Elmwood Campus)

8. Alex Rowley (Mid Scotland and Fife) (Lab): To ask the Scottish Government, in light of the ongoing reduction to both provision and facilities at the Elmwood campus of Scotland's Rural College in Cupar, what its position is on the future of the college's base in the North East Fife constituency. (S6O-05314)

The Minister for Higher and Further Education (Ben Macpherson): SRUC's Elmwood campus continues to play an important role in delivering further and higher education in Cupar. Although SRUC is an autonomous institution with responsibility for its own decisions in relation to provision and facilities at Elmwood, I would expect it to take into account the needs of students, staff and the wider community. In line with its statutory responsibilities, the Scottish Funding Council will continue to offer appropriate support to further and higher education institutions, including SRUC, as they develop their own plans.

Alex Rowley: Since SRUC took over the Elmwood campus, courses and facilities have been gutted. There has been a college in North East Fife since 1953. Will the minister agree to meet the local groups that have formed and that are concerned that there will be no future for the campus if SRUC is allowed to continue to strip its assets and reduce the number of courses that are available?

Ben Macpherson: I would be happy to engage with Alex Rowley and take up that correspondence, if he can facilitate that.

I had a good meeting with SRUC in recent weeks. I am aware that SRUC's decision earlier this year to close its main building at Elmwood due to concerns about structural deterioration and long-term financial viability has raised questions. However, SRUC provides an important role for further and higher education students in Cupar—we are very aware of that—so it is welcome that it

has stated its commitment to retaining a presence in Elmwood and that there are no plans to close the campus.

SRUC has also advised that its animal care provision will remain on offer at its other campuses, while horticulture and gamekeeping provision will remain on offer at Elmwood.

The Presiding Officer: That concludes general question time.

First Minister's Question Time

12:01

Grooming Gangs Inquiry

1. Russell Findlay (West Scotland) (Con): On 16 September, the justice secretary misrepresented Professor Alexis Jay to justify the Scottish National Party's opposition to a grooming gangs inquiry. For months, in public and in the Parliament, she denied any wrongdoing, but we now know that Angela Constance apologised to Professor Jay on 1 December. She knew that she was wrong all along, but she tried to get away with it.

Yesterday—a full nine weeks later—Angela Constance was forced to finally come clean. Does John Swinney believe that Angela Constance tried to correct the record at the earliest possible opportunity?

The First Minister (John Swinney): The events of the past few weeks and months demonstrate that Angela Constance has set out to the Parliament the position of the Government. Where there has been a necessity for further information to be provided, she has done exactly that. The justice secretary spent the best part of two hours yesterday at the Education, Children and Young People Committee explaining all those issues and addressing the very issues that Mr Findlay puts to me this morning.

Russell Findlay: The information has been dragged out of the justice secretary.

Paragraph 1.7 of the ministerial code is crystal clear. I will read it out for John Swinney's benefit. It states that ministers must

"give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity."

Angela Constance blatantly and brazenly decided not to correct the record at the earliest possible opportunity. How can John Swinney pretend to himself and to the public that Angela Constance has not breached the ministerial code?

The First Minister: As I have said on a number of occasions to the Parliament, Angela Constance was making a general observation, drawing on the remarks of Professor Alexis Jay, back in September. Having looked at the issue and at all the material, I am content that there has been no breach of the ministerial code.

Russell Findlay: Professor Jay told the Scottish Government on 26 September that she had been misrepresented. That was Angela Constance's earliest opportunity to correct the record. She could have corrected the record—she should have—in September, October, November and

December. She should have corrected the record when we challenged her in three urgent questions, two ministerial statements, two First Minister's question times and a motion of no confidence. She should have corrected the record after being repeatedly challenged by grooming gang victims and by journalists.

Three months have passed and only now is Angela Constance trying to correct the record. She did not correct the record at the earliest opportunity, as is required under the ministerial code. How on earth can John Swinney continue to defend his disgraced justice secretary?

The First Minister: As I have said to the Parliament previously, and as I said on Tuesday when the issue was debated in the Parliament, and the Parliament expressed its confidence in the justice secretary, people will reach different conclusions from the words that we use in the Parliament.

The justice secretary is trying to address the concerns have been raised in a comprehensive and open way, as she did at the committee yesterday—[*Interruption.*]

The Presiding Officer (Alison Johnstone): Let us hear one another. Those who are in the gallery would like to hear.

The First Minister: I am satisfied with the steps that have been taken to deal with the matter.

Russell Findlay: The scandal—and it is a scandal—shows the very worst of the SNP. It is a cynical, calculating, dishonest and devious Government that always chooses short-term political fixes and convenience. It is never about doing what is right for victims. It is always about doing what is right for the SNP.

Angela Constance's evidence to the Education, Children and Young People Committee yesterday was shambolic and indefensible. The justice secretary has confirmed beyond any doubt that she broke the ministerial code by refusing to admit her mistake at the earliest opportunity. Angela Constance misled the public, the Parliament and grooming gang victims.

What on earth will it take for John Swinney to sack any of his ministers?

The First Minister: Mr Findlay used some pretty strong language in his question. He said "cynical, calculating, dishonest". The amendment that Liam Kerr lodged to the Victims, Witnesses, and Justice Reform (Scotland) Bill and the actions of the Conservative Party after it was defeated were cynical, calculating and dishonest.

Mr Findlay knows full well that Liam Kerr's amendment would not have delivered a grooming gangs inquiry. It would have delivered none of the

action the Scottish Government is now taking, whether that is the actions of the four independent inspectorates, the actions of Police Scotland, or the work of the national childhood sexual abuse panel. What Mr Findlay and his colleagues were proposing, how they behaved around those circumstances—*[Interruption.]*

The Presiding Officer: It is really important that each and every member has the opportunity to speak when they are called to do so. I ask members to treat one another with courtesy and respect.

The First Minister: I simply say to Mr Findlay that the proposition that was made by his colleague in September would have had no effect whatsoever in delivering a grooming inquiry. It would not have delivered for the victims who have suffered sexual abuse. This Government is taking the practical action to do that, and we will continue to do so.

The Presiding Officer: I remind members that many members have an interest in putting a question today, and that they will be more likely to be able to do so if we can proceed and hear one another.

Housing Emergency

2. Anas Sarwar (Glasgow) (Lab): Presiding Officer, before I turn to my question, I wish you, colleagues across the chamber and all parliamentary staff a very merry Christmas and a happy new year. I also offer my sincere thanks to the emergency service workers who will be working throughout the festive period to keep us all safe.

Scotland is in a housing emergency; John Swinney has admitted that himself. However, to declare a housing emergency and do nothing is not leadership—it is yet another cowardly stunt.

The number of people who are sleeping rough is at its highest point in 14 years. More than 17,000 households are in temporary accommodation, which is the highest figure on record. That is the result of 18 years of Scottish National Party Government.

Let us be clear about what is going on. At the very moment that demand is rising, supply is falling. At the very moment that families need security, the system is delivering instability. At the very moment that the Government says that it understands the scale of the crisis, social sector house building has fallen to its lowest level on record. Can John Swinney explain how that represents progress or competence or anything resembling a response to the housing emergency that he admits Scotland is facing under the SNP Government?

The First Minister (John Swinney): Presiding Officer, I join Mr Sarwar in extending my good wishes to you and to parliamentary colleagues at Christmas time and in wishing everyone a happy Christmas and new year. I express my thanks to those in the emergency services, who I will have much to do with in the course of the next few days and weeks, for the service that they are giving the public over this period.

I acknowledge that there is a housing emergency. The Government has accepted that, and that is why the Cabinet Secretary for Housing, Màiri McAllan, has set out the housing action plan.

Mr Sarwar said that the Government is doing nothing about that. We have taken steps and have taken one really significant action during my time as First Minister, which has been to dramatically increase the resources that are available for new house building in Scotland. On my watch as First Minister, we have given more money than ever before to increase the supply of housing.

That builds on the fact that, over the lifetime of the Government, we have helped to deliver more than 141,000 affordable homes, with more than 101,000 of those being available for social rent. That is 45 per cent more per head of population than in England and 69 per cent more than in Wales. During a period when we have all been wrestling with public spending challenges, the Government has delivered more new affordable housing than has been delivered in England or in Wales, and we are building on that record with a budget settlement that will deliver for housing in Scotland.

Anas Sarwar: John Swinney should be ashamed of the SNP's record on housing and the damage that it is doing. I say to SNP members that your constituents—

The Presiding Officer: Please always speak through the chair.

Anas Sarwar: There are 10,000 children who are living in temporary accommodation across Scotland today—10,000 children are living in flats, hotels, bed and breakfasts and hostels. Some of those families have been moved from place to place more than a dozen times, never settling or unpacking, never knowing where they will be next and going for years without a home.

The Presiding Officer: Mr Sarwar, I cannot hear you. Mr Johnson, please desist; Mr Sarwar, continue.

Anas Sarwar: They never settle or unpack and never know where they will be next, going for years without a home.

One family in Glasgow have spent 13 years in temporary accommodation and one family in Edinburgh have spent nine years in temporary

accommodation. That is an entire childhood of spending year after year moving from place to place and school to school and spending Christmas after Christmas without a home to call their own. How many Christmases must a child spend without a home before John Swinney will admit that his SNP Government has utterly failed?

The First Minister: As I said in my earlier answer, the Government is increasing the investment that is available for housing. One of the things that we have taken forward has been to invest more money in supporting the transfer of properties from being void to being in use as accommodation. In the previous financial year, we put £40 million into that effort, and this year, we have doubled that to £80 million. In 2024-25 alone, 2,066 houses were taken out of being void properties and put into use as houses that families in those circumstances can use.

We can see from the data that was published earlier this week that the increased budget that the Government is putting in place has led to a 61 per cent increase in the past quarter in the number of approvals for affordable housing, which has resulted in an 18 per cent increase in the number of starts in the July to September period. The investment that the Government has put in place is now having an effect and boosting those numbers. Fundamentally, we have been building more houses per head of population in Scotland than has been the case in other parts of the United Kingdom, while we wrestle with the public finance challenges that we all face.

Anas Sarwar: Is that the best answer the First Minister has for 10,000 children being homeless and families being in temporary accommodation for up to 13 years? That is utterly shameful and embarrassing.

The truth is that John Swinney cannot defend his record when it comes to failing Scotland's children. There are 10,000 children without a home to call their own this Christmas.

This is the man who downgraded the results of working-class kids during the pandemic, while we have 4,310 fewer teachers in Scotland than the SNP promised at the previous election. College budgets have been slashed; violence in our schools is on the rise; more than a third of young people who ask for help with their mental health are rejected by the national health service; and we have a Cabinet Secretary for Justice and Home Affairs who hunts for excuses not to have an inquiry into child sexual exploitation. *[Interruption.]*

The Presiding Officer: Let us hear Mr Sarwar.

Anas Sarwar: Failure is no longer the exception for the SNP Government; it is the rule. Things are not getting better on the First Minister's watch for Scotland's children—they are getting worse, and

the most vulnerable are paying the highest price. Why are the SNP and John Swinney so comfortable in failing Scotland's children?

The First Minister: I will tell Mr Sarwar what is shameful and embarrassing: it is him coming to the Parliament every day moaning about things when he is not prepared to vote for a budget that will increase investment in our public services. That is what is shameful and embarrassing. Mr Sarwar should think twice about that.

Mr Sarwar wants to raise my record on supporting children in Scotland. The Cabinet Secretary for Education and Skills was on her feet in the Parliament on Tuesday setting out the record levels of literacy and numeracy in our schools. Attendance is rising, teacher numbers are rising, and the attainment gap is further narrowing in Scotland. I am proud of the fact that, on my watch, child poverty in Scotland is falling and is at the lowest level in 30 years. *[Interruption.]*

The Presiding Officer: Thank you, members.

The First Minister: If Mr Sarwar wants to know how he is getting on, he might want to have a look at some of the substance of the Ipsos polling last week. When the public in Scotland were asked, "Who do you trust most to manage education and schools in Scotland?", trust in the SNP was rising and trust in the Labour Party was falling. The Labour Party is making absolutely no progress. If Mr Sarwar thinks that that is only on education, I can say that it also relates to health. Trust in the Labour Party to solve the issues in the health service is falling, and trust in the SNP is rising. Why? Because waiting lists are going down, waiting times are going down and general practitioner numbers are going up, and because we are delivering on the national health service.

Mossmorran

3. Ross Greer (West Scotland) (Green): Presiding Officer, I, too, wish all colleagues a merry Christmas. I join the First Minister and Anas Sarwar in thanking our emergency services and all other key workers who will keep the country going over the festive period.

A month ago, ExxonMobil announced that it was closing its Mossmorran site in Fife. More than 400 workers face imminent redundancy. I have repeatedly asked the First Minister for the just transition plan for Mossmorran that, 18 months ago, his Government committed to producing. Freedom of information requests submitted by the Scottish Greens have returned only a single document from before last month's announcement, which was the text of a minister's speech given in response to a debate organised by Fife's Green MSP Mark Ruskell. That was before the commitment to the transition plan was

even made. It is absolutely clear that no work was done. Eighteen months on from the Scottish Government saying that it would come up with a plan, and a month after ExxonMobil announced the site's closure, its workers are going into Christmas knowing that they will lose their jobs in the new year. Mossmorran's workers need jobs that they can go into, and the community needs a proper legacy from the ExxonMobil site. Is the First Minister ready to tell them how he will fulfil the promise that his Government made?

The First Minister (John Swinney): The Government has made clear that we will identify opportunities from the on-going work at Grangemouth. As we saw from last week's announcements, significant numbers of new jobs are coming from the investments that have been made, and I welcome the announcement that was made yesterday by Ineos and the United Kingdom Government. The exercise that we have carried out at Grangemouth has demonstrated a range of different business possibilities that can lead to new employment, some of which are now being progressed and have been announced. That learning will be applied to Mossmorran to provide the vital support that is necessary for its workforce. I appreciate that those workers will be having an extremely anxious time as a consequence of the announcement by ExxonMobil. I reassure Mr Greer that the learning and experience from Grangemouth are being applied at the industrial site at Mossmorran in similar circumstances.

Ross Greer: The First Minister says that the Government will learn from the experience at Grangemouth, which would have been absolutely fine months ago, but those workers will lose their jobs in a few weeks and the Government has not come up with the plan that, 18 months ago, it said that it would.

Yesterday, Unite the Union said that there have been a lot of

"kind words and soundbites"

from the United Kingdom Government and the Scottish Government, but that it has not seen

"any real, tangible evidence of any practical support, financial support".

Fossil fuel giants such as ExxonMobil are all too happy to profit from Scotland's resources and workers, but when the money runs out they are out of here. We have seen that happen countless times before.

Last time I asked this question, there was some confusion about the answer, but I am hopeful that the First Minister can make a clear commitment today. Will his Government finally commit to providing dedicated funding for Mossmorran and make it a condition of receiving that funding that

any business must guarantee job interviews to workers who have lost their jobs at the site?

The First Minister: I am very much aware of the speculation that there was after the previous answer that I gave to Mr Greer. I am not quite sure how that speculation arose, because I thought that I was crystal clear that the scheme, approach and conditions that we have put in place at Grangemouth will be put in place at Mossmorran. I hope that that is clear. I thought that it was clear the last time I said it, but, if it was not, it is clear now.

The business concepts that are emerging from the work at Grangemouth will be prioritised and taken forward at Mossmorran. ExxonMobil had extensive discussions with the United Kingdom Government about the future of the site that the Scottish Government was not sighted on until the very last moment. That meant there was a limitation on our ability to engage substantively on those questions.

I hope that that has given Mr Greer the clarity that he seeks. The Government will engage in measures to support the workforce at Mossmorran, as the Parliament would expect us to.

Cost of Living (Support for Households)

4. David Torrance (Kirkcaldy) (SNP): To ask the First Minister what steps the Scottish Government is taking to support households with the cost of living this winter. (S6F-04553)

The First Minister (John Swinney): We know that people continue to struggle with the cost of bills and life's essentials, particularly during the winter and especially at Christmas time. The Government is doing all that it can to help within the powers that we have available to us. We will continue to allocate more than £3 billion a year to policies that tackle poverty and help to address the cost of living crisis. This winter, we will invest more than £196 million in our winter heating benefits, which provide vital support for low-income households, families with disabled children or young people, and pensioners.

David Torrance: I welcome the measures outlined by the First Minister, which are more necessary than ever, as Labour continuously fails to deliver during the cost of living crisis.

Scots were told by Keir Starmer that their bills would fall by £300 per year. Now, they are rising by almost £200 and are set to increase again in January and April. That means that households will be left around £500 worse off this Christmas than was promised. With the United Kingdom Government delivering nothing but rising bills and rising hardships, does the First Minister agree that it is only through independence that we can

protect our living standards and cut household bills?

The First Minister: Members of the public can see what the United Kingdom Government delivers. At the election, it promised a cut in fuel bills, but those bills are rising. That is what the United Kingdom delivers to an energy-rich country. The sooner that Scotland's energy is under the control of the people of Scotland, who can benefit from the energy potential of our country, the better, so that we can reduce the costs that people face for their domestic energy and commercial heating.

Spey Viaduct (Collapse)

5. Tim Eagle (Highlands and Islands) (Con): To ask the First Minister what the Scottish Government's response is to the partial collapse of the Spey viaduct, including what support it can offer to Moray Council in responding to the immediate consequences and the next steps for the local community. (S6F-04537)

The First Minister (John Swinney): The collapse of the Spey viaduct is a sad loss. Not only did it hold significant heritage value; it is a key feature for those using the national cycle network or travelling the Moray coastal route.

The viaduct is, of course, owned by Moray Council, and it will ultimately be for the council to lead on the next steps. It will need time to work through its options, including consulting and engaging with local communities, as it always does, but, for our part, the Government is more than happy to be part of those discussions.

Tim Eagle: The other day, I was told a story about guards running up and down a train, trying to stop people leaning out on the viaduct, because their hats kept falling into the salmon pools. Today, the Spey viaduct is one of the most photographed structures in the area and has attracted admiration and comments from legends such as Timmy Mallett.

Without making this about money or council politics, local people have been clear with me that they want to work constructively to see whether the viaduct could be fixed. Will the First Minister, or perhaps the Cabinet Secretary for Constitution, External Affairs and Culture—who I am sure is very familiar with the site—be willing to join me on site in the new year, to meet local businesses and staff from the Scottish Dolphin Centre to discuss the viaduct's future?

The First Minister: I am very familiar with the viaduct. Many details about it have been shared with me by my colleague Richard Lochhead when he has made representations on behalf of his constituents, and I discussed the viaduct with Mr Lochhead and his colleague Laura Mitchell just

yesterday. It is an important structure and connection, and I very much welcome the local interest. I am happy for ministers to engage in dialogue about the issue, which will ensure that the public can enjoy the magnificent outdoors of the Moray countryside.

Douglas Ross (Highlands and Islands) (Con): The Scottish Environment Protection Agency has repeatedly opposed local plans to manage and dredge the river, and has cut into the bank, which has affected the golf course, houses and other structures. Will the First Minister send a message to SEPA to tell it to stop meddling in such issues, stop prioritising flora and fauna over houses and infrastructure, and allow the management of the rivers that local people know best?

The First Minister: SEPA has to exercise the statutory responsibilities that the Parliament has placed on it. It is important that SEPA deploys those statutory responsibilities in a proportionate manner, with the gathering of the appropriate evidence to inform its conclusions.

Additional Support Needs

6. Monica Lennon (Central Scotland) (Lab): To ask the First Minister what the Scottish Government's response is to the recent Educational Institute of Scotland findings that young people with additional support needs are being let down, and teachers are experiencing stress due to inadequate resourcing, in light of the reported reduction of nearly 20 per cent in specialist ASN staff since 2010, despite a rise of over 710 per cent in the number of pupils requiring such support since 2007. (S6F-04540)

The First Minister (John Swinney): We are clear that all children and young people should receive the support that they need to thrive in their education. Support comes from all staff, not only from additional support needs specialists. As a direct result of investment from the Scottish Government, we have been able to increase the number of staff in our schools and not just the number of teachers. Educational psychologists, family liaison workers and additional support needs staff have been supported through additional investment from the Scottish Government, which includes an additional £29 million this year specifically to support the additional support needs workforce.

Monica Lennon: We still do not know when the Scottish National Party will deliver the additional 3,500 teachers promised in the 2021 manifesto—or the 4,310 additional teachers, if we include the overall deficit in teachers since that promise was made. None of that will reassure my 13-year-old constituent Adam, who has barely been in school since August. He is not thriving and no longer wants to attend school, because his additional

needs are not being met. Will the First Minister apologise to Adam and his family, who are now investigating home schooling because they are desperate? Will he agree to meet them in the new year and take steps not only to support Adam but to reassure the thousands of children and young people across Scotland who are being failed by this total system failure?

The First Minister: I am very sympathetic to the circumstances that Monica Lennon sets out to me. I represent constituents and members of the public and, over my years as a parliamentarian, I have represented many constituents who have tried to secure additional support needs provision for their children. Parents want to do the best for their children and ensure that the education system meets their needs, which is why the Government has put £29 million of additional investment in the budget. I am sorry to raise this while discussing a sensitive issue, but Monica Lennon never voted for that. Monica Lennon sat on her hands. *[Interruption.]*

The Presiding Officer: Let us hear one another.

The First Minister: It is not good enough to come to Parliament to demand the expansion of provision in our schools and not be prepared to put the money in to do so. That is the challenge that Monica Lennon faces.

Miles Briggs (Lothian) (Con): At the heart of many of the challenges that our teachers face around ASN is parents' inability to seek a diagnosis pathway for autism or attention deficit hyperactivity disorder. Families across Scotland are being failed, and SNP ministers seem to be more focused on meeting child and adolescent mental health services targets by removing our young people than by giving them a diagnostic pathway. Will ministers now agree to review the changes that they have made to CAMHS pathways, as part of the ASN review that the Scottish Conservatives secured from this Government?

The First Minister: The CAMHS targets are being met, and the Government has taken steps to ensure that all such decisions are made on a clinical basis by those who are empowered to take those decisions. That is the basis on which such assessments should be made, which ensures that the needs of children are met appropriately in our public services and education system.

Renewable Energy Infrastructure (Local Authorities)

7. Beatrice Wishart (Shetland Islands) (LD): To ask the First Minister what the Scottish Government's position is on local authorities, which host renewable energy infrastructure,

receiving Scottish Crown Estate revenue allocations, such as a share of the income from ScotWind projects. (S6F-04543)

The First Minister (John Swinney): It is my priority that as a country we generate prosperity and share it across Scotland for everyone to benefit from. I want a thriving, innovative and sustainable green economy, and the offshore wind industry is at the heart of that. It is driving investment and creating skilled, well-paid jobs.

Scottish Crown Estate revenue is allocated to local authorities for coastal community benefit. Since 2019, under that arrangement, more than £78 million has been passed to local authorities, including £11.5 million for Shetland.

We want to go further. Through our national islands plan, we are exploring opportunities for how the revenue from ScotWind projects and the wider Crown Estate can further support community infrastructure on islands.

Beatrice Wishart: Shetland has some of the highest energy bills in the United Kingdom, while renewable energy infrastructure now dominates the isles. There are 103 onshore wind turbines, with more to come, proposals for substations and 38m pylons running across Shetland, offshore wind farm developments and subsea cables that will displace the vital fishing sector, and we are not getting much back. Community benefit needs to be meaningful. The Scottish Government is getting hundreds of millions of pounds from ScotWind, so will the First Minister commit to giving Shetland its share of the ScotWind leasing revenues?

The First Minister: As I have indicated already, resources have been invested in Shetland as a consequence of the Crown Estate revenues. The issues that Beatrice Wishart raises are important, and members of the public need to be persuaded that where they are supporting and accommodating that infrastructure, they are seeing the benefit of lower energy costs.

I totally accept the situation in Shetland, where there is very high generation of renewable energy and there are very high levels of fuel poverty and very high fuel bills. That is the energy system of the United Kingdom, and that is the problem that we are wrestling with. We are wrestling with an energy market that does not ensure that the people of Scotland, including the people of Shetland, are getting the benefit of their energy wealth, and that is what my Government is about—securing for the people of Scotland.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): ScotWind is one of the most significant green investment opportunities of the just transition, with the potential to create thousands of high-quality jobs, strengthen our domestic supply chains and generate considerable

public revenue. Will the First Minister further outline how the Scottish Government is ensuring that communities across Scotland, particularly in coastal and island areas, will see lasting economic and social benefits from ScotWind, while it also furthers our future energy security?

The First Minister: Our coastal regions are already eligible for community funds that support education, infrastructure, environmental initiatives and revenue reinvestment. We know that ScotWind is a catalyst for careers in the green industries, offering training and capacity building in project management, engineering, manufacturing and maritime services. We will always seek to ensure that benefits from ScotWind continue to be retained and invested locally in our communities.

Mercedes Villalba (North East Scotland) (Lab): As the First Minister just said, Scotland is an energy-rich nation, so surely revenues from our natural resources should benefit us all, yet the ScotWind auction round massively undervalued Scotland's offshore energy resources by setting a bid ceiling. Similar auctions held at the same time raised 20 to 40 times the amount per megawatt capacity than ScotWind did. Does the First Minister accept that setting a bid ceiling was a mistake? What assurance can he offer my constituents in the north-east that that mistake will not be repeated?

The First Minister: I say to Mercedes Villalba that she is not comparing like for like in the conditions of the projects that were taken forward in the different leasing rounds. That is the first point. The second point is that we have taken decisions that will enable the development of the supply chain with very significant economic opportunities for Scotland. However, we need the United Kingdom Government to ensure that grid connections will be delivered in a fashion that meets the needs of the industry in Scotland.

Finally, I could not agree with Mercedes Villalba more that the energy wealth of Scotland should benefit the people of Scotland. That is why we need Scottish independence.

The Presiding Officer: We move to constituency and general supplementary questions. Concise questions and responses will enable more members to put a question.

Cumbernauld Theatre

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): The Scottish Government has announced £150,000 of investment in each of the next two years in Cumbernauld theatre, along with £100,000 from Creative Scotland. That has been very much welcomed in my constituency. Will the First Minister join me in thanking everyone at Cumbernauld theatre for the work that they do?

Will he set out how he thinks that that investment will help to secure the theatre's future?

The First Minister (John Swinney): I am delighted to do so. I know that Cumbernauld theatre has been a very important artistic venue in Cumbernauld for many years. It has new accommodation, and I am delighted that the Government has been able to put the resources in place to support that. I am grateful to Jamie Hepburn for the formidable representations that he has made on behalf of his constituents.

In relation to the wider cultural sector in Scotland, a record total of 251 cultural organisations are receiving funding from this year. That is more than double the number of organisations that previously received core funding. The cultural opportunities in Scotland are very significant, and I know that Cumbernauld theatre will take the most advantage that it can from the investment that the Government has made to ensure that it continues to make a contribution to a thriving artistic and cultural sector in Scotland.

Seasonal Migrant Workers (Living Conditions)

Richard Leonard (Central Scotland) (Lab): Presiding Officer,

"Well, those conditions look unacceptable—completely unacceptable."

Those were the First Minister's words last year when he was shown footage of the overcrowded, unfit and unsafe living conditions of seasonal migrant workers on farms in Scotland. Then, the First Minister promised to close the loopholes in legislation that leave these workers unprotected. Less than a month ago, the Cabinet Secretary for Housing told us:

"We know that there is a gap in protection ... the Scottish Government will look to introduce a set of bespoke statutory accommodation standards".—[*Written Answers*, 19 November 2025; S6W-41436.]

However, yesterday, in response to a shocking new BBC Scotland report, the First Minister said that the laws already exist and are regulated by local councils.

When will the First Minister act and use the powers that he has—before the current session of Parliament ends—to address this national stain and close this shameful loophole?

The First Minister (John Swinney): I understand the strength of the point that Mr Leonard puts to me. Last Friday, in my constituency capacity, I engaged with an organisation that is making representations on behalf of seasonal migrant workers in my constituency, and I understand the challenges and the issues that individuals face.

I think that it is wrong to say that there are no powers that can be used just now by local authorities. There are inspection responsibilities that local authorities can take forward. That is the point of the answer that I was giving to that particular question. If there are further measures that can be taken to strengthen legislation, the Government will do so.

Football Grounds (Alcohol Sales)

Douglas Lumsden (North East Scotland)

(Con): At Aberdeen's home match against Kilmarnock at the weekend, alcohol sales were allowed as part of a successful trial. Alcohol is allowed at football for those who are lucky enough to be able to afford hospitality. Alcohol sales are allowed at rugby matches and ice hockey games, but they are banned for normal punters when they go to their local football match. Does the First Minister agree that the time is now right to look at ways of allowing the controlled sale of alcohol at football grounds and to end the discrimination against football fans?

The First Minister (John Swinney): Mr Lumsden highlights a particular pilot that is able to be taken forward within local licensing arrangements under certain conditions. I understand that that was taken forward in the case that Mr Lumsden raises. The Government has no plans to revisit this particular issue, but we will of course look with care at the outcome of the pilot that is being taken forward.

St Mirren Football Club

George Adam (Paisley) (SNP): The First Minister will be aware that Christmas came early for Paisley buddies on Sunday. What he may not be aware of is that St Mirren is now the first fan-owned club to win a major trophy, not just in Scotland but in the United Kingdom. At a time when our national game faces real challenges, does he agree that community-based fan ownership could be part of the solution? Will he join me in congratulating St Mirren's players, staff and supporters on their truly historic win? As it is the only team that can now win the domestic treble, when can Stephen Robinson and his team expect to receive their invite to visit the First Minister at Bute house?

The First Minister (John Swinney): Let me express my unbridled joy to Mr Adam, who is experiencing unbridled joy at the success of St Mirren on winning the Premier Sports cup with a magnificent performance at Hampden on Sunday. The point that Mr Adam makes—I know that he and his wife are devoted supporters of St Mirren—is that the role and the approach of the community-owned club model is a real strength for St Mirren. I am sure that it is a model that can be

followed in other parts of the country. Given the success that St Mirren has attracted as a consequence, I am sure that it will be followed with interest in other parts of the country.

Agriculture Reform Implementation Oversight Board

Finlay Carson (Galloway and West Dumfries)

(Con): What is the First Minister's response to the immediate resignation of three leading environmental members of the agriculture reform implementation oversight board and policy development group, who cite systemic failures of process, a lack of transparency and repeated disregard for evidence in the Scottish Government's approach to agriculture reform? How can the First Minister support a reform process that is so lacking in coherence, clarity and honesty that experts now say that they no longer have any confidence in the Government's policy-making machine? Does John Swinney accept that that raises serious concerns that his Scottish National Party Government is incapable of delivering the food security, climate or nature outcomes that Scotland desperately deserves?

The First Minister (John Swinney): I begin by expressing my thanks to those who have participated in the work of the ARIOB. It has been an important exercise in creating partnership working in relation to difficult and sensitive judgments that involve competing interests and perspectives. The Government is absolutely committed to maintaining an approach to agriculture that focuses on supporting the agriculture sector, supporting the measures to tackle the nature crisis that we face and implementing measures on climate change. The Cabinet Secretary for Rural Affairs, Land Reform and Islands will continue to give leadership on the issue and bring parties together to find common ground in difficult and sensitive areas of policy.

Health and Social Care Partnerships (Funding)

Jackie Baillie (Dumbarton) (Lab): The First Minister will be aware that health and social care partnerships across Scotland are reporting significant shortfalls in their budgets. In Argyll and Bute, there is a £6 million budget gap. The consequence of that is that, in the past few days, a number of my elderly constituents have found themselves stuck in hospital, medically fit to leave but unable to do so because their care package is simply not being funded. The First Minister knows that that will drive up delayed discharge and have a knock-on effect on hospital capacity. What urgent action will he take to address that crisis in social care, so that my constituents can go home for Christmas?

The First Minister: Many of those issues were discussed yesterday at a meeting between ministers and the Convention of Scottish Local Authorities to address the significant challenges that we face in relation to delayed discharge. Some of that is about the capacity that exists in local communities and the number of staff who are available. As Jackie Baillie will know, we have very low levels of unemployment in Scotland—significantly lower than the rest of the United Kingdom—and vacancies in social care in the provision of packages at local level.

The Government has a keen interest in resolving the issue, because that will reduce pressure in our hospitals, which have been experiencing acute challenges because of the rise in flu admissions, although, thankfully, it looks as though that increase is slowing. The Government is working with local authorities to ensure that we have the support in place to meet the needs that Jackie Baillie has raised with me.

Postal Services

Stuart McMillan (Greenock and Inverclyde) (SNP): Although, last week, Royal Mail issued communications stating that Inverclyde was one of the areas that are affected by some postal issues, there was no mention of people waiting many weeks between deliveries. This week, I have been inundated with messages from constituents highlighting the problems that they are facing. Some of those constituents, including cancer patients, have missed hospital appointments as a consequence of Royal Mail's failure.

Will the First Minister ensure that NHS Greater Glasgow and Clyde engages with Royal Mail to stress the seriousness of the issue and to seek assurances about when the problem will be resolved?

The First Minister: I will take that issue forward. I know that it will be an urgent priority for NHS Greater Glasgow and Clyde to ensure that patients are able to be properly notified of appointments. If there are delays in relation to Royal Mail services, we will seek to address those directly with Royal Mail through the channels that Mr McMillan has suggested.

Adult Disability Payment

Maggie Chapman (North East Scotland) (Green): Statistics from Social Security Scotland that were published on Tuesday morning indicate a sustained increase of 19 per cent in rejected applications for adult disability payment. That is worrying and means that ADP is now less generous and less supportive to disabled people than the benefit that it was supposed to replace—the personal independence payment.

Will the First Minister tell us whether that sustained increase is a result of policy change? If so, why has such a policy change been made, given the promise that ADP would be better than PIP?

The First Minister: Obviously, every individual application has to be considered on its merits, and the approach to that has been set out by ministers. The approach of Social Security Scotland is to operate with dignity, compassion and respect. Those are the founding values of Social Security Scotland, and they will be applied to the application process that is taken forward.

Fish Processing Sector (Economic Stability)

Karen Adam (Banffshire and Buchan Coast) (SNP): Fish processors in my constituency are under serious economic pressure due to quota cuts. There are fears that local jobs may be lost and that businesses will suffer.

Will the First Minister set out how the Scottish Government will help to drive economic stability for the fisheries sector, especially in my constituency, where livelihoods depend on it?

The Presiding Officer: I ask that members always have their camera on when they are contributing remotely.

The First Minister: The Scottish Government values our fish processing sector and is committed to a sustainable and prosperous seafood industry. Due to the exceptional fish quota cuts for mackerel, the Scottish Government will act. Today, we have announced that fishing licences will change for 2026, so that Scottish vessels must land 70 per cent of their mackerel and 70 per cent of their herring into Scotland. That will take effect from 1 January 2026 and will help to protect jobs in our fish processing sector and wider supply chains during this challenging period, and provide stability and position the sector well for when stocks recover. Those measures will apply for 2026 and will be kept under review.

The Presiding Officer: That concludes First Minister's question time.

Portfolio Question Time

Social Justice and Housing

12:47

The Deputy Presiding Officer (Liam McArthur): I ask members who are leaving the chamber—and people who are leaving the public gallery—to do so as quickly and quietly as possible, as we move on to the next item of business, which is portfolio questions. The portfolio on this occasion is social justice and housing. Any member who wishes to ask a supplementary question should press their request-to-speak button during the relevant question.

Affordable Housing Supply Programme (North Ayrshire)

1. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government how many affordable homes it anticipates will be built in North Ayrshire between 2025 and 2032 as part of its affordable housing supply programme. (S6O-05315)

The Cabinet Secretary for Housing (Màiri McAllan): North Ayrshire Council's current strategic housing investment plan—SHIP—sets out a target to deliver 1,643 new affordable homes over the period from 2025 to 2030, supported through the Scottish Government's affordable housing supply programme. Following recent additions to its programme, the council has enhanced this target to 1,666 homes. The SHIP covers the period from 2025 to 2030, and the council has not published an updated estimate extending delivery projections to 2032.

Kenneth Gibson: I thank the cabinet secretary for that helpful answer. Labour has slashed London's affordable housing target from 35 per cent to 20 per cent of new completions, with fewer than 4,000 new homes of all tenures built between January and June despite a target of 88,000 a year. In Wales, the number of new home consents in quarter 2 of this year is the lowest on record at only 28 per cent of the 10-year quarterly average.

Does the cabinet secretary agree with Professor Janice Morphet of University College London who said:

"This could have long-term implications for the provision of affordable housing in London and could have a ripple effect around the country"?

Is the cabinet secretary concerned that Labour's rowing back on its affordable housing ambitions could impact Scotland's funding?

Màiri McAllan: Robust targets for the provision of affordable housing are essential. It is worth looking back and seeing that, between 1999 and 2007, an average of 5,448 affordable homes were delivered by Scottish Labour per annum compared to this Government's record between 2007 and 2025, when an average per annum of 7,734 homes were delivered. That is an average of 40 per cent more per head than in the period when Labour was last in government. Indeed, in the last four years of the Labour-led Government in Scotland, only six new council houses were built compared to the past four years under this Government, when 8,572 new council homes were built.

Meghan Gallacher (Central Scotland) (Con): As we are talking about house building, let us look at the final house building statistics for 2025, which were published this week. All sector new house building completions are down. Private sector new house building completions are down. Social sector new house building completions are down. Affordable house building approvals, starts and completions are down.

How confident is the cabinet secretary of completing 110,000 affordable homes by 2032, or is it the case that the Government has completely given up on that target? By the looks of its statistics, it is not hitting its house building targets.

Màiri McAllan: I am very proud of the Government's record on the delivery of affordable homes, which, as we heard in First Minister's questions, has resulted in the Government delivering some 141,000 affordable homes, more than 100,000 of which have been for the most affordable social rents. However, there is no doubt that, as reflected in the statistics that were published this week, the past few years have been exceptionally difficult. I urge Meghan Gallacher to reflect on the extent to which the hardest of Brexits, which her party pursued, and the economic carnage that her former Prime Minister Liz Truss ushered in have resulted in those economic pressures, not the least of which is the inflation figure for construction costs reaching 24 per cent in the summer of 2022. I ask her to reflect on the impact that that has had on house building.

Katy Clark (West Scotland) (Lab): The number of new homes that North Ayrshire Council plans to build has not increased by a single house since the Scottish National Party took control of the council from Labour in 2022. Will the cabinet secretary advise whether that is the result of a lack of ambition on the part of the current North Ayrshire administration or due to cuts in funding for affordable housing by the Scottish Government?

Màiri McAllan: There is £808 million in the affordable housing supply programme this year. In

the housing emergency action plan that the Government released in September, we committed to up to £4.9 billion of expenditure over the next four years. That is a considerable uptick and provides greater certainty. As I said in my opening response to Mr Gibson, the council's SHIP sets out a target of 1,643 homes and that has just been revised to 1,666.

Temporary Accommodation (Support for Children over Christmas)

2. Paul Sweeney (Glasgow) (Lab): Presiding Officer, I extend to you and all colleagues my best wishes for a happy Christmas and a good new year.

To ask the Scottish Government what support it is providing to the thousands of children who will be living in temporary and unsuitable accommodation over the Christmas period. (S6O-05316)

The Cabinet Secretary for Housing (Màiri McAllan): As Cabinet Secretary for Housing, I assure Paul Sweeney that children who are not in a permanent home—whether they are in local authority temporary accommodation or are among the smaller numbers who are in unsuitable accommodation—are uppermost in my mind at all times of the year but most particularly during the festive period. Although temporary accommodation provides a vital safety net for people when they need it, we want fewer households, especially those with children, to spend long periods in temporary accommodation.

As well as our work to significantly enhance the affordable home supply programme, both with certainty and with more funding than ever before, we are taking action now. That action includes providing an £80 million package as part of the housing emergency action plan that we published in September. The plan asks councils and registered social landlords to buy homes now on the open market, particularly family homes where they are available, in order to help to relieve accommodation pressure, including in relation to accommodation for children. That funding package has been coupled with an ask that people who are in temporary accommodation that, despite being temporary, is otherwise suitable, be given the opportunity to flip it to a permanent home.

Paul Sweeney: I am sure that the cabinet secretary will have noted from Shelter Scotland's report last week that two in five phone calls to its helpline are related to families who are urgently seeking temporary accommodation. It reported that clients are routinely being denied their right to temporary accommodation or are being placed in housing that is unsuitable according to the law.

Families are being forced to live in hostels or are put in dingy temporary flats that make them ill and leave children traumatised, with potentially lifelong effects on their mental and physical health. It is a national scandal that that is how thousands of children across Scotland are spending yet another Christmas—with precious childhood development being robbed from them because of an inadequate and declining housing supply. Does the Government recognise that this is a public health emergency as much as anything else? What will the cabinet secretary say directly to the families who are facing that housing emergency?

Màiri McAllan: I say to those families that the Government is supporting them. As I said, we are supporting them with a major affordable homes delivery programme for the coming four years, which builds on the success that we have had to date, whereby 141,000 affordable homes have been delivered. I am supporting them with an acquisitions fund from which we are asking councils to buy homes now. I am supporting them with guidance on flipping.

The other thing that I have to bring to Mr Sweeney's attention is the fact that we are now in the second year of a local housing allowance freeze. That is preventing people from being able to maintain tenancies and pushing them into homelessness. It is a British Labour Party policy, so, although I do not doubt Mr Sweeney's commitment, particularly to children in Glasgow whose families cannot sustain their tenancies, he really ought to make representations to his leadership in London to scrap the bedroom tax and unfreeze local housing allowance.

The Deputy Presiding Officer: We will need slightly shorter questions and also slightly briefer responses.

Refugees and Asylum Seekers (Misinformation)

3. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what action it is taking to address misinformation in relation to refugees and asylum seekers and to promote community cohesion. (S6O-05317)

The Minister for Equalities (Kaukab Stewart): When our communities are telling us that they feel threatened and are under pressure, we all have a responsibility to listen, to build trust and to reduce tensions. That can help to ensure that misinformation spreads less easily. As part of that, we all need to be mindful of the information that we are sharing and the language that we use.

The Scottish Government is deeply concerned about some of the rhetoric that we are hearing across the United Kingdom, which should have no place in our society. Refugees and people seeking

asylum must not be scapegoated for current complex challenges. In September, I set out our approach as part of my “One Scotland, Many Voices” statement to the Parliament. That approach includes an additional £300,000 to support grass-roots projects that are uniting people from different backgrounds, cultures and faiths.

Ruth Maguire: The conflicts that people flee from start not with bullets, but with words. Will the Scottish Government join the Scottish Refugee Council in encouraging all members of the Scottish Parliament to sign up to its pledge, which asks not for any debate to stop, but simply that, when MSPs speak about refugees and people seeking asylum, they do so with dignity and compassion; they avoid language that dehumanises, stereotypes or fosters division; they promote public understanding that is rooted in fact, fairness and empathy; and they uphold the responsibility of political leadership to nurture the development of human rights?

Kaukab Stewart: I thank Ruth Maguire for highlighting the principles in that pledge. I am pleased to note that dozens of MSPs have already signed the Scottish Refugee Council's pledge. As of 10 December, more than 40 MSPs had signed the cross-party pledge, although no Conservative colleagues had done so—I wonder which of the principles in that pledge they feel unable to uphold. I urge them to join their colleagues across the parties of the Scottish Parliament in upholding the responsibility of political leadership to nurture the development of human rights, to stick to facts and fairness, and to avoid language that dehumanises and stereotypes. I am sure that they can join us in signing that pledge.

Claire Baker (Mid Scotland and Fife) (Lab): Will the minister join me in utterly condemning the individuals who gathered on the steps of Kirkcaldy town house with raised right hands and a flag with Nazi symbolism on it? Locals have reported that those individuals were a group of teenagers. Although there has been one arrest, about 40 people attended the gathering. In work to promote community cohesion, what focus has been placed on tackling the radicalisation of young men in our communities?

Kaukab Stewart: I condemn any behaviour that raises tensions and creates division in our societies—there is no place at all for that. It is perfectly possible to have the right to free speech, but we need to be mindful that there is clear hate crime legislation. There are strands in the equally safe strategy that directly address work on the radicalisation of people, particularly young people and young men.

Meghan Gallacher (Central Scotland) (Con): During a radio interview this week, the Cabinet

Secretary for Housing appeared to call for refugees and asylum seekers to remain in hotels for longer, to ease Scotland's housing crisis. Will the minister clarify and confirm whether it is now the Scottish Government's position that hotels should be a long-term solution for housing asylum seekers and refugees? Will she also ensure that the priority need and local connection loopholes are closed, so that our cities are not disproportionately affected?

Kaukab Stewart: I, too, listened to the interview, and I think that that question is a total mischaracterisation of what the cabinet secretary said.

Housing Investment (Pension Funds)

4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government what discussions the housing secretary has had with ministerial colleagues regarding arrangements for accessing pension funds as a source of investment to build affordable and social housing. (S6O-05318)

The Cabinet Secretary for Housing (Màiri McAllan): I have discussed with ministerial colleagues the work of the housing investment task force, which included the utilisation of pension funds, along with other sources of finance, to increase investment in affordable housing. I have also had direct discussions with pension funds and the Scottish National Investment Bank on how we can build on what has been done to date. That includes significant direct investment in registered social landlords, in partnership with the Scottish Government.

Christine Grahame: That is a heartening response, because it is estimated that there is currently some £250 billion of investment funding available from institutional investors across the United Kingdom, some of which could be available for investment in social housing. For example, pension funds require a return of about 6 or 7 per cent and, of course, security in their investments. That could be provided by social and affordable housing. The cabinet secretary has met with all those people, but will she meet with me to discuss a firm proposal that would involve—but not necessarily require—Scottish bonds as a vehicle for taking the matter forward in 2026?

Màiri McAllan: The Government is on track to issue our first bonds next year, which is a reflection of the strength of Scotland's economy. It is also a step in building the institutions that we need for a prosperous future in which we make our own decisions and reap the benefits of them. The proceeds of those bonds will be used to fund capital investment in key infrastructure, including housing. I would be glad to meet with Christine Grahame to discuss those matters.

Alexander Stewart (Mid Scotland and Fife)

(Con): With recent statistics showing that the number of house building completions is at its lowest level since 18 September, it is clear that companies need more support to build the homes that Scotland requires. What action is the Scottish Government taking to ensure that the funding and regulatory certainty that those companies require is being addressed in order to tackle the housing crisis?

Màiri McAllan: One of the points that is most often put to me in relation to creating policy and regulatory certainty is that we should offer a long-term direction of travel on the policy that the Government will adopt and the funding that will be available. The housing emergency action plan that we set out in September sought to do that. Over the coming four years, we are providing the greatest level of multi-annual certainty on the affordable housing supply programme that we have ever been able to provide. We have accompanied that with more money than has ever been put behind the programme. We have also set a new all-tenure target of 10 per cent growth in the next three years. In those ways and more, we are giving absolute certainty on the direction of travel of Government policy and accompanying that with greater investment.

Small and Medium-sized Enterprise Housebuilders (Support)

5. Alexander Burnett (Aberdeenshire West)

(Con): I refer members to my entry regarding construction in the register of members' interests.

To ask the Scottish Government what action it is taking to support small and medium-sized enterprise house builders. (S6O-05319)

The Cabinet Secretary for Housing (Màiri McAllan): As well as discussing the needs of SME house builders at the Homes for Scotland board, which the First Minister and I attend, I have held subsequent bespoke discussions with the SME sector, to listen to its views and ideas. We have reflected many of those discussions in our emergency action plan, with specific cross-Government intervention to better support SME builders and Scotland's housing sector, including lending by the Scottish National Investment Bank, investment of up to £4.9 billion and, as I mentioned, the introduction of that new all-tenure target. In September, the minister with responsibility for planning and I wrote to planning authorities across Scotland, setting out our expectation of proportionality when dealing with SMEs.

Alexander Burnett: Is the cabinet secretary aware that, between the late timing of the United Kingdom budget and the traditional Christmas slowdown, house sales have dropped for longer

than usual, with some developers pausing work on sites? That will make Tuesday's statistics on new starts and completions even bleaker.

With the Scottish budget fast approaching, when the cabinet secretary met Homes for Scotland, was she able to support its calls regarding any increased capital consequential funding coming to Scotland to provide support for first-time buyers, to confirm multiyear funding commitments to the affordable housing supply programme, and to provide increases to the planning budget to ensure that resource and capacity are increased?

Màiri McAllan: I meet Homes for Scotland regularly and speak to it in detail about its proposals. The Cabinet Secretary for Finance and Local Government will set out the content of the budget in due course.

If I am wrong about this, I will speak to Mr Burnett, but I am quite sure that the conditionals that would flow from the investments that are planned by the UK Government are already outstripped by what we propose to invest in the coming four years.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Will the cabinet secretary say a little more about the importance of proportionality in the planning system for SME house builders and, in particular, how the Scottish Government is communicating that to stakeholders?

Màiri McAllan: Proportionality is key, because we are talking about a question of viability. Viability requires regularity, and it requires SMEs to be able to enter the planning system with an expectation of what will be involved and the length of time that it might take. That is exactly what I have been calling for from chief planners. We will continue to work with SME house builders and chief planners to get the balance right between a well-functioning planning system and one that is both regular and predictable.

Temporary Accommodation and Homelessness (Support for Local Authorities)

6. Rona Mackay (Strathkelvin and Bearsden)

(SNP): To ask the Scottish Government how it is supporting local authorities, such as East Dunbartonshire Council, to reduce the use of temporary accommodation and prevent homelessness. (S6O-05320)

The Cabinet Secretary for Housing (Màiri McAllan): The best way to reduce the need for temporary accommodation is to help people to stay in their homes in the first place; namely, to prevent homelessness in the first place. I have mentioned a number of times the multi-annual funding and the major affordable homes delivery programme that we have launched for the coming four years. I mentioned in response to Paul

Sweeney that we are investing more than £100 million in discretionary housing payments, helping to mitigate the local housing allowance freeze and the bedroom tax in Scotland. We will continue to support people, including in East Dunbartonshire, through those funds.

Rona Mackay: East Dunbartonshire Council is working hard to reduce the use of temporary accommodation, but prevention is the key. Will the cabinet secretary outline how the temporary accommodation standards group is specifically helping local authorities to prepare for their new prevention duties under the Housing (Scotland) Act 2025, to ensure that families are supported before they reach crisis point?

Màiri McAllan: Rona Mackay is absolutely right to mention the new prevention duties. I have focused a lot of my answers on the work of the housing emergency action plan, which was published at the start of September, and, of course, the Parliament passed the Housing (Scotland) Act 2025 at the end of September. That contained what can be gold-standard homelessness prevention duties, which we have developed alongside experts such as Crisis. To ensure that the duties can have the effect that we know that they can, we are investing an additional £4 million this year in pilots to work out exactly how the prevention duties can best function and can best begin supporting people to avoid homelessness.

Jamie Greene (West Scotland) (LD): The reason why East Dunbartonshire Council is having to put people in hotels or bed and breakfasts is that it has access to only 50 council-owned temporary properties. Shelter Scotland told me that 240 households in that council area alone are at risk of immediate homelessness. I do not know how any of us can go home after Parliament today and tuck into our turkeys next week knowing that there are children in Scotland who will spend Christmas day in a B and B or a hotel room. It is not a housing emergency, minister—it is a personal tragedy. What do you have to say to them?

The Deputy Presiding Officer: Always speak through the chair.

Màiri McAllan: What I have to say to them is that every effort that I have made since becoming housing secretary has been put into ending children living in unsuitable accommodation, stopping children spending longer periods of time in temporary accommodation than they ought to, and making sure that there is a sufficiency of affordable homes in Scotland to meet the growing needs of our population.

Specifically on the situation in East Dunbartonshire, I mentioned that we are investing

more than £100 million in discretionary housing payments to mitigate the bedroom tax and to help to mitigate the local housing allowance freeze. That includes £901,000 for East Dunbartonshire Council to help people who are struggling with housing costs. East Dunbartonshire Council also receives an annual share of £30.5 million to prevent homelessness, as well as a share of £8 million for rapid rehousing. That alone ought to make a difference in East Dunbartonshire this year.

Women and Children in or Survivors of Prostitution (Investment in Prevention, Housing, Safety and Recovery)

7. Ash Regan (Edinburgh Eastern) (Ind): To ask the Scottish Government, regarding its equally safe delivery plan, what discussions the Minister for Equalities has had with ministerial colleagues regarding the provision of sustained social and economic investment in prevention, housing, safety and long-term recovery for women and children currently in, or who are survivors of, the commercial sexual exploitation of prostitution. (S6O-05321)

The Minister for Equalities (Kaukab Stewart): The Scottish ministers regularly discuss the progress that is being made on the actions that are detailed in the equally safe delivery plan, which include work to deliver Scotland's strategic approach to challenging men's demand for prostitution. We are working across Government to ensure that all providers of support services, including housing practitioners, are equipped with the skills and knowledge to support victims of commercial sexual exploitation. Our focus remains on supporting recovery and sustainable exit from prostitution and developing a pathway of consistent support, from crisis support through to preparing to exit. We will continue to build on that with stakeholders.

Ash Regan: Prostitution generates billions of pounds globally for the sex trade, and it is the world's third-largest criminal industry after the drugs and arms trades, yet it is the public purse that bears the cost.

In Scotland, prostitution is among the highest-cost forms of gender-based violence. Evidence that I recently shared with the Government shows that violence linked to prostitution alone costs £382 million each year—that is 0.6 per cent of the Scottish budget, or £69 per person—and that lifetime public sector costs reach up to £350,000 per exploited individual. Does the Government agree that it is only by tackling the root cause, through criminal deterrence of sex buying and sustained investment in prevention and trauma-informed support, exit and recovery services, that we can reduce that crisis spending—

The Deputy Presiding Officer: We need briefer questions.

Ash Regan: —and uphold the Christie commission principles?

Kaukab Stewart: I made clear in my original answer the work that we are doing through the equally safe delivery plan. I have already explained, so I do not need to repeat, the methods by which we are making sure that women can exit prostitution and that we challenge men's demand.

House Building

(Impact of Regulations on Construction Costs)

8. Douglas Lumsden (North East Scotland) (Con): To ask the Scottish Government what assessment it has made of the impact that increased regulations have had on the construction costs of house building. (S6O-05322)

The Cabinet Secretary for Housing (Màiri McAllan): The Scottish Government is committed to ensuring that regulatory changes are introduced following full consideration of their wider implications, including in respect of the construction costs of house building.

Douglas Lumsden: Research by Homes for Scotland found that regulations introduced since 2021 have increased the cost of house building by more than £20,000 per home, and those costs are expected to rise over time.

Considering that Scotland's house building rate is well below the required level, will the cabinet secretary commit to reviewing current and proposed regulations with a view to making it easier and more affordable for the sector to build the homes that Scotland needs?

Màiri McAllan: As I have said a number of times, we have recently set out plans for us to continue our track record on the delivery of affordable homes with a major delivery programme over the coming four years. Of course we are mindful of all the things that have a bearing on the deliverability of that.

However, I am not clear which aspects of, for example, fire safety regulation, accessibility regulation or, indeed, regulation that will ensure that we have warmer, energy-efficient homes Douglas Lumsden thinks are not required. For my part, I believe that they all ought to be taken forward, but I will always be mindful of the impact that that can have on costs.

The Deputy Presiding Officer: I will call Emma Harper for a brief supplementary question, but I encourage members at the back of the chamber to cease their conversations.

Emma Harper (South Scotland) (SNP): As the cabinet secretary has touched on, the largest

contributor to rising construction costs is the Tories' botched Brexit.

Douglas Lumsden: What nonsense.

Emma Harper: Will the cabinet secretary expand on the impact that Brexit, which is now backed by Labour, is continuing to have on the construction industry?

Màiri McAllan: Douglas Lumsden shouted "nonsense" as Emma Harper asked her question, but the people who do business in Scotland do not think that what she said was nonsense.

Brexit has had a profoundly damaging impact on Scotland and continues to harm the United Kingdom economy. Trade barriers are projected to reduce Scotland's gross domestic product by at least £4 billion in the long term, and that is, of course, being felt in construction.

The Deputy Presiding Officer: That concludes portfolio questions. There will be a brief pause before we move to the next item of business, to allow members on front benches to change.

Contract (Formation and Remedies) (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-20173, in the name of Siobhian Brown, on the Contract (Formation and Remedies) (Scotland) Bill at stage 1. Members who wish to participate in the debate should press their request-to-speak buttons.

I call Siobhian Brown to speak to and move the motion. Minister, you may have around six minutes.

13:17

The Minister for Victims and Community Safety (Siobhian Brown): The Contract (Formation and Remedies) (Scotland) Bill, which implements recommendations made by the Scottish Law Commission in 2018, is concerned with contract law—specifically, the formation of contracts and what happens in certain contexts if the terms of a contract are not met.

Contract law is important to our everyday economic life and in all types of transactions. It involves businesses and individuals alike. Many contracts are made and carried through and then become the subject of disputes between parties who have no professional assistance. One of the bill's principal purposes is to produce legal rules that are clear, certain and accessible, and, like most of the witnesses that the Delegated Powers and Law Reform Committee heard from, I think that that aim has been achieved.

It is important to be clear at the outset that the majority of the provisions in the bill are default provisions—in other words, parties can continue to enter into contracts on their own agreed terms and do not have to follow the provisions in the bill if they do not fit with their circumstances. That reflects the principle of party autonomy, which witnesses and the committee recognised as vital. I should also say that the bill is not a complete codification of the law of contract formation; it largely restates the current law while clarifying doubts that have accumulated over the years.

The main reform in part 1 is the abolition of the postal acceptance rule. Under that rule, a contract may be concluded without one party ever having received communication to that effect. Abolition of that rule has been an SLC recommendation for a long time; indeed, it is a recommendation that has been made a number of times over the past 50 years, and I am pleased to bring forward a provision that will, finally, give effect to it.

Part 2 of the bill deals with some of the remedies for breach of contract. However, it is not a complete consolidation of the law on remedies. The SLC consulted on the issue, but it was clear from stakeholder opinion that there was no appetite for such a far-reaching reform of the law. Instead, the bill reforms parts of the law on the steps that one party can take when the other party has breached its contractual obligations.

I will move on to the law of retention, which is a remedy that is meant to be used by parties to encourage performance of a contract without having to go to court. I wrote to the committee in October to set out my intention to lodge amendments at stage 2 to reform that law, and it is the end result of a period of consultation building on the considered work of the SLC and Lorna Richardson of the University of Edinburgh over the past decade or so.

The law of retention is unclear, and we have an opportunity here to bring much-needed clarity. As there appears to be some doubt among stakeholders whether the retention provisions will be default, I make it clear that it is my intention that those provisions can be contracted out of. That is an important point, and it addresses a number of concerns that were raised by witnesses.

Martin Whitfield (South Scotland) (Lab): Will the Scottish Government's proposed amendments take account of recent case law, which I think speaks to some of what the minister is referring to?

Siobhian Brown: Yes, we will be considering that, too.

I know that the committee is supportive of the amendments, but it has asked me to look at drafting suggestions. I am willing to do so, and my officials will discuss matters with stakeholders in the lead-up to stage 2.

The final point that I would like to make about the bill concerns transitional provisions. A number of witnesses were strongly of the view that the provisions, if agreed to by the Parliament, should apply to contracts that are entered into after the commencement date, not to contracts that have already been formed. As I told the committee when I gave evidence, I share that view at the moment.

The general practice is to provide for transitional and commencement matters in regulations, and section 25 of the bill provides for those powers. The specifics will be worked out as the final form of the bill becomes clearer, keeping in mind that any amendments might have a bearing on the most desirable approach to be taken here. Overall, having listened to the stage 1 evidence, I am pleased that there is broad consensus on the

approach being taken in the bill, and I welcome the committee's recommendation to agree to its general principles.

I thank the Scottish Law Commission for the considerable work that went into this reform project. In particular, I thank the lead commissioner, Professor Hector MacQueen, for the time and effort that he has given to both the SLC and the Scottish Government; and I thank Lorna Richardson, a lecturer in commercial law at the University of Edinburgh, for her work with us on the general scheme for reforming the law of retention, which we consulted on earlier this year. I also thank everyone who gave evidence to the committee, and the members and clerks of the Delegated Powers and Law Reform Committee for their work in scrutinising this bill.

Finally, I thank Lady Paton, the chair of the Scottish Law Commission, for all her hard work over the past seven years at the commission. Lady Paton has personally overseen work on damages for personal injury and homicide, while working with the Scottish Government to introduce five SLC bills, including this one, in this parliamentary session. Her tenure as chair of the commission has come to an end, and I wish her all the very best in moving forward.

I move,

That the Parliament agrees to the general principles of the Contract (Formation and Remedies) (Scotland) Bill.

The Deputy Presiding Officer: I call Stuart McMillan, to speak on behalf of the Delegated Powers and Law Reform Committee.

13:23

Stuart McMillan (Greenock and Inverclyde) (SNP): I, too, thank Lady Paton and everyone at the Scottish Law Commission for their excellent work. I also thank everyone who has engaged with the committee on the bill, in writing and in oral evidence—they have certainly assisted with our scrutiny.

I also want to thank our excellent clerking team for their first-class support during the scrutiny of the bill, and MSP colleagues for the way in which they went about working on the bill. The work was undertaken in a very collegiate way.

I am pleased to speak in this stage 1 debate as convener of the Delegated Powers and Law Reform Committee, the lead committee for this bill. This is the fifth Scottish Law Commission bill on which the committee has acted as lead committee in this session, and it is worth saying that it is a part of the committee's role and remit that members enjoy and find very worth while.

As set out in the Presiding Officer's determination to identify a Scottish Law

Commission bill, when the DPLR Committee is to be the lead committee, the bill should

"make provision which is not likely to generate substantial controversy among stakeholders."

That means that the bills that we look at are unlikely to grab lots of media attention; nonetheless, they are really important bills for us to consider.

The minister touched on the fact that contracts are formed all the time. Indeed, they are the lifeblood of economic activity in Scotland and internationally. We heard that even acts as simple as buying an item in a shop constitute forming a contract, which means that contracts are being formed all the time by individuals who have no legal training and without taking any advice. Despite that, contract law has, in large part, been developed under common law and, as such, is less accessible to lay people if and when disputes arise.

One key aim of the bill is to make rules that are clear, certain and as accessible as possible, and the committee agreed that a law like this, which sets out default rules relating to the formation of contracts and aspects of the law on remedies for breach of contract, is an appropriate way of achieving that.

The Scottish Law Commission's work on contract law dates back almost to its inception, as was outlined to the committee by Professor Hector MacQueen, who acted as lead commissioner on the project that led to the bill. Anyone who reads the SLC report on its review of contract law, which was published in 2018, can be left in absolutely no doubt of the comprehensive and thorough job that the commission did, and I want to pay tribute to it for that work.

I should say that, although the review was comprehensive, the aspects of contract law that it recommended for inclusion in the bill were actually much more limited, a point that came up in our evidence sessions. I just want to highlight how focused the legislation actually is. I certainly see much merit in the approach taken by the SLC and adopted by the Scottish Government, with the bill very much focusing on the formation of contracts and on certain remedies for breach of contract. The approach was widely supported by those from whom the committee heard, including academics, practising lawyers and representatives of business organisations.

The rules will also be largely default ones, meaning that, by mutual agreement, parties to contracts can opt out of them. That was seen as essential to the freedom of contract principle and to allowing sophisticated parties to continue to contract as they wished. However, the default rules will also provide a clear backstop for small

and medium-sized businesses, should they choose to contract without opting out. That flexible approach was supported by the committee.

There was also much support for the abolition of the postal acceptance rule, something that the minister touched on. The idea that a contract can be accepted without being received by the offeror does not seem particularly intuitive to those without legal training; indeed, the Federation of Small Businesses Scotland told us that it did not think many of its members were aware of the old rule. Colleagues will also be aware of the question that I asked during First Minister's questions, regarding some of the current issues with Royal Mail. If we had a fully functioning Royal Mail, it would be harder to argue against the status quo, so this particular change is really apt for the present day.

The committee also agreed that the general rules in the bill that cover when notification takes effect were reasonable, despite some suggestions to the committee that they could be more specific. However, the committee also heard the counterargument that to do so, and to go into more detail in the bill, could prove problematic, because not every eventuality can be legislated for and the current rules were considered by many witnesses to be relatively future proof. Anyone who was in Parliament during the Covid pandemic will recognise how impossible it is to legislate for every eventuality.

Finally, the Scottish Government also plans to lodge amendments at stage 2 to amend the law of retention. The committee heard a lot of support for the bill to be extended to include provision on retention, on condition that the provisions can be contracted out of, and we are pleased that the Scottish Government has confirmed that such flexibility will be allowed for in the new rules.

All that is left to do is to confirm that the committee recommends to the Parliament that the general principles of the bill be agreed to. As convener of the committee, I wish everyone a very merry Christmas and a happy new year.

The Deputy Presiding Officer: I call Roz McCall to speak for about four minutes.

13:28

Roz McCall (Mid Scotland and Fife) (Con): It gives me pleasure to speak in the stage 1 debate on the Contract (Formation and Remedies) (Scotland) Bill. I inform members—whoever is left in the chamber—that I do not intend to take my full six minutes, but please do not in any way take that as a comment about the importance of the bill.

In my short career as a member of the Scottish Parliament, I have not had the pleasure of working

on a bill that has been supported by pretty much everyone who gave evidence. Only one respondent, Dr Jonathan Brown from the University of Strathclyde, was against the proposals. Although I understand his passion for the continued support of Scottish common law, clarification in the area of contract law has been needed for some time and, as has been mentioned, the bill is universally supported by stakeholders.

I take the opportunity to thank the Scottish Law Commission and everyone who participated in the evidence sessions. Additional thanks go to the clerks and staff on the committee for all their hard work.

As has been stated, the bill makes provision regarding the formation of contracts and the remedies for breach of contract. Many stakeholders have found the legal framework around contract law to be difficult to navigate. The Scottish Law Commission's work leading up to the bill's introduction concluded that some parts of contract law were unclear, difficult to find and in need of modernisation, and the bill rectifies those issues.

Academics are in agreement. Professor Stephen Bogle and Professor Tom Johnson from the University of Glasgow support the proposed reforms. They said:

"Considering the landscape of contemporary litigation in Scotland, it is increasingly evident that reform is needed—particularly due to the limited body of case law and a discernible hesitancy within the Scottish judiciary to articulate general principles beyond the specific factual matrix of individual cases".

Business is in agreement. The Federation of Small Businesses in Scotland support the bill's overall aims, with Colin Borland stating:

"It is quite sensible to have the bill to provide clear backstops where they have not been agreed in other terms by the parties. That makes perfect sense. As a general principle, anything that is done to codify, simplify or clarify the law and to make it easier for us as laypeople to understand has to be a good thing".—[*Official Report, Delegated Powers and Law Reform Committee*, 25 November 2025; c 7.]

Lawyers are in agreement. The Law Society of Scotland supports the proposed reforms, stating:

"it is clear that a new statutory regime has the potential to offer benefits to certain parties by offering users a means to form agreements without a detailed understanding of case law or wider academic and institutional writings."

Who are we to disagree? In layman's terms, the bill makes it easier to understand the legalities around contracts, the implications of them and, if needed, the ability to contract out.

If I had to find anything that might be a small negative in regard to the bill, it would be that it has been a long time coming. The Scottish Law

Commission has been looking at issues related to contract law since it was established in 1965, and the bill follows recommendations that the Law Commission made in 2018. It has been seven years in the making, which is perhaps a little disappointing.

I highlight the committee's findings regarding retention. The Law Commission's report stated that the law of retention did not need statutory reform, but that was not an accepted position when the Scottish Government consulted on the report back in 2024. Stakeholders have advised that the law of retention is now less clear than it was when the Law Commission published its report and that the law would benefit from clarification. I recognise the minister's willingness to lodge amendments on retention at stage 2, and I welcome her collaborative approach on that issue and to the bill in general.

It is welcome that this bill has finally come to pass, and I sincerely hope that stages 2 and 3 are equally congenial.

The Deputy Presiding Officer: Thank you, Ms McCall—I am grateful to you for not using all six of your four minutes.

13:33

Katy Clark (West Scotland) (Lab): I am pleased to open the debate on behalf of Scottish Labour, and I associate myself with the comments from the minister and the convener about Lady Paton.

Scottish Labour supports the general principles of the bill, while calling for the Government to work with stakeholders to consider how the bill could be improved ahead of stage 2. As a member of the Delegated Powers and Law Reform Committee, I was involved in the bill's scrutiny. I thank my colleagues on the committee for the work that they have done in scrutinising the bill, and I thank all stakeholders who engaged with us in the evidence sessions for their involvement in the scrutiny process so far.

There has been a great deal of consensus on the provisions in the bill. It aims to implement recommendations that the Scottish Law Commission made in its 2018 review of contract law in order to codify the law in that area. As the minister said, it is an attempt to codify and simplify the law.

We do not accept that settled law always needs to be codified. However, we recognise the considerable work that the Scottish Law Commission has undertaken, and we support the contents of the bill. We also note that there is limited reform included in the bill. We hope that the

bill does not lead to further litigation but, instead, clarifies the law and gives greater certainty.

As the minister said, the intention is that contract law should be clear. As she also stated, the bill deals with the postal acceptance rule, and there will be proposals in relation to the law of retention, which we welcome.

The bill seeks to implement the recommendations of the Scottish Law Commission by establishing default rules relating to the creation of contracts and aspects of the law on remedies for breach of contract, which we support. It does not intend to be a complete statutory codification of Scots common law on contract. Its provisions are intended as starting points or a default, as the minister outlined, always retaining the option for parties to contract out of them and provide their own rules by agreement.

The bill's provisions might be particularly helpful in international and commercial contexts, in which clarity and predictability are central to maintaining standards. It will also allow the law to be modernised to reflect how the world has changed and, as the convener mentioned, how our postal services have changed, in that they have got far worse and seen no improvement in any sense. We have to deal with the fact that new technology will have an enhanced role and that there will be changes to how communication takes place, with less reliance on postal services.

I welcome the Scottish Government's intention to introduce provisions on the law of retention. I invite ministers to consider the comments and drafting suggestions that have been made to the committee thus far and to engage with stakeholders on those suggestions ahead of stage 2. I hope that there will be consensus in that regard.

It would be helpful if the Scottish Government could provide a further update today on the outcome of any discussions that have taken place before the deadline for lodging stage 2 amendments, given that time will be limited between when we return after the Christmas break and the dissolution of Parliament.

We welcome the bill and the approach of having a simple piece of legislation that uses simple language so that parties know exactly what the rules are that govern them. We will be pleased to agree to the general principles of the bill, and we call on the Scottish Government to seek further views on its drafting and to prepare guidance that seeks to make the law as straightforward and usable as possible.

13:37

Lorna Slater (Lothian) (Green): The bill seeks to modernise Scots contract law by clarifying how contracts are formed and what remedies will apply when obligations are not met. Scots contract law is based on historical common law principles that are scattered across case law and often hard to access.

In its 2018 report, the Scottish Law Commission identified that parts of the law were unclear, outdated and difficult to find, which creates uncertainty for businesses and individuals. The reforms that are proposed in the bill follow the Scottish Law Commission's recommendations and aim to provide greater certainty and accessibility. The bill will introduce statutory rules on offers, acceptance, withdrawal and lapse. It will also codify remedies for breach, including restitution and valuation of benefits when no price is agreed. The changes are intended to make the law clearer and more predictable.

On remedies, although the inclusion of restitution and retention provisions is positive, some consultees expressed concern about their practical application. For example, how will courts assess reasonable value when no price is agreed? Will that lead to more litigation rather than less? I look forward to hearing more about those issues as the bill progresses.

Small businesses and consumer groups have welcomed the clarity, but they have also cautioned that the bill's language must remain accessible. If the bill becomes overly technical, it could replicate the very barriers that it seeks to remove.

There are also questions about how the rules will interact with existing consumer protection frameworks. One of my concerns about the bill is that it will allow parties to contract out of many statutory provisions. For example, a consumer might pay for a service that never happened, but the contract might say that there will be no refunds under any circumstances. Under the bill, that might be enforceable if the consumer agrees, even though the default law would allow recovery.

Martin Whitfield: I think that Lorna Slater shares my concern that the inequality of contracting power might be exploited by one party to work against individuals. Does she agree that that needs to be considered at stage 2, even if only to provide reassurance that such circumstances will not happen?

Lorna Slater: I completely agree. As I continue my remarks, Mr Whitfield will understand why. Although a contractor being able to contract out of statutory rights respects commercial freedom, some consumer advocates fear that protections for individuals in asymmetric relationships will be weakened, as Mr Whitfield said.

Oliver Mundell (Dumfriesshire) (Con): I do not disagree with the general point that Lorna Slater is making, but does she recognise that there are other mechanisms to protect the type of individuals whom she is talking about? For example, there are consumer rights, so there might be other mechanisms to address the issue.

Lorna Slater: I had not yet concluded my remarks, so Oliver Mundell has no idea what remedy I am proposing. I will now conclude my remarks.

Corporations have clever lawyers to draft dense contracts, and consumers often do not know what their statutory rights are. They might not even be aware that they are contracting out of them. My question to the minister is: what obligations or guidance will the Scottish Government put in place to ensure that individuals entering into contracts under the bill are not, without their full knowledge and consent, opting out of the statutory provisions that exist for their protection and wellbeing?

The Deputy Presiding Officer: We move to the open debate. I call Bill Kidd, who has around four minutes.

13:41

Bill Kidd (Glasgow Anniesland) (SNP): I will not need 16 minutes or four minutes or anything like that, but that is beside the point. I thank Lady Paton, as everyone else has done. The way in which she has led this work and work on other elements of Scots law is absolutely brilliant.

I thank the Delegated Powers and Law Reform Committee's clerking team, which has been excellent, as always. I also thank the Scottish parliamentary legal team for all the help that it has given us; it has been absolutely fabbydoo.

The bill restates and reforms aspects of contract law in Scotland and will produce rules that are clear, certain and accessible. It is important economically and socially that the contract law regime in Scotland is fit for the 21st century, so we have to make changes to improve, simplify and update aspects of contract law. I am pleased that the Delegated Powers and Law Reform Committee, working with stakeholder witnesses, has managed to show a broad consensus on the general principles of the bill, because we have to make the law clearer and more accessible.

The Scots law of contract has largely developed as a matter of common law, which limits the law's accessibility to those without legal training. We need to introduce a modern and clear statute that will deal with disputes between parties in a way that is not possible in any single court case. The bill will introduce legislation that makes changes to

improve, simplify and update aspects of common law.

The Delegated Powers and Law Reform Committee recommends that the general principles of the bill should be agreed to. The Law Society of Scotland has said that the legislation represents a

“modern approach”

and will

“address uncertainties on a number of specific points around contract law”.

If we agree to this very focused bill, we will make the law more accessible to lawyers and laypersons alike, reduce the number of disputes with consequential litigation, allow savings in court time and support preparation for litigation in contributory negligence cases. We must take our opportunity to ensure that contract law is fit for a modern Scottish economy.

The Deputy Presiding Officer: I call Oliver Mundell, who has around four minutes.

13:44

Oliver Mundell (Dumfriesshire) (Con): I am grateful for the clarification on time, Presiding Officer, because Martin Whitfield told me on the way into the chamber that he was planning to speak for 30 minutes, and it frightened me that I might not get my lunch.

With that to one side, I associate myself with the kind words that have been said by many members in relation to Lady Paton. She has done an excellent job and has played a significant part in the fact that five Scottish Law Commission bills have proceeded during the parliamentary session.

Although today's debate is in the graveyard slot and there is not a lot of controversy around it, we should not allow ourselves to mistake that for saying that the bill is not important. Parliament is not just here for headlines or to provide social media clips. The fact that we have waited almost a quarter of a century in the devolved era for this legislation to come forward poses some questions about how we do our business. Today's debate is perhaps not the place to get into that, but there is room in a new parliamentary session for new thinking about further enhancing the processes that allow such bills to come forward and for allowing committees in general to introduce legislation.

Credit is due to Graeme Dey for pushing the process forward and for recognising the work of the DPLR Committee and the enthusiasm of its members, which is evident even today, just before Christmas. Credit is also due to Stuart McMillan in particular for making the time to look at the bills in

such detail and with exactly the same consideration as would be given to any other legislation. As a past member of that committee, I know how well that has worked and how well the committee is supported by its clerks and the Parliament's legal team.

As we have heard, there is little question about members' support for the bill's general principles. The only substantive opposition and concerns appear to have come from those who retain a romanticised attachment to common law and the institutional writers of ages past. When we look at the modern world and at some of the legislation that makes it on to the statute books, it is perhaps easy to see where such views come from. However, as other members have referenced, the world has changed and, if only we still had a reliable postal service to fall back on, things might be different.

I get that there is an attraction to maintaining traditions and distinctiveness in our legal system, but that has to be balanced and tempered by reality, both commercial and social. Predictability and accessibility in the law matter, and law does not exist in a vacuum, nor are its impacts confined exclusively within the bounds of Scotland. I think that that makes a strong case for careful and gradual codification in areas where uncertainty has emerged. It is important to recognise that that uncertainty has not emerged on purpose but through the absence, age and specific nature of case law.

In a number of key areas, the bill will make processes easier and will provide, as other members have referenced, a backstop or a starting point for contract formation. That is surely a good thing.

In closing, as we have already heard from any doubters, there will always be the opportunity for those who do not like the bill and its provisions to opt out and agree on alternatives. Those who stand to benefit most are the very individuals and small businesses that rely most on the law to establish fairness and balance. I therefore look forward to the bill moving forward to stages 2 and 3.

The Deputy Presiding Officer: We move to closing speeches.

13:48

Lorna Slater: The Greens support the bill's principles of modernisation and clarity. We must ensure that the bill works for individuals and small enterprises, not just large organisations with legal teams. That means clear drafting, robust guidance and monitoring of its impact in practice.

The bill is technical, but its implications are far reaching. Contracts underpin everyday life—from employment to housing to business. We still need to approach stage 2 with consideration, listen to stakeholder concerns and ensure that the reform delivers the clarity and fairness that it sets out to deliver.

The Deputy Presiding Officer: I call Martin Whitfield, who has up to four minutes.

13:49

Martin Whitfield (South Scotland) (Lab): It is a pleasure to close this, if not graveyard debate, perhaps more terms and conditions slot that we find ourselves in, given that we are discussing contract law. The bill is a serious and thoughtful attempt to modernise Scots contract law that introduces clear statutory rules on contract formation and remedies for breach that will improve certainty, accessibility and fairness, particularly for people who negotiate without the specialist legal advice that some companies and corporations have.

As we have heard, the bill stems from the Scottish Law Commission's 2018 review. Like others, I thank Lady Paton and the commission for the valuable work that they do.

A number of members have pointed out the challenges around what the current postal service provides in relation to the 19th century concept of postal acceptance, which will be abolished. I hope that I speak for the whole chamber when I say that that is a criticism not of our postal workers but perhaps of the organisation that they find themselves in.

The Law Commission's purpose was explicit. It needed rules that are clear, as certain as possible and accessible to lawyer and layperson alike. That latter point is hugely important. Colin Borland of the Federation of Small Businesses welcomed that approach. He said:

"It is quite sensible to ... provide clear backstops"

and that

"anything that is done to codify, simplify or clarify the law and to make it easier for us as laypeople to understand has to be a good thing."—[*Official Report, Delegated Powers and Law Reform Committee*, 25 November 2025; c 7.]

I echo that view.

Similarly, the Law Society of Scotland noted that, although it may be overstating matters to argue that Scots contract law needs reform, a new statutory regime has the potential to offer benefits by providing rules that are usable without deep recourse to case law and academic sources, which we have heard about today.

I thank the Delegated Powers and Law Reform Committee for its phenomenal work with regard to this and other commission reports. I say gently to the committee's convener that, although the bill has not attracted mass interest so far, we can be certain that, if mistakes were made and legislation that had unforeseen consequences was created, people would scream and shout. The committee does incredibly powerful work. It may go unnoticed, but that is perhaps one of the virtues of its success.

On the speeches that we have heard today, I thank Bill Kidd, if only for getting "fabbydoo" into the *Official Report* again—well done. I also thank Oliver Mundell for his speech. I noted his concern that I might speak for 30 minutes, but I would never impinge on the patience of the Presiding Officers by ignoring their indication of the length of time that we have to speak.

We recognise that the bill is not a complete codification. It leaves areas untouched with regard to interpretation, penalty clauses and what is commonly called the battle of the forms. I hope that the Government will signal that, at stage 2, it will lodge amendments on retention that reflect the case law. I look forward to seeing those.

I close by quoting an authority who is germane to the purposes today. When the commission's report was published, Professor Hector MacQueen said:

"when implemented this report will do much to remove current uncertainties as well as simplifying and modernising the law."

That is the destination. Our task in Parliament is to not lose sight of the urgent human challenges that also require the Parliament's attention and to move the bill forward as swiftly as possible.

The Deputy Presiding Officer: I call Roz McCall to close on behalf of the Scottish Conservatives. You have up to four minutes.

13:53

Roz McCall: I apologise once again for my earlier error on timing, Presiding Officer. I will take even less time in this speech.

It was remiss of me not to put on the record my kind thanks to Lady Paton in my opening remarks, so I would like to echo the thanks that other colleagues have expressed.

The Conservatives will support the bill at stage 1, and we will give due consideration to the subsequent stages, making sure that the stakeholders are still supportive as we go through the process. It has been said that this might be a bill that many people would not find sexy—I think that that is one way to put it—but it is nevertheless important and concerns something that everybody

can get behind. We will see that as we move forward.

I have nothing more to add other than to wish everybody a very merry Christmas and a happy new year when it comes.

The Deputy Presiding Officer: I call Siobhian Brown to close on behalf of the Scottish Government. You have four minutes.

13:54

Siobhian Brown: I thank everyone who has contributed to this afternoon's debate. I repeat my thanks to the Scottish Law Commission for the work that has gone into this project and the Delegated Powers and Law Reform Committee for its work in scrutinising the bill.

Contract law is important to our everyday economic life, and the bill will modernise important parts of the Scots law of contract while clearing up doubts that have arisen over a few years. It is clear from today's debate that there is widespread support for the general principles of the bill.

I will touch on a few issues that have been raised today. On electronic communication, section 13 provides a general principle on when a notification, such as an acceptance, reaches another party. The provision is deliberately broad and flexible because it has to work in a wide range of circumstances and be capable of application to future technologies. I am pleased that the Delegated Powers and Law Reform Committee agrees with the approach that is taken in section 13.

Section 13(4) gives a non-exhaustive list of examples in which it might be considered that a notification has reached the other party. However, in individual cases, that must be measured against the general rule in section 13(3). An automatically generated out-of-office response may make it unreasonable to expect the addressee to be able to obtain access to a notification without delay, and the party sending the notification can forward it to a different email address, if known, pick up the phone or speak to someone. It is, of course, open to parties to make alternative provision during their negotiation, and the bill allows for that.

As members have said, this reform is important. In my MSP capacity, I recently visited Royal Mail in Prestwick and heard first hand all the challenges that it faces. Our hard-working postmen all felt demoralised because all they wanted to do was to deliver for the community, yet post was not being delivered and parcels were being prioritised.

I will touch on Katy Clark's comments on the need for guidance. Contracts are used widely, and it would be a significant undertaking to publish and

maintain guidance that accommodates the breadth of purposes to which contracts are put. For example, the Royal Incorporation of Architects in Scotland has suggested that guidance be prepared for the construction sector, but any such guidance would be of limited value because the standard form contracts for the industry would take precedence over the default rules in the bill.

Katy Clark: Would the minister write to the committee in more detail as the bill progresses, outlining sector-specific areas where it is believed that guidance might be helpful?

Siobhian Brown: I was just about to get to that.

I am confident that the bill will make the law more accessible and legally certain than it is at present. I do not feel that guidance from the Scottish Government is needed, which I understood was the majority view that was heard by the committee. The explanatory notes, together with the bill, provide a clear and accessible explanation of what the provisions do. Nevertheless, I have listened to the committee and will write to stakeholders for more information. I will consider the matter further and keep the committee updated.

Martin Whitfield: On the point about the inequality of bargaining power, will the Government reach out to stakeholders to seek their views on whether there is a challenge in the fact that contractors can opt out of this, which may cause problems further down the line?

Siobhian Brown: Yes, and I was going to confirm to Katy Clark that we will be engaging with all stakeholders ahead of stage 2. Mr Whitfield wants a clarification of what engagement is happening with stakeholders. My understanding is that it is on-going, but I will write to him with more detail on that.

Members will be aware that the bill does not affect consumer protections or the protections that are laid out in reserved law. That is expressly stated in section 23 of the bill.

It is clear from the overwhelming majority of stakeholders who submitted evidence at stage 1, and from what has been said in the debate, that reform is needed. The bill will modernise the law and make it more accessible and fit for purpose. There are matters to consider, though, and I look forward to working with the committee on those.

I ask Parliament to support the general principles of the bill. Merry Christmas to everyone.

The Deputy Presiding Officer: That concludes the debate on the Contract (Formation and Remedies) (Scotland) Bill at stage 1.

Sentencing Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-20174, in the name of Angela Constance, which is a legislative consent motion on the Sentencing Bill, which is United Kingdom legislation.

14:00

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I extend my thanks to the Parliament's authorities for their co-operation in expediting the work on this motion, which will enable the Parliament's position to be communicated to the United Kingdom Government before the conclusion of the bill's progress at the House of Lords in early January. I also thank members of the Criminal Justice Committee for their input yesterday, and I look forward to the discussion this afternoon.

I seek the Parliament's approval for this motion to provide legislative consent to the UK Government's amendments to its Sentencing Bill. After on-going engagement with the UK Government on the relevant provisions and further engagement with the Scottish Prison Service and the Parole Board for Scotland, the Scottish Government recommends that the Parliament agree to the motion for legislative consent in relation to the UK Government's amendments.

The UK Government introduced the Sentencing Bill on 2 September 2025 to implement the recommendations set out in the report of the independent sentencing review led by the Rt Hon David Gauke, which was published in October 2024. The bill intends to make changes to the sentencing framework and the management of offenders in the criminal justice system in England and Wales. That includes changes to the sentencing of lower-level offences, release provisions for some prisoners, community order requirements and the restrictions that are available for post-prison supervision.

The areas of law that are covered by the Sentencing Bill are largely reserved. Otherwise, its provisions extend only to England and Wales. However, on 14 October 2025, during the bill's progress through the UK Parliament, the UK Government tabled amendments that seek to change the sentencing and release arrangements that currently apply to individuals who are sentenced for a national security offence to match those that apply to individuals who are sentenced for a terrorism offence. That means that all such prisoners will be considered for parole after serving two thirds of their sentence, rather than short-term prisoners being subject to automatic

release at 40 per cent of their sentence—as they normally would be—or long-term prisoners being considered for parole for the first time at half of their sentence.

As a result of that change, several consequential and technical amendments are required to ensure that those provisions could also operate as intended in Scotland. The legislative consent of the Scottish Parliament is required in relation to those amendments, because we consider that the changes that are being proposed would alter the executive competence of the Scottish ministers in relation to their functions that concern the release of that type of prisoner.

The changes are expected to have little to no operational impact on the Scottish Prison Service, the Parole Board for Scotland or justice social work services in Scotland due to there commonly being a low number of prisoners with that sentence type held in Scottish prisons. The SPS has reported that there are currently no such prisoners in the Scottish prison population.

However, although the impact might be minimal, I strongly advise the Parliament to consent to the changes. It is sensible to ensure alignment with England and Wales with regard to the sentencing of offenders who are convicted of a national security offence. National security offences are considered on a UK-wide basis. Thus, consistency in the treatment of such offenders is important with regard to sentencing and release. In fact, non-consent to the amendments might mean that the regime for the management of national security offenders in Scotland could be considered to be less stringent when compared with that in the rest of the UK. That would leave Scotland at risk of being considered a more attractive location for state threat actors and other offenders in the national security category.

Thus, the legislative consent of the Scottish Parliament is essential to ensure consistency between Scotland and the rest of the UK with regard to the sentencing of national security offences and to also ensure that Scotland does not become less stringent in the treatment of such offences. In light of those points, I urge the Parliament to support the legislative consent motion.

I move,

That the Parliament agrees that all relevant provisions of the Sentencing Bill, introduced in the House of Commons on 2 September 2025, and subsequently amended, affecting changes which align the treatment of national security offenders with terrorist offenders under the Criminal Procedure (Scotland) Act 1995 and the Prisoners and Criminal Proceedings (Scotland) Act 1993, so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

14:04

Liam Kerr (North East Scotland) (Con): I rise to speak to the motion on legislative consent. The legislative consent memorandum on the same bill was considered and scrutinised in committee yesterday.

As the cabinet secretary set out, this issue arises due to the Crime and Policing Bill that is going through the UK Parliament; its clause 8 and schedule 2 contain provisions that require the consent of the Scottish Parliament. The Scottish Government has recommended that the Parliament consent to the relevant provisions in the bill and has clearly set out the reasons for that in the detail of its legislative consent memorandum.

I also found the cabinet secretary's evidence highly persuasive, both yesterday and just now, particularly on the need to ensure that Scotland is consistent with the rest of the country in its treatment of these offenders. I find it persuasive that, without legislative consent, Scotland could be seen as being less stringent and therefore a destination where the sentencing of such offenders is less rigorous.

Having given due consideration to the legislative consent memorandum and the representations that were made yesterday and today, I find myself in agreement with the Scottish Government's recommendation. I confirm that the Scottish Conservatives will vote in favour of the motion at decision time tonight.

The Deputy Presiding Officer: I call Pauline McNeill to open the debate on behalf of Scottish Labour.

14:05

Pauline McNeill (Glasgow) (Lab): As members have heard, the UK Government introduced its bill on 2 September, and the bill will make changes to the sentencing framework and the management of offenders in England and Wales. Most of that bill applies to England and Wales, but, sometimes, when Westminster deals with criminal law matters, that means that something has to be done in this Parliament, too. As the cabinet secretary has said, Scotland cannot be less stringent on matters of national security and counterterrorism.

I have written a speech, but its contents have been covered pretty much word for word by the cabinet secretary. I do not think that there is any point in repeating those words, because the issue is quite clear.

It is unusual for a committee to deal with a legislative consent memorandum and for the Parliament be asked to vote on the motion the very next day, but the committee was pretty

satisfied that there is no controversy in relation to the LCM. As members have heard, the essence of it is that long-term and short-term prisoners will be treated the same, as far as national security is concerned, and they will be released two thirds of the way into their sentence.

Scottish Labour will vote in favour of the motion this evening, and there is nothing more to add.

The Deputy Presiding Officer: I call the cabinet secretary, Angela Constance, to close the debate on behalf of the Scottish Government.

14:07

Angela Constance: I am grateful to members for their contributions this afternoon. I reiterate the Scottish Government's recommendation that the Parliament should consent to the amendments that are being tabled to the Sentencing Bill—not the Crime and Policing Bill, as Mr Kerr referenced at the start of his remarks.

As detailed in my opening statement, the changes will mean that all individuals who are convicted of national security offences will be considered for release by the Parole Board only after serving two thirds of their sentence, mirroring the arrangements that are already in place for terrorist offenders. This approach reflects the seriousness of such crimes and the need for robust and consistent safeguards in managing such offenders across the UK jurisdictions.

The immediate practical effects will be limited. The amendments will require only minor technical adjustments in the work of the Parole Board and the Scottish Prison Service to ensure that the provisions are applied effectively in our system. As previously mentioned, there are no prisoners currently in our prison system for committing those national security offences.

However, the strategic importance of consent is clear. Failure to consent would create an unnecessary divergence between Scotland and the rest of the UK regarding these offences in future. Applying a less stringent sentencing regime could even make Scotland appear to be a more attractive location for such activity in the UK.

For those reasons, I strongly urge members to support the motion for legislative consent, and I commend the motion to the Parliament.

Presiding Officer, it just remains for me to wish you a very merry Christmas and, of course, every member in the chamber a happy Christmas and a good new year. We all want to pay tribute to our hard-working staff who support us in the Parliament and in our offices up and down the country. *[Applause.]*

The Deputy Presiding Officer: That concludes the debate on the motion on legislative consent for the Sentencing Bill, which is UK legislation.

There will be a short pause before we move to the next item of business.

Motion without Notice

14:10

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

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 2.10 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

14:10

The Presiding Officer (Alison Johnstone):

There are two questions to be put as a result of today's business. The first question is, that motion S6M-20173, in the name of Siobhian Brown, on the Contract (Formation and Remedies) (Scotland) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Contract (Formation and Remedies) (Scotland) Bill.

The Presiding Officer: The final question is, that motion S6M-20174, in the name of Angela Constance, which is a legislative consent motion on the Sentencing Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that all relevant provisions of the Sentencing Bill, introduced in the House of Commons on 2 September 2025, and subsequently amended, affecting changes which align the treatment of national security offenders with terrorist offenders under the Criminal Procedure (Scotland) Act 1995 and the Prisoners and Criminal Proceedings (Scotland) Act 1993, so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: That concludes decision time.

Before we move on to members' business, I wish all members a happy and peaceful Christmas. I extend good wishes on behalf of all members to all staff in the Parliament who support us throughout the year. [*Applause.*]

Fishing and Coastal Communities

14:12

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-19427, in the name of Alasdair Allan, on fairer funding allocation for Scotland's fishing and coastal communities. The debate will be concluded without any question being put. I encourage members who wish to participate to press their request-to-speak buttons now or as soon as possible.

Motion debated,

That the Parliament considers the UK Government's allocation of the £360 million UK-EU Fishing and Coastal Growth Fund, which is based on population rather than fishing industry size, to be wholly unfair and deeply damaging to the Scottish fishing industry; understands that Scottish vessels consistently land more than half of the UK's total catch, 63% of total catch value, and over 60% of seafood exports; believes that prior to Brexit, allocations of funds under the European Maritime and Fisheries Fund were 36% for England, 46% for Scotland, 10% for Northern Ireland and 8% for Wales, in comparison to the allocation of under 8% for Scotland via Barnett consequential used as the mechanism for allocating the Fishing and Coastal Growth Fund; recognises what it sees as the vital importance of the fishing industry both economically and culturally to Scotland's coastal communities, including in the Western Isles, and notes calls on the UK Government to reconsider its position on the Fishing and Coastal Growth Fund allocation to better reflect the significant economic contribution of Scotland's fishers and coastal communities.

14:12

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I am grateful for the opportunity to bring to the chamber an issue that matters to every fishing community in Scotland. It certainly matters to people in my island constituency, who have not been slow to raise it with me. I appreciate that the debate on my motion is the Parliament's final item of business before the Christmas recess, so I am grateful to members who have stayed to take part in it. This is not the first time that the subject been raised in the Parliament but, as you will hear, there is good reason to raise it again.

In October this year, the United Kingdom Labour Government allocated its new United Kingdom-European Union fishing and coastal growth fund across the UK in a way that bears no relation whatsoever to the scale of Scotland's fishing industry or, indeed, to the way in which such funds have been allocated in the past. Scotland consistently lands around 63 per cent of the UK's total catch value, and more than 60 per cent of the UK's seafood exports come from Scotland.

However, the UK Labour Government has decided that, of the £360 million fund, only £28 million will make its way to Scotland's coastal communities. The much smaller fishing industry in England is set to receive £300 million. Scotland has somewhere between half and two thirds of the UK's fishing industry, but we will get less than an 8 per cent of the UK Government's fund. That is because the funding has been divided up based on Scotland's share of the UK's human population—a fact that has nothing whatsoever to do with the scale of our fishing industry. Certainly, it has nothing to do with the proportions of landings, the value of exports or the total catch value for each country—nor does it have anything to do with precedent.

Prior to Brexit, the equivalent EU funding was split along the following lines: 46 per cent for Scotland, 36 per cent for England, 10 per cent for Northern Ireland and 8 per cent for Wales. That allocation recognised the significant economic contribution of Scotland's fishing industry. I hope that colleagues across the chamber will recognise that the Labour UK Government's decision to divide its new fishing fund using the Barnett formula is deeply flawed and does not provide our fishing communities across Scotland with the support that they need—indeed, the support that they were promised—after Scotland was taken out of the EU against our will.

The new UK fishing and coastal growth fund replaces the equivalent EU funding that was lost following Brexit. The Scottish Government requested £166 million of the £360 million fund and requested that it then be able to allocate its share to Scottish coastal communities, as fishing is a devolved issue.

I am afraid that the convoluted argument that Scottish Labour has offered to date on the issue—that the Scottish Government, in seeking to allocate our fair share of the funding in Scotland ourselves, is to blame for the situation where we receive only Barnett consequentials, rather than the equivalent proportion of the EU funding that we are no longer eligible for—does not hold water. The UK Government, by all accounts, refused to engage with devolved Governments on the issue in advance of, or indeed following, the allocation decision that was announced two months ago.

Labour Senedd members and MPs across the political spectrum at Westminster have criticised the UK Government's allocation decision. Why are all Labour MSPs and indeed most Tory MSPs unwilling to do the same?

I had rather hoped that there would be no need to raise the issue again, given the pretty terrible reaction to the UK Government's decision among Scottish fishing communities. However, the UK Government seems determined not to listen to

reason on this occasion, despite many other notable policy U-turns in recent weeks.

In my constituency, Na h-Eileanan an Iar, fishing remains a vital part of our daily lives and local heritage, from Ness to Vatersay. In 2023, fishing in the Western Isles contributed more than £8 million in approximate gross value added to the Scottish economy. Its percentage share of the fishing sector's economic contribution has grown by 8 per cent since 2016, despite the fact that the number of individuals who are employed in fishing in my constituency has dropped by 16 per cent in the past five years.

Fishing is a vital industry in the Western Isles and elsewhere, both economically and culturally, but it is one that requires sustained support given the challenges that the sector faces, for example as a result of Brexit's implications for both exports and immigration and the consequent difficulty for some parts of the industry in recruiting crews. Increased administrative requirements, restrictions on labour mobility and the additional costs that are incurred in exporting to the EU have all had an impact.

Seafood industry representatives estimate that Brexit has led to a 30 per cent increase in the cost of transporting products and a 50 per cent increase in the cost of packaging, with export health certificates estimated to have cost UK food businesses some £60 million in 2021 alone. At the same time, 20 to 25 per cent of seafood industry vacancies remain unfilled, and the end to EU freedom of movement provisions has been a significant contributor to that.

Stephen Kerr (Central Scotland) (Con): I note that Dr Allan referenced a lack of vocalised response to the apportionment of the support funds that he has identified. I want to make it absolutely clear that the shadow Secretary of State for Scotland, Andrew Bowie, has condemned the apportionment. He has made it absolutely clear that, in his words, it is “disgraceful” and that

“This Labour Government has ... no regard for Scotland's totemic fishing industry”.

I do not think that we could be clearer about our position as Scottish Conservatives than in the words of Andrew Bowie.

Alasdair Allan: I am happy for Andrew Bowie's words to be on the record and to accept what Stephen Kerr says about his stance and his party's stance on the issue.

In conclusion, I note that this is hardly a great time for the UK to pull the rug from underneath the system of Government support that has, until now, supported Scotland's fishing communities. I urge colleagues across the chamber to continue to

exert pressure on the UK Government and to fight for fair funding for Scotland's fishing industry and coastal communities. That is the least that they deserve from us.

The Deputy Presiding Officer: We move to the open debate. I call Tim Eagle.

Stephen Kerr: Hear, hear.

14:19

Tim Eagle (Highlands and Islands) (Con): I thank my colleague Stephen Kerr.

This is the season of good will, so I want to end on a happy note, although, sadly, I have one negative point that I will bring up later on.

I thank Alasdair Allan for securing this important debate. The issue of Scotland's share of the fishing and coastal growth fund has been discussed in the chamber before. It is ridiculous that Scotland has not received its fair share of that money. As has been said, the Scottish Government and the Conservatives have made representations about that.

I think that I could sum up Alasdair Allan's speech simply by saying that the Scottish fishing fleet was better off under the Tories, because the Tory Government would never have done this. It is a real shame that Scottish Labour has not been able to secure the changes that are required, because Scottish fishermen do amazing and often dangerous work in our waters, day in and day out, to bring fresh fish to our communities. I thank them for that, and I wish them all a very merry Christmas.

I agree with Alasdair Allan's points, and I think that we should continue the campaign to make sure that we get a fair part of that funding.

However, although Alasdair Allan has eloquently championed the Scottish fishing industry, I must bring up the fact that at 09:09 this morning, he lodged a Government-initiated question, the answer to which—which was issued about an hour and a half later—said that the Government was going to change the economic link requirement for landings figure from 55 per cent to 70 per cent. That has been a controversial policy, and it has upset several members of the small pelagic fleet in particular. To announce the proposed change on 18 December, a few days before it comes into place on 1 January, is, frankly, outrageous. It is a real shame—

The Minister for Agriculture and Connectivity (Jim Fairlie): Does the member accept that there are unprecedented pressures on the processing sector right now and that the decision has been taken in order to protect the whole of the Scottish industry, not just some boats?

Tim Eagle: I accept that the processors have made some comments on the issue, but I have had other stakeholders on the phone today, who have told me, "I can't believe they've done this so close to 1 January." It is a very last-minute decision.

I note that the written answer says that there was "intensive ... consultation", but I have not seen any of that. I have no idea what that consultation was—nor, it would appear, does most of the fishing sector.

This is the season of good will, so I do not want to go on and on about it, but we will come back to the issue. The problem is that, because Parliament shuts today, I will not be able to obtain parliamentary scrutiny of the matter for the next two weeks. By the time I next have the ability to obtain parliamentary scrutiny, it will be past the date on which the measure comes in.

It is one thing to hold a debate the subject of which we can totally agree on—I agree with Alasdair Allan on the fishing and coastal growth fund—but it is completely outrageous that, at the same time, such a decision has been announced on the last sitting day before the recess. It is a problematic and controversial policy. There are operators of smaller fishing boats in the pelagic fleet who will be very worried about the proposed change, which represents a significant increase. I have already asked some parliamentary questions on the issue, which I did not want to have to do this side of Christmas, and I will be asking about it just after Christmas as well.

14:23

Kenneth Gibson (Cunninghame North) (SNP): I congratulate my colleague Alasdair Allan on securing this debate and standing up for his constituents.

Six months ago, Scotland's fishing industry found itself being sold out, yet again, by a UK Government, this time under Labour. To soften the blow of conceding fishing access to European trawlers for a further 12 years under its EU reset deal, Labour announced a £360 million fishing and coastal growth fund to

"modernise Britain's fishing fleet, deliver new training and skills to back the next generation of fishers and promote the seafood sector to export our high-quality produce across the world."

Labour committed to working with the industry

"to target investment where it matters most."

A casual observer might have thought that a fishing fund would have been targeted where the most significant fishing takes place and at the local communities that are involved in that activity. That was certainly the case under the previous

European maritime and fisheries fund, under which Scotland received approximately 46 per cent of the UK's total funding.

However, to the horror of Scotland's coastal communities and the acquiescence of Labour parliamentarians, only one of whom is here in the chamber today, minister of state Angela Eagle MP confirmed that Scotland would receive a paltry allocation of less than 8 per cent, despite the fact that Scottish vessels account for 70 per cent of total UK landings, 63 per cent of the total value of fish landed and 40 per cent of the fishermen. Shetland alone lands more fish than England, Wales and Northern Ireland combined.

The reaction from fishermen has been fierce. Sheila Keith, executive officer of the Shetland Fishermen's Association, said:

"This allocation is not just inadequate—it's a betrayal of Scotland's fishing communities ... we've been handed a dismal fraction of the support we need to modernise and sustain our industry."

Elspeth Macdonald, chief executive of the Scottish Fishermen's Federation, said:

"This has gone from being a consolation prize to now being a booby prize. It's hard to feel that this"

UK

"government cares one jot about the Scottish fishing industry. Sold out by the Prime Minister through the EU reset, told that we would have this fund to help support the industry for the future, only now to find that Scotland's share is close to derisory."

Faced with such a staggering injustice and betrayal of his constituents perpetrated by his own Government, Western Isles Labour MP Torcuil Crichton said:

"There is a question of fairness in the geographical distribution of the fund, and the Minister should consider that; I hope the funding will be reviewed in due course".—*[Official Report, House of Commons, 23 October 2025; Vol 773, c 1112.]*

Stirring stuff indeed there from Mr Crichton. One wonders what Torcuil Crichton the journalist would have made of such a meek response had it come from his predecessor, or any Scottish National Party or, indeed, Tory MP.

The approach of the Labour Government, sadly echoed by members on the Labour front bench in this Parliament, has been to deflect, buck pass and blame those who had the temerity to call for funding to be devolved. Time and again, Ms Eagle said the Barnett formula had to be applied, and if we did not like it, we should find the money from devolved budgets.

This is desperate stuff. There is no legal or constitutional requirement that sector-specific funding be allocated according to Barnett. Whether it was the previous UK Government

short-changing the Scottish Government of expected Barnett consequential when it rolled out the levelling up fund to communities around the UK, or Theresa May's deal with the Democratic Unionist Party for £1 billion to Northern Ireland, there is a whole catalogue of examples to the contrary. This is a political decision by Labour that sees it value a fisherman in England more than 14 times more than a colleague in Peterhead, Lerwick, Stornoway or Ayrshire.

Labour is not the first UK Government to demonstrate that it does not understand, value or care about the Scottish fishing industry; sadly, I doubt that it will be the last. The Labour Government should, as a matter of urgency, reform the allocations to deliver a fair and equitable outcome for Scotland's fishermen.

This episode demonstrates yet again that, for Westminster, fishing will always be an afterthought at best. The only way that we can secure the long-term future of this vital Scottish industry is through the full powers of an independent country.

The Deputy Presiding Officer: I advise Mr Gibson and other members that we have members online who are participating in the debate. I call one of them now—Karen Adam.

14:27

Karen Adam (Banffshire and Buchan Coast) (SNP): I am grateful to Alasdair Allan and congratulate him on bringing the debate to the chamber. The unfairness that his motion describes is felt from the Western Isles to the north-east of Scotland.

In Banffshire and Buchan Coast, fishing is not just an abstract sector; it is boats leaving before first light, processors keeping lines moving and families whose weekly wage depends on what lands at the quayside. That is why the UK Government's approach to the £360 million fishing and coastal growth fund is so hard to justify.

Scotland is being allocated, as has been said, around £28 million—under 8 per cent—because the distribution is based on population and not on the scale of our fishing industry. Barnett, as has been said, counts people; it does not count ports, processors or the real costs of keeping coastal economies working.

Scotland's contribution is not in dispute. Scottish vessels consistently land more than half of the UK's total catch, 63 per cent of total catch value and more than 60 per cent of seafood exports. If the aim of this fund is fishing and coastal growth, those figures should be the starting point.

Since the motion was lodged, the pressure on the pelagic supply chain has become even clearer. Quota reductions coming for mackerel and herring

next year will bite, especially when processing factories have fixed costs, contracts and a workforce that cannot simply be switched off and on.

That is why I welcome the Scottish Government's decision to introduce an emergency measure for 2026 by amending the economic link licence condition. From 1 January 2026, the requirement will be species specific—70 per cent of mackerel landings and 70 per cent of herring landings into Scotland in 2026, up from the current combined requirement of 55 per cent—with the measures kept under review.

Processors tell us plainly that reduced volume next year threatens jobs and undermines confidence to invest. If we lose onshore capacity—skills, plant, contracts—it does not spring back overnight, so when the Scottish Government uses a devolved lever to help to keep more of that reduced volume landing into Scotland, so that the cash flow stays in our coastal communities and wages are protected, I struggle to see who can argue against that principle. It is not forever and is not without review; it is a stabiliser—an emergency condition—for 2026.

We also have to be honest about the limits of what Holyrood can do. Two of the biggest pressure points that processors raise with me are trade friction and immigration rules, which are not devolved. Those decisions are taken elsewhere, but the strain lands on our harbours and in our coastal communities.

Yes, the debate is about fairness, but it is also about respect. If Scotland's fishing industry is held up as a national asset when it suits, it cannot be treated as if it is a rounding error when money is allocated.

Our coastal and island communities are not asking for any special treatment. They are asking for a mechanism that reflects contribution, recognises need, invests where the potential is, and underlines the wider point at the heart of the motion that decisions that are taken closest to the industry tend to fit the industry better. The Scottish Government is engaging intensively with stakeholders and using its powers to protect jobs and investment. Meanwhile, the UK Government is telling Scotland to accept a population-based share of a fund that was designed for fishing and coastal communities.

If Westminster wants to prove that it respects Scotland's fishers, it should start with the simple step of rethinking the allocation of the fund so that it reflects contribution and need. Coastal growth cannot be delivered by treating Scotland as an afterthought.

Scotland's fishing and coastal communities deserve fairness in funding and practical support

that keeps value and jobs where the fish is landed. I support the motion, and I urge the UK Government to do the right thing at last and support an uplift in the coastal communities growth fund.

14:31

Rhoda Grant (Highlands and Islands) (Lab):

The SNP continues to complain about the fishing and coastal growth fund allocation, but it was devolved at the SNP's request. It knew that devolved funding comes through the Barnett formula, yet getting its hands on the additional money for it to spend was more important than letting the Scottish fishing industry bid into a total UK pot. The SNP should have negotiated a greater share before asking for the money to be devolved.

That is not a convoluted argument. It is a statement of fact, and failing to do that negotiation is another indication of the Government's incompetence. Indeed, we should all be relieved that this Government was not asked by the Scottish people to negotiate a severance agreement with the UK, because that would have been an even greater disaster, given its incompetence.

I am not going to rehash the points that I made a few days ago in a similar debate, but I do hope that the Scottish Government has reflected and that it will make sure that this does not happen again. I hope that it is trying to get agreement for the Scottish industry to be able to bid into the UK fund.

The Scottish Government allocates marine fund grants to organisations in the rest of the UK, such as £57,703 to a company in Gloucester. That is a recognition that research and development will assist the whole of the UK, not just one part.

As well as arguing that the Scottish Government should negotiate a greater share of the UK fund for the Scottish industry, I also ask what it is planning to do with the share that it has. Our coastal communities are crying out for funding, and we desperately need forward planning. Many fishing boats are concerned about their future, given cuts in quotas. Will the money be used to invest in technologies that will allow more selective fishing? Will it be used to improve fishery science?

Last year, the Rural Affairs and Islands Committee visited the marine laboratories in Aberdeen as part of our budget scrutiny. Staff were working in desperate conditions and carrying out a high standard of work despite that, but it was clear that Government cuts in marine science were impacting on what they could do. They are not independent of Government, which hampers their ability to get contracts elsewhere. We are

dependent on the International Council for Exploration of the Seas for data, and we have to accept that data if we do not have robust data of our own to counteract it. With a hollowed-out marine science centre in Aberdeen, that is simply not possible.

We also need investment in processing. Our ambition is to increase the Scottish share of fishing in our waters, but we cannot do that without the ability to process the fish that we catch. We need a strategic plan for fishing to allow us to grow the industry, and that should be happening now. Instead, we see the Scottish Government trying to divert attention by blaming others for its failings.

14:34

Emma Harper (South Scotland) (SNP): I support Dr Allan's motion. I want to highlight the impact that the UK Government's choice of allocation for the UK EU coastal growth fund has had on our smaller inshore fishing communities in the south-west of Scotland. My colleagues Alasdair Allan and Kenneth Gibson outlined really well the Barnett formula percentages and how, with the allocation of the £360 million, a huge amount is going to English fishermen while the Scottish fishermen are landing most of the quota. In the south-west of Scotland alone, there are about 400 jobs directly involved in landings and fishing, to say nothing of the jobs in the supply chains behind that and in the local food and drink sector.

Alasdair Allan: Does the member agree that some of what we have heard from members in previous speeches has been truly extraordinary in its attempts to blame Scotland for having its money taken away? It is also truly extraordinary to describe the Scottish Government seeking to distribute money to fishing communities as the Scottish Government trying get its hands on that money.

Emma Harper: Absolutely. The twisting of the information is just a distraction from what is happening: the money is going predominantly to English fishermen when most of the quota is landed in Scotland.

A total of 9,000 tonnes is landed annually at South Scotland ports. That might be a small amount in comparison with some of the big ports, and I absolutely agree with Karen Adam when she describes how the allocation is going to impact the north-east. However, it is still an issue in South Scotland, as fishing in the south-west contributes a massive amount to the local economy and to the few jobs that we have.

We need to impress on the UK Government that the policy must be changed. It is a policy choice

and it harms all our communities across Scotland, including those in Dumfries and Galloway.

The Deputy Presiding Officer: I call Jim Fairlie to respond to the debate.

14:37

The Minister for Agriculture and Connectivity (Jim Fairlie): I thank Alasdair Allan very much for lodging the motion for debate, and I thank members for giving their views on this important issue. I am heartened by the fact that there has been broad recognition that the UK Government's insulting allocation to Scotland from the fishing and coastal growth fund is unacceptable. It is a decision that cannot stand, and it must be revisited.

Mr Allan clearly laid out the details, so I will not reiterate them, but it is clear that our fisher folk are the bedrock of our coastal communities. I remember when, as a shepherd, I would put stuff up on social media and folk would say, "Oh, it must be a really hard life there in the snow." I always referred to the fact that it is not nearly as hard as it is for the fisher folk, because what they do for our coastal communities to keep the jobs and keep the economy going there is absolutely fantastic.

We have heard about the position of Welsh Labour. I commend Martin Whitfield for sitting in the chamber and listening to the debate, but that is going to be absolutely no comfort to the Scottish coastal communities, as they have seen themselves absolutely hammered by the UK Labour Government.

Stephen Kerr: I think, however, that the minister ought to address the issues that Rhoda Grant raised. Can he confirm that, when the Scottish Government asked for the funding to be devolved, it was made clear that that was not going to be on the basis of the Barnettisation of the fund? That is basically the position that Rhoda Grant took in her speech, and it is on the minister to clarify whether the Scottish Government did actually ask for that.

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

Jim Fairlie: Patience, Mr Kerr.

Tim Eagle said that we were "better off under the Tories". Well, I can hardly say that that was the case, given the fact that the Tory Government did not have a devolved scheme. I remember clearly when my friend and colleague Richard Lochhead, when he was the Cabinet Secretary for Rural Affairs, Food and the Environment, which included fisheries at the time, was over in the EU while the discussions about quotas were taking place. The UK Government minister could not make it on

time, but Richard Lochhead was there in the room. We have heard about the size of the Scottish fishing fleet and what it brings to the UK, yet the Tory UK Government decided that the best thing to do was to bring an unelected lord over from London to sit in the room and negotiate rather than allow the man who actually knew the details of what Scottish fishing needed to do so. I am sorry, but we are not going to hear any nonsense from the Tories about things being better under them.

Rhoda Grant's ridiculous attempt to dupe the fisher folk by trying to defend the indefensible is truly heroic but, ultimately, it will be futile, because folk will see it as just another Labour disaster as Labour treats Scotland as nothing more than an afterthought. I tried to talk to Dame Angela Eagle about the matter.

Martin Whitfield (South Scotland) (Lab): Will the minister give way?

Jim Fairlie: I will take the member's point in a second.

I tried to talk to Dame Angela Eagle about this very point in an interministerial group meeting, but it was utterly dismissed and passed over: "Move on, Mr Fairlie. There's nothing to see here."

Martin Whitfield: I am grateful to the minister for taking this intervention and for his kind compliments on my attending the debate—which is interesting in itself. Is what Rhoda Grant said incorrect? Did you not ask for the funding allocation to be devolved, with the Barnett formula as the calculator?

The Deputy Presiding Officer: Always speak through the chair.

Jim Fairlie: I say to Mr Whitfield what I said to Mr Kerr: patience.

The decision is insulting to our vital fishing industry and coastal communities, and it demonstrates an incredible lack of care by an out-of-touch UK Government. Fighting for a fairer funding allocation for Scotland is absolutely critical. The attempt to blame devolved Governments for the unfair allocation, claiming that asking for delivery of the fund to be devolved has somehow triggered the application of the Barnett formula, is insulting to the intelligence of fisher folk. It fundamentally misunderstands how fishing funding has been treated by precedent, and I am glad that that has been recognised in the chamber by Alasdair Allan.

When we were in the EU, Scotland received 46 per cent of the UK fisheries funding and delivery of the funding was devolved, so it is inaccurate to say that, if something is devolved, the Barnett formula must be applied. There has been a purely political decision by the UK Government, which

clearly does not understand—or, indeed, care about—our iconic fishing industry.

Stephen Kerr: Will the minister give way again?

Jim Fairlie: Not at this time.

On our engagement with the UK Government ahead of its announcement about the fund, we were clear that we expected the funding approach to continue to be based on the size of our industry and that Scotland would receive the full 46 per cent of the fund. Instead, UK ministers decided, without any discussion or consultation in their methodology, to use a population-based calculation that short-changes fisher folk in Scotland. The UK Government claims to care about devolution, but it completely ignored Scotland in its decision—it did not even give us the opportunity for meaningful discussion—and it is our fishing and coastal communities that will suffer.

Stephen Kerr: Will the minister give way?

Jim Fairlie: No, I will not.

Make no mistake: the decision was made in London, and it treats Scotland as an afterthought.

Since the UK Government made its announcement, team Scotland, fishing stakeholders and Scottish ministers have been asking UK ministers to get round the table for a meaningful discussion on a different way forward for the fund that treats our fishing industry with the respect that it deserves. I am sincerely disappointed that, to date, UK ministers have stopped short of committing to that. Instead, they have written to us, explaining their flawed funding methodology. In their letter, UK ministers said that the reason for applying the Barnett formula to the fishing and coastal growth fund is a change in His Majesty's Treasury's statement of funding policy, which removed the ring-fenced funding from marine funding and baselined the funding allocation from 2024-25. The UK Government said that the Barnett formula would be applied to future marine funding, claiming that that better respects the devolution settlement. That is nonsense. It is entirely disingenuous, and the UK Government is fully aware that we did not support the change. In fact, it was implemented without any meaningful engagement or consultation with us at all.

We have always been clear that applying a population-based model to fisheries funding fails to recognise Scotland's greater share of the UK seas and significantly penalises our fishing industry. It also fails to recognise the industry's significant contribution, through taxation, to the UK Government.

Jamie Halcro Johnston (Highlands and Islands) (Con): Parliamentarians learned today of the emergency measures that the cabinet

secretary has announced. Can the minister tell me when that decision was signed off?

Jim Fairlie: I am sorry, but I could not hear that. Could the member say that again?

Jamie Halcro Johnston: We learned today, through a Government-initiated question, about the decision to take emergency measures. Can the minister tell the Parliament when the cabinet secretary signed off that decision?

Jim Fairlie: I do not have that information to hand. What I can say, to return to the point that I was making, is that there is sufficient flexibility within the statement of funding policy for the United Kingdom Government to take a different approach to the fund—one that respects the size and importance of Scotland's industry and that reflects precedent. That is entirely within the UK minister's gift. Those are not immovable rules. The fact that the UK Government is choosing not to do so speaks volumes.

The disproportionate allocation of funding comes at a time when the Scottish fishing industry is dealing with multiple pressures, from the agreement to extend European Union access to Scottish waters to the inevitable impacts that are being placed on cod and mackerel quotas.

I am running out of time, so I will finish by saying that the UK ministers have the power to change their approach to the fund if they so choose. I urge Labour members to put the needs of the Scottish industry first. They have a choice today: they can stand up to Keir Starmer and join us in standing up for Scotland. It is an opportunity for members across the chamber to speak together with one voice as team Scotland and to demand a better deal for our fishing and coastal communities. The decision cannot stand, and it must be revisited.

The Deputy Presiding Officer: Thank you, minister. I congratulate members on making it through to the 2025 finishing line. I wish you, those in the public gallery and all staff in the Parliament a merry Christmas and a happy new year.

Meeting closed at 14:46.

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