



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 27 February 2018**

**Session 5**



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# Scottish Parliament

*Tuesday 27 February 2018*

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

## Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon. Our first item of business is time for reflection. Our time for reflection leader is the Right Rev Dr Derek Browning, the moderator of the General Assembly of the Church of Scotland).

**The Right Reverend Dr Derek Browning (Moderator of the General Assembly of the Church of Scotland):** It is my pleasure and privilege to be here, and I bring to you the greetings of the General Assembly of the Church of Scotland.

I spend a fair part of my life speaking, and this year I have also had good opportunities to listen. I suspect that moderators and members of the Scottish Parliament have at least that in common. I am reminded of what my grandmother said to me as a five-year-old—"Remember, you've got one mouth and two ears. Don't forget that balance."

I have been thinking about the voices of young people whom I have been listening to over the past months, including young people at our general assembly last May, and then at their own youth assembly later in the summer—filled with faith, filled with questions, filled with commitment and wanting to build bridges and make a difference for good.

I think of a young man—let us call him Andrew—who has poor mental health and who had just started visiting a Church of Scotland day centre in Ayrshire, where he was able to be honest about what was working and what was not working in his life, and at last had found a safe place where he would be listened to and would not be judged.

I think of young people I met in schools in Anstruther, Glasgow and Dundee, wondering about the many faith families in Scotland, wondering what differences for good they were making, wondering what answers faith might have to the complex questions of life in the 21st century and wanting to think about that more deeply than some people would give them credit for.

I think about a group of young people from Accrington who were visiting the European Parliament in Brussels, challenging politicians who they felt had prevented them from being involved in deciding their future during the European referendum debate.

I think about the young people in Ramallah who were asked about how hopeful they felt for the future of Israel-Palestine. Out of a class of 30, only four raised their hands.

My theme during my year as moderator has been hospitality. It has allowed me to speak and to listen, to include and be included. In this year of the young person, how we include young people in the present and the future will be a defining moment for our nation and our church. How can we bring together different generations to experience and hope, and to find reality and vision, so that those things may interact with each other?

Jesus listened as well as spoke, to young and old. Churches and all faith communities have much to offer in partnership with wider society, as we listen to them and work with young people. There is work to do. Let us all get on with it.

## Business Motion

14:03

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-10713, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for today.

*Motion moved,*

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

(a) Tuesday 27 February 2018—

after

*followed by* Scottish Government Debate:  
Developing a Scottish healthy weight strategy

insert

*followed by* Ministerial Statement: European Union  
Withdrawal Bill: Update

(b) Thursday 1 March 2018—

delete

2.00 pm Ministerial Statement: Scotland's plan to  
tackle climate change and reduce  
emissions

insert

2:15 pm Ministerial Statement: Scotland's plan to  
tackle climate change and reduce  
emissions—[*Joe FitzPatrick*]

*Motion agreed to.*

## Topical Question Time

14:04

### Alcohol (Minimum Unit Price)

1. **Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** To ask the Scottish Government what minimum price it recommends setting for a unit of alcohol. (S5T-00955)

**The Cabinet Secretary for Health and Sport (Shona Robison):** Taking account of a range of factors, including the responses to the public consultation, the Scottish Government concludes that a minimum unit price of 50p per unit provides a proportionate response to tackling alcohol misuse, as it strikes a reasonable balance between public health, social benefits and intervention in the market. The Scottish ministers will now proceed to propose to the Scottish Parliament that a minimum price of 50p per unit be introduced from 1 May this year.

The Scottish Government commissioned the University of Sheffield to model the impacts of a minimum unit price policy, and a range of minimum unit prices were modelled that showed the levels of reduction in alcohol-related harms. The Scottish Government decided that a 50p minimum unit price would result in a level that is proportionate.

**Jenny Gilruth:** It is now broadly accepted that minimum unit pricing is a huge piece of the jigsaw in changing consumption behaviour, but, given that alcohol is linked to seven different types of cancer, including breast cancer and bowel cancer, and public awareness of that issue is relatively low, does the Government have any plans to implement a public health education campaign that highlights the risks of alcohol, which could sit alongside the implementation of this measure?

**Shona Robison:** Jenny Gilruth is right to highlight the harm reduction that the policy will achieve. Over the five years of the policy, we expect 392 fewer alcohol-related deaths and more than 8,000 fewer alcohol-related hospital admissions.

Jenny Gilruth is also right to talk about the impact on cancer rates, for example. We know that alcohol use has been linked with breast cancer. Over the past few years, there has been very strong evidence of that.

The public health campaigns that we run generally link the harms that are associated with alcohol misuse to public health messages and try to get those across. An awareness campaign will go along with minimum unit pricing to raise awareness among retailers and the public about

the introduction of the policy and ensure that everybody is aware of the details of the policy. The materials for that will go out very soon.

**Jenny Gilruth:** Will the rates that are set for minimum unit pricing be kept under review? Will any broader policy review, as permitted by the legislation's sunset clause, be carried out by public health experts and not with the involvement of those in the alcohol industry?

**Shona Robison:** As I said in my initial answer, we believe that a minimum price of 50p per unit strikes a reasonable balance between public health benefits and intervention in the market. We are committed to evaluating and monitoring the impact of minimum unit pricing on individuals, communities, the alcohol industry and Scotland as a whole. NHS Health Scotland will lead on that, and work is well under way on establishing and commissioning the various studies that will be involved in the evaluation programme.

As Jenny Gilruth mentioned, we inserted a sunset clause into the legislation, which requires the Scottish Government to report to the Parliament on the impact of minimum unit pricing no later than five years after it begins. The report will be debated in the Parliament, and a full vote will be required in order to continue the policy.

**Miles Briggs (Lothian) (Con):** Will the cabinet secretary give more details about the timescale for when the Scottish Government intends to begin to evaluate the effectiveness of the 50p per unit minimum price? What mechanism could the Government bring forward to increase that rate in the future?

**Shona Robison:** The evaluation will be ongoing, which is right and proper. We will not wait until the end of the five years.

Of course we will keep the rate under review to ensure that it delivers the desired outcomes for the people of Scotland, but we believe that the 50p rate is the right one and, for two reasons, there are no current plans to change it. First, all the modelling has been done on the 50p per unit rate, and we want to measure what we thought would be the harm reduction against the modelling that the University of Sheffield has done.

Secondly, in the consultation that we have just carried out, a majority of respondents supported the retention of the 50p minimum unit price. We do not want any further delay—we want to get on with the introduction of the policy. Sticking to the 50p per unit price is the right way to proceed, and we hope that we will have Parliament's support in doing so.

**Anas Sarwar (Glasgow) (Lab):** I am sure that the cabinet secretary would agree that minimum unit pricing on its own will not be a magic bullet

that fixes the harmful relationship that many have with alcohol. We must also look at the deep-rooted causes of that relationship, including the links with inequality, poverty and ill health.

As it stands, the implementation of MUP would give a windfall to supermarkets. That money should be clawed back and invested in public health. Will the minister consider how we use the tax powers that we now have in Scotland so that we can introduce such a levy and enable the extra money to go to public services and to aid local people?

**Shona Robison:** First of all, we are using our tax powers to deliver an additional £400 million into the health service in the coming year, of which £20 million has been earmarked for alcohol and drug services. We have invested more than £689 million in tackling drug and alcohol problems since 2008, so substantial resources are going into those services.

On the issue of revenues raised from minimum unit pricing, it is important to say that that will not be profit. We do not know who will benefit. Will it be the retailer, the wholesaler, the producer or a combination? In addition, we must set that issue against the likely reduction in the amount of alcohol that is bought. For example, the price of chemical cider will increase substantially and I think and hope that that will result in an impact on the sales of that product.

It is important to evaluate the policy to properly understand all those issues. We will keep matters under review, but let us get the policy up and running first and then we can evaluate the revenue aspect of it, too.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I am a Borders MSP. Does the cabinet secretary foresee booze cruises down the Tweed to Berwick being an issue, or white van man or woman driving down the A1 endeavouring to thwart the legislation?

**Shona Robison:** It is unlikely in our opinion that the preferred price of 50p per unit would make it worth while for people to travel to buy alcohol because of the costs of fuel and their time. We think that a price of 50p per unit sets the right balance to avoid the scenario painted by Christine Grahame.

We acknowledge that how we buy alcohol has evolved in recent years, with online and telephone sales providing new channels for the purchase of alcohol. Minimum unit pricing will apply where alcohol is dispatched from within Scotland, but it will not apply if it is dispatched from England. That is a limitation, but we will consider what we can do to understand better the issues relating to online and telephone sales in the refresh of our alcohol framework. We will closely monitor the impacts of

minimum unit pricing once the policy is in place, including those of cross-border and online sales.

I should have said in response to Anas Sarwar's point that it is important, whether on that issue or cross-border issues, that this is only one of the 40 measures in the alcohol framework, which is being refreshed. It is important, but it is not the only measure that we are taking to tackle alcohol misuse, and it is part of a package that will help us to change our relationship with alcohol.

### **Railways (Edinburgh to Glasgow Peak Services)**

#### **2. Mike Rumbles (North East Scotland) (LD):**

To ask the Scottish Government for how long peak trains between Edinburgh and Glasgow will operate with reduced carriages. (S5T-00950)

**The Minister for Transport and the Islands (Humza Yousaf):** First of all, I regret any reduction in capacity on any of our services, let alone on our key arterial route between Edinburgh and Glasgow. The interim changes to peak-time capacity are due, as the member probably knows, to slippage in the introduction of the new class 385 fleet and the end of our contracts to lease four trains and 12 carriages.

ScotRail has made significant efforts to try to reduce the impact as it works with the train manufacturer Hitachi to introduce the new fleet as quickly as possible. Hitachi and ScotRail are working tirelessly on introducing the new trains, some of which are undergoing testing. However, it is important to say at this stage that neither ScotRail nor Hitachi—nor I—would be comfortable at all with compromising safety. We simply will not do that, so we must listen to drivers' concerns about windscreens.

We are in close contact with ScotRail, to ensure that the impact of the short-term capacity problems is minimised and passengers are helped to plan their journeys, for example through the provision of clear information on services that have more capacity and the reduced fare on the Edinburgh to Glasgow route via Airdrie.

ScotRail has altered leases for diesel trains, to help to mitigate project delays, and every attempt is being made with other rail operators and leasing companies to prolong leases or secure additional trains as a short-term solution.

**Mike Rumbles:** At a meeting of the Rural Economy and Connectivity Committee on 29 March last year—11 months ago—the minister told members:

"The introduction of the first—new, longer, faster and greener—class 385 train remains on schedule for autumn, with the full fleet becoming operational on the Edinburgh to Glasgow route during December."—[*Official Report, Rural*

*Economy and Connectivity Committee*, 29 March 2017; c 64.]

The minister was pictured everywhere claiming credit for all that. Is he aware that the delays to the roll-out and the consequent reduction in carriages will have a major impact on the lives of thousands of commuters? It is not just about the drivers' issue with the windscreen; there were delays long before that was made public.

**Humza Yousaf:** I regret the inconvenience that has been caused to passengers—absolutely. What I am saying is that there are well-documented issues to do with the manufacture of the trains. There are other issues, and the member is right to allude to them, but it would be remiss of me not to point out that productivity in relation to the new United Kingdom plan and issues around the supply chain for Hitachi, which is a global company, have been the primary factors in the delay.

To be frank, I do not think that passengers care who is to blame. They want the new trains to be introduced, and that is what I am working to do. However, I cannot compromise safety. Some train sets have been built, as the member probably knows, and are undergoing testing in Scotland. However, the Associated Society of Locomotive Engineers and Firemen is absolutely right to put forward its concerns and must be satisfied that safety issues have been resolved. I will not compromise safety, although I will put additional pressure on Hitachi and ScotRail.

The member is right to raise passengers' concerns, which I do not dismiss in the slightest. My job is to try to mitigate the impact as far as possible. We have done that; ScotRail has managed to extend some leases and change its maintenance and refurbishment schedule so that the impact is not as bad as we first feared that it would be. Clearly, the sooner we resolve the problem, the better for everyone involved.

**Mike Rumbles:** With carriages on peak services reduced by up to 50 per cent, commuters face the unenviable choice of getting on a train that is even more packed to the rafters than normal or going the long way round. Commuters have had to put up with a lot in recent years. They were promised faster trains and more seats, and the most recent debacle was not part of the plan.

Will the minister tell the Parliament whether he has set a deadline for the problem to be resolved and what the repercussions will be if the roll-out of Abellio ScotRail's new carriages is not delivered in the timeframe that he sets?

**Humza Yousaf:** The member tried to push me on that in the Rural Economy and Connectivity Committee. The reason why I did not give him an exact date is that I must give Hitachi and ScotRail



room and time to work with ASLEF and drivers to come to a satisfactory conclusion on the windscreen issue and other issues. However, I promise the member that I am putting extensive pressure on Hitachi and ScotRail.

I think that the member is aware that high-speed trains will be introduced from May, which should mitigate some of the capacity issues that we face.

When the issues are resolved and the 385s have been introduced, and when the HSTs are in service as well, passengers will see an enormous amount of additional capacity. In the meantime, to mitigate some of the capacity issues that we face in the short term, there is the route via Airdrie and Bathgate, which is longer but costs £13 all day, including at peak times, and should help to minimise the overcrowding issue.

**The Presiding Officer (Ken Macintosh):** Five members have questions, and it will be impossible for me to get them all in before the next debate starts. If members ask a question without giving a preamble and the minister gives a succinct answer, I might get some of them in.

**John Mason (Glasgow Shettleston) (SNP):** Does the minister know how many additional people are using the Airdrie to Bathgate line?

**Humza Yousaf:** I will try to get that information and send it to the member.

**Jamie Greene (West Scotland) (Con):** When was the transport minister aware that there would be a problem with contracts for rolling stock coming to an end in the context of the delivery of new carriages? Is he aware of any further leases that are coming to an end, given that there are no available carriages anywhere in the country? Does he think that the situation is representative of a rail service that excels in its forward planning and its ability to deliver a reliable, comfortable service for commuters?

**Humza Yousaf:** I will skip to the member's last point before I answer the other questions that he asks. It is worth saying that we expected Hitachi, the train manufacturer, to deliver those trains last autumn. In fairness to ScotRail, it had built almost six additional months into the end of the leases. One would have to have had a heck of a crystal ball to envisage some of the problems that Hitachi has been facing as a global company—I am astounded at some of the problems that it has faced with regard to its supply chain and productivity at its new plant.

The problem has not been a lack of forward planning. ScotRail had built a number of months into the end of the leases and it has done its best to extend some of those leases but, clearly, in the case of four trains and 12 carriages, it has not been able to do so.

Of course we are aware of when trains are going off lease; we have a spreadsheet for that. ScotRail is also aware of when they are going off lease. It is continuing to plan for the best-case scenario for the introduction of the 385, but, prudently, it is also identifying the worst-case scenario and how we would mitigate that.

As for when I knew, I understand the criticism that is coming from Opposition members. I hope that they know that I have always been the first to come to Parliament and, indeed, right to the committee whenever I have learned about issues. It is better to be up front about matters and to try to find a solution to them. I promise the member that I will continue to keep Parliament and the relevant committee up to date.

**Colin Smyth (South Scotland) (Lab):** The recent BBC documentary "Mind the Gap" revealed instances of passengers collapsing on increasingly overcrowded trains. Unions such as the Transport Salaried Staffs' Association are concerned over staffing cuts by ScotRail, which have left stations without a health and safety department. What recent discussions has the minister had with ScotRail specifically about health and safety, and can he give a categorical guarantee that passengers' health and safety has not and will not be reduced as a result of the delay in the delivery of new trains, or as a result of staff redundancies?

**Humza Yousaf:** The member raises a very important point. Health and safety in our transport network is my number 1 priority. I will be dealing with the weather challenges that we are facing in the next couple of days, and health and safety is absolutely paramount in everything that I do.

Members do not need to take my word for it. It is worth going to the independent regulator, the Office of Rail and Road—the ORR—which deems whether trains are safe, and our trains are absolutely deemed to be safe.

However, I say that not to take away from the point that Colin Smyth rightly raises around staffing. I had my quarterly meeting with the unions that are involved in the railways only last week. They continued to push me to push ScotRail on staffing issues. I am pleased to say that more recruitment for ScotRail is happening, which should help with some of the concerns that Colin Smyth raises.

The safety of our trains is absolutely our number 1 priority. As Colin Smyth knows, the issue of safety is one of the well-documented reasons for the delay to the introduction of the new rolling stock, as concerns about the windscreen have rightly been raised.

**The Presiding Officer:** That concludes topical questions. I apologise to Mr Finnie and Mr McKee—I am afraid that we have no more time.

We have already eaten into the next debate, and I am conscious that we have dropped speakers from and have cut back time for that debate.

## Healthy Weight Strategy

**The Presiding Officer (Ken Macintosh):** The next item of business is a debate on motion S5M-10652, in the name of Aileen Campbell, on developing a Scottish healthy weight strategy. I call on the minister to speak to and move the motion.

14:24

**The Minister for Public Health and Sport (Aileen Campbell):** The closure of our recent consultation on creating a diet and obesity strategy for Scotland provides a real opportunity for Parliament to unite and consider how we collectively create the healthier Scotland that I know we all seek.

The consultation generated significant attention. There were nearly 400 responses from a range of contributors, from members of the public to academics, from health professionals to the food and drinks industry, and everything in between. It is clear that this most pressing issue has captured the imagination. We are grateful to everyone who took part, and we will reflect on the contributions and publish analysis soon. Of course, today's debate gives parliamentarians their chance to add their views and opinions.

It should come as no surprise that the consultation generated such interest. That interest echoes the growing recognition of Scotland's diet and obesity challenges, which require urgent attention. Although there will be differing views and opinions on the approach that we should take, it is clear that the scale of the challenge that we face and the need to act decisively were widely recognised.

That view is shared by the public more generally. Yesterday, Food Standards Scotland reported that 91 per cent of people think that obesity is a serious problem. Although the issue is by no means new, there is a new resolve to tackle it, which is galvanising professions, the public and politicians alike. Just as we have done in the past in relation to alcohol and tobacco, we will need to rise to the challenge and take decisive action to bring about long-needed change. Work to address the issue will not fit neatly into an electoral cycle, nor—as Miles Briggs's amendment makes clear—will it fit into one ministerial portfolio or one discipline.

Over the past 17 years, it has remained stubbornly challenging for us as a nation to meet our dietary goals, and it has remained equally challenging to tackle the associated health inequalities. In its new situation report, Food Standards Scotland reported that two thirds of people who live in Scotland continue to be

overweight or obese; that 29 per cent of children are still at risk of becoming overweight or obese; and that around 32 per cent of adults who live in the most deprived areas are obese compared with just 20 per cent in the least deprived areas. Separately, the primary 1 body mass index measurement shows that obesity rates in the most deprived areas are 14 percentage points higher than they are in the least deprived areas. Poor diet affects all of Scotland but, as is so often regrettably the case, the people who are most impacted by poor health outcomes are those who face the greatest inequalities in life. We are all familiar with those statistics, but if we can get our approach right, it is not an inevitable situation.

We all know that the health consequences of obesity are life changing and that they can sometimes be life threatening. Obesity is the second-biggest cause of preventable cancer, behind only smoking. Food Standards Scotland's recent report also illustrated the stark reality of the common diseases in which diet is a contributory factor: there were 6,697 deaths from coronary heart disease, 2,181 deaths from stroke and 31 per cent of primary 1 children had obvious dental decay.

The cost of obesity and poor health is unsustainable. It is costly to our economy and our national health service but, more importantly, it is costly to individuals and their sense of health and wellbeing. The biggest frustration is that all of this is largely preventable. For those reasons, we require a new strategy for Scotland that benefits everyone but which has a steely focus on tackling inequalities and which also focuses on reversing the trend of childhood obesity to ensure that children get the best start in life and the chance to flourish.

Our consultation focused on three strategic priorities: transforming the food environment; encouraging and supporting the adoption of healthier, more active lives; and building strong leadership and exemplary practice in the public sector and the food and drink industry.

On promotions, we recognise that we need to be bold in tackling the overall environment that makes it difficult to make positive dietary choices and which instead incentivises the taking of less healthy options. The reality is that much of modern-day life makes it hard to maintain a healthy weight, whether that is because of the energy density of today's food, our increasingly sedentary lifestyles or the constant stream of messaging that encourages us to consume more food and drink.

That is why, as part of our programme for government, we announced that we would progress world-leading measures to limit the marketing of products that are high in fat, sugar or

salt, all of which contribute disproportionately to ill health and obesity. However, other measures on marketing are needed. The food environment is not made up only of shops where we buy food; it is all around us, from adverts on bus stops and billboards to the food outlets in our high streets and near our schools.

We are all susceptible to advertising, but children are especially impressionable. That is why we continue to urge the United Kingdom Government to take action to restrict all such advertising until after the 9 pm watershed. We have argued that, if it does not make headway on the issue, it should provide us with the powers to take such action. When it comes to the powers that we have, we must ensure that we make the maximum use of all our levers so that we can make the impact that all of us want and expect.

The places and spaces that we live in also need to be conducive to healthy lifestyles. That is why we will continue to build on the good work that is being taken forward through the place standard to explore what more we can do in developing healthy, sustainable communities. We will continue to promote innovative ways of keeping active in everyday life, including the daily mile initiative, which is a simple but effective way of ensuring that people become more active in their daily routines. We have increased the active travel budget to encourage more people to be more active, including when they travel to work or to school, and we support initiatives such as football fans in training, which since 2010 has helped change and transform lives to ensure that much healthier lifestyles are adopted.

There is much more that we can do to support people who are already overweight, however. In addition to the funding that we provide to health boards for weight management services, we will invest an extra £42 million over the next five years to reduce the rates of type 2 diabetes. We will also continue to have a focus on the early years, as we understand that early intervention is key to instilling healthy habits that last a lifetime. We must be alert to the opportunities that are present, such as the roll-out of 1,140 hours of early learning and childcare, and ensure that children get the opportunity to understand the importance of healthy food choices.

We will also build on the good work that is happening now. That was illustrated last week in our Scottish maternal and infant nutrition survey, which found that 43 per cent of mums are continuing to breastfeed up to six months after birth, compared to 32 per cent who did so in 2010. There has also been a welcome increase in breastfeeding in the most deprived areas and among younger women, but there are still significant inequalities. We want to ensure that

everyone has the best start in life, recognising the importance of early nutrition. As part of our current programme for government commitment, we will invest more resources in supporting, protecting and promoting breastfeeding.

Businesses also have an important role to play. To help them do that, we will support businesses to innovate. The soft drinks industry has taken great strides in advance of the United Kingdom Government's soft drinks levy. That shows what can be done, but we recognise that there will be significant challenges for small and medium-sized enterprises. We will therefore develop a package of support for them, investing an initial £200,000 to help them make their products healthier. We will also work with industry, the enterprise networks and universities to ensure that the considerable existing resources for innovation support that work. Similarly, the out-of-home sector has the potential to play a significant role in driving improvements in the Scottish diet. Food Standards Scotland is developing a strategy that will include calorie labelling and portion control; as part of that, it will consult later this year on the issue. I encourage all parliamentarians who have an active interest in the issue to promote the consultation and take part in it where they can.

I am determined to ensure that we deliver a bold, innovative and effective strategy that draws on the evidence that we have to enable more people to have healthier, happy lives and to help relieve pressures on our NHS. Consensus is growing that there is a serious diet and weight problem that needs to be tackled in a much more concerted way than previously. The consensus includes this Parliament but goes much wider. We are about to embark on a journey that we have to recognise will not be easy. There is clear consensus around the statistics and the work that Food Standards Scotland has been taking forward, but there will be challenges, sensitivity and many questions. We need to recognise that the issue will impact on many people's lives; it is not an issue that will impact on some people somewhere but one that will impact on everyone in our communities. We need to recognise that there will be challenges and that we need to remain alert to them.

We need confidence in our ambition and a desire to succeed. In a country of just 5 million people, we need to work together. I have said that it will be a challenge, but I think that it will be one that we will all relish because the goal is a healthier Scotland. Our innovative plans to limit the marketing of products that are high in fat, sugar or salt will be an important part of our forthcoming strategy. I very much welcome the open letter from the four health spokespeople for parties in this Parliament, putting on record their

support for our strategy and their call for us to be bold and ambitious in it.

I sincerely look forward to hearing members' views. I shall, of course, reflect on them as we develop our new strategy on diet, activity and healthy weight, which we intend to publish in the summer. I appreciate the consensus that has been built around our strategy and look to continue that consensus as we build a strategy that I hope the whole country can ultimately be proud of.

I move,

That the Parliament supports the development of an ambitious new Scottish healthy weight strategy; believes that fresh action is necessary, as two thirds of the population are above a healthy weight and almost a third of children are in danger of being overweight or obese; recognises that obesity and the absence of a healthy diet are clearly linked to harms, including type 2 diabetes, heart disease, stroke and cancer; supports proposals that are anticipated to have the greatest effect, including restricting junk food price promotions, exploring the strengthening of current labelling arrangements and enhancing how nutrition information is communicated; acknowledges that the food environment in which people live must be addressed in this work as this has a significant impact on the choices that people make for their diet, and encourages the Scottish Government to examine where the current draft strategy can be strengthened as a result of feedback to the recent consultation.

**The Presiding Officer:** I call Miles Briggs to open for the Conservative Party.

14:34

**Miles Briggs (Lothian) (Con):** I welcome today's debate and I thank the organisations that have provided useful briefings, including Cancer Research UK, the British Medical Association, Diabetes Scotland, Which?, and Obesity Action Scotland.

I believe that there is a significant degree of consensus in the chamber. There is a recognition of the extent of the challenges that we face as a country and consensus on how we can move forward in tackling this public health crisis. As the minister outlined, it is a crisis that we have to deal with rapidly.

It is a huge concern to all members that two thirds of all Scots are overweight and that we have one of the worst obesity records in the Organisation for Economic Co-operation and Development countries, with 29 per cent of adults being classed as obese. Meanwhile, almost 30 per cent of our children are at risk of being overweight, with 14 per cent now at risk of obesity.

Most weight and obesity indicators have flatlined or indeed—as is the case with mean body mass index—worsened in recent years, despite many interventions and initiatives and substantial corresponding investment, so it is clear that we

need to have a real look at how a more far-reaching, more effective and broader approach can help to change that. The negative health and financial impacts of obesity cannot be overstated. Quite simply, Scotland's obesity crisis means that too many of our fellow Scots are dying prematurely and it is a massive driver of the sad reality that life expectancy in Scotland is lower than in the other nations of the UK and among the very lowest anywhere in western Europe.

As well as leading to hypertension and heart disease, obesity is the single biggest preventable cause of cancer after smoking and, as we have heard, it is linked to 13 types of cancer. Being overweight or obese is the most significant risk factor for developing type 2 diabetes—it accounts for 80 to 85 per cent of the overall risk of developing the condition.

As we know, the prevalence of diabetes in Scotland has soared by 40 per cent in recent years. Average healthcare costs for people with a BMI of 40 are at least twice those for people with a BMI of 20 and the annual cost to our NHS of dealing with unhealthy weight and obesity is estimated to be around £600 million. The total economic costs of obesity to the nation, once wider economic impacts are taken into account, may be as high as £4.6 billion every year.

I commend Cancer Research UK for the excellent work that it has undertaken, through its scale down cancer campaign, to raise public awareness of how obesity is linked to so many cases of cancer and to so many different types of cancer, including breast, bowel, pancreatic and oesophageal cancers.

It is vital that that information is made available to the public so that people can understand fully the very real health risks of being overweight or obese. Until recently, only a quarter of Scottish adults were aware that being overweight could cause cancer, so the work of Cancer Research UK in the area is important and timely.

The Scottish Government's consultation focused on seven key areas and although we cannot give our support to all of the policy proposals contained in the consultation, we are able to give our backing to a number of them, and to plans that we think can make a significant difference in relation to helping to change behaviours. We support moves to restrict multibuy promotions on junk foods that are high in fat, sugar and salt—a restriction that a number of supermarkets have already undertaken to do themselves.

Food Standards Scotland has identified that almost 40 per cent of all calories, 40 per cent of total sugar and 42 per cent of fats and saturated fats were purchased on price promotions in 2014-15. Consumer spending on price promotions in the

UK is now the highest in Europe and 50 per cent of foods that are high in fat, sugar and salt are purchased on promotion. The potential reach and impact of restricting such promotions is therefore clear, and we support such restrictions.

As the minister mentioned, polling that was commissioned by Cancer Research UK demonstrates that nine in ten parents believe that supermarket promotions impact on what they buy. It also indicates broad public support for restrictions, with two thirds of Scots supporting the proposal and three in four people wanting the balance of promotions to be shifted towards healthier items. Recent polling by Which? also suggests that a substantial majority of the public want more supermarket promotions and offers to apply to healthier food choices. There are clearly market opportunities for supermarkets and retailers if they move towards that approach.

As well as restrictions on junk food multibuy, and as part of a vision where the consumer can have access to the most relevant and useful information about their food in order to be able to make the best-informed choices, we also support moves to explore how labelling can be strengthened and improved in this area. The Scottish Government must, of course, also work with the business community to ensure that its concerns and needs are addressed in any changes to labelling processes and in how they are implemented. I hope that retailers will step up to the mark to help the country to address and tackle this public health issue. We know that retailers have spent significant sums of money on mapping consumer behaviour in stores and I hope that they will help to provide a healthier retail environment in future, as that addresses the future health of their customers, after all.

Although the consultation includes a number of individual policies that we support and which are important and welcome, we believe that tackling obesity will involve even wider societal and cultural changes, which are needed to reduce overconsumption of unhealthy food. As our amendment makes clear, we believe that a cross-portfolio approach is vital. The health department and ministers must work hand in hand to embed preventative measures into cross-portfolio work and cross-policy areas—I welcome what the minister said on that. The Parliament's Health and Sport Committee is often frustrated that many of the policy interventions that are advocated by health experts are the responsibility of education or planning ministers and sit outwith our remit and in other committees' remits. I hope that we will see action on the issue across Parliament and Government. That cross-portfolio approach must also include the Scottish Government working constructively with local government and with all the third sector organisations that have a stake in

the issue and an important role to play in our communities.

When we debate obesity, we cannot ever afford to forget that we need to focus on promoting healthier active lifestyles and exercise. My colleague Brian Whittle will have a lot more to say on that issue when he closes today's debate for the Conservatives. We need to look at how calories are burned off by an individual as well as their calorie intake and look to ensure that everyone has access to the physical activities of their choice in their local community. We are a sporting nation. After the fantastic high-level sporting success that we witnessed at Murrayfield at the weekend, the question that we need to ask is how we can inspire Scots to undertake more physical activity in whatever form that may take.

Most people in Scotland, and indeed many members, will have woken up with a sore head on Sunday, and many may even have woken up with the previous night's kebab—I am speaking for other members. We need to develop our national interest in sport from an observational to an active role, so I hope that that issue will be developed in the strategy. The way in which we plan our communities and community spaces has an important role in helping to achieve that. As the minister has outlined, many community sports clubs across Scotland are undertaking constructive community initiatives to open up facilities to their supporters and local communities and I pay tribute to them, especially those in my Lothian region.

However, much more still needs to be done to achieve that. On my way to work at the Parliament today, I noticed the new exercise bike that the council has located in Royal Terrace Gardens. I have noticed it a few times, but I have never seen anyone using the bike or seen where it is mapped so that people can have the opportunity for 15 or 20 minutes of exercise. On a recent visit to the Aviemore sports hub, members of the Health and Sport Committee were told that the hub has developed 15-minute staggered timetabling to allow parents and grandparents to drop off children and grandchildren in activity classes before going into classes themselves. We need to develop that joined-up approach across Government and across our sports facilities.

My Lothian colleague, Alison Johnstone, has highlighted on a number of occasions the fact that many people do not jump from low levels of activity to exercise classes, because they find that a challenge.

**The Presiding Officer:** Please bring your remarks to a conclusion, Mr Briggs.

**Miles Briggs:** We heard more about that point in Aviemore.

We hope that we will work constructively, as a Parliament and Government, to take forward a cross-portfolio approach. I support the Scottish Government motion and I hope that members across the chamber will support my amendment.

I move amendment S5M-10652.1, to insert after "their diet":

"...; believes that a cross-portfolio approach is required to achieve meaningful change and embed the ambitions set out in the draft strategy; recognises the crucial role that an active lifestyle plays in tackling obesity and related conditions".

**The Presiding Officer:** I apologise to everybody for shortening the time for the debate.

14:44

**David Stewart (Highlands and Islands) (Lab):** I welcome the debate. Labour will support the Government motion and the Conservative amendment.

Obesity is a modern-day public health crisis that would be unrecognisable to Scots who lived through rationing in the second world war or a century before that, when church parishes from Shetland to Selkirk had to set up poorhouses to look after the hungry and the dispossessed. I share the view of Martin Cohen of the University of Hertfordshire, who has stated:

"Obesity is not just a matter for the nutritionist; rather, it is a product of social inequality and requires a collective social response."

As we have heard, obesity has been on the rise for decades. Changes to our lifestyle have had inescapable repercussions for our diet: the increasingly fast pace of life means that we are more likely to buy quick and easy meals, and frequently to trade nutritious food for efficiency. We are also more prone to eating on the go, grabbing a meal deal from the supermarket or—maybe even and—getting a takeaway for dinner.

That shift in our eating habits means inevitably that we are taking in more sugar, salt and fat than we need. To compound the problem, as the minister said, the busyness of life means that fewer and fewer of us are active enough to burn off the calories. It is estimated that, in 2016, only 64 per cent of people over 16 reached the recommended amount of physical activity each week. The result is a country that has one of the worst records in the Organisation for Economic Co-operation and Development.

The consequences of endemic obesity are severe. The issue is less a ticking time bomb than it is a grenade with its pin already pulled. For individuals, being overweight comes with numerous increased chronic health risks and

reduces life expectancy by an average of at least three years.

Like Miles Briggs, I commend the work of Cancer Research UK and obesity action Scotland, which are working extremely hard in Parliament and with the public to raise awareness of the link between being overweight and development of various cancers.

As a former diabetes champion of the Parliament, I am also encouraged by the focus in the Government's consultation document on Scotland's growing type 2 diabetes epidemic. Being obese or overweight is a significant contributing factor to a person's developing type 2 diabetes. With our obesity crisis it is, unfortunately, no surprise that figures for type 2 diabetes make for bleak reading. More than 257,000 people in Scotland have been diagnosed with type 2 diabetes, and a further 500,000 are at risk of developing the disease. With type 2 diabetes can come serious complications, including the risk of blindness and amputation, besides the clear and grave implications for the individual's quality of life.

Growth in that condition is just one example of the strain that obesity places on our national health service resources. The NHS spends almost £1 billion on tackling diabetes, but about 80 per cent of that goes on managing avoidable complications. The Government's proposal to invest in weight-management programmes with long-term goals is, therefore, welcome. Diabetes Scotland has raised with me concerns that budget cuts to teams that are currently collecting clinical data could significantly undermine assessment of the programmes. Therefore, I urge the Government to consider seriously how it will support those existing resources. Talk of precise targets and desired outcomes is useful only if evaluation is possible.

When we are faced with the complexity of our obesity problem, it is easy to feel overwhelmed. Some people might longingly hark back to the good old days—I am sure that Stewart Stevenson could relate to that—when our food was less processed and children played outside rather than sitting indoors playing "Football Manager". However, nostalgia is not the solution. The Government's consultation proposals recognise that in order for it to be successful, a strategy must help people to make better choices by changing the environment within which we operate.

It is good to see the Government seriously considering how advertising and promotion of food that is high in fat, sugar and salt could be restricted. Key to that approach will not only be negative restriction of unhealthy foods, but making the option of a balanced diet more practical. Furthermore, the growth in out-of-home eating means that a strategy needs to have a

consistently strong approach to labelling and marketing of foods by restaurants and takeaways.

However, the environmental shift needs to encompass more than just our food culture. Although the nature of the public health challenge might look modern, under the surface the root causes are the same old story: poverty, social deprivation and inequality are significant contributors to a person's being overweight, and the least well-off are most at risk. For example, a quarter of children who live in the most-deprived areas are at risk of obesity, compared with only 17 per cent in the least-deprived areas.

The problem is captured in a Health and Sport Committee report from 2015, which stated:

"A boy born today in Lenzie, East Dunbartonshire, can expect to live until he is 82. Yet for a boy born only eight miles away in Carlton, in the east end of Glasgow, life expectancy may be as low as 54 years, a difference of 28 years or almost half as long again as his whole life."

Therefore, our health inequalities are, in fact, just inequalities; they cannot be explained away purely as the food choices that individuals make.

As food prices have risen, it has become harder for families who are on a tight budget to buy meals that are both filling and nutritious. Evidence shows that consumers want to buy healthier food, but think that it is more expensive to do so. Therefore, the aim of regulation of product promotions needs to be more ambitious than merely to reduce the number of unhealthy foods that are on offer; it should also involve making healthy products more affordable.

Placing restrictions on the formulation, sale and advertising of food products is beneficial, but it is also complex and tricky. The minister might want to respond on controlling the number of food outlets near schools, in particular with regard to local authority licensing of mobile traders. Further, the planning system should consider how community spaces can encourage physical activity by being welcoming and safe.

Overall, the Government's proposals for a fresh approach to tackling obesity are positive. The hope is that the proposals will now be turned into a strong and practical strategy that has clear targets and systems of evaluation. The key to tackling obesity lies in seeing it not only as a problem for individuals and families, but as a social problem that is similar to those around educational underachievement or criminality.

Poverty, not individual choices, is the driver of the problem. Thus, only fundamental societal change that fights inequality will cut the Gordian knot of widespread overindulgence.

I move, as an amendment to motion S5M-10652, to insert at end:

“; notes the importance of an active lifestyle for maintaining good physical and mental health and wellbeing and calls on the Scottish Government to ensure that resources are made available to support increased physical activity programmes for all ages and backgrounds; believes that the case for action is clear, and therefore calls on the Scottish Government to consider bringing forward the timescale for the publication and implementation of its strategy as a matter of urgency.”

**The Presiding Officer:** We move to the open debate, in which speeches should be of five minutes, please.

14:51

**Sandra White (Glasgow Kelvin) (SNP):** I do not mean to be too harsh or sensational, but we need to tell the truth about what is happening at this moment in time, and we really need to educate people that being overweight can literally kill them. That has to be said. It can lead to high blood pressure, strokes and all the complications around type 2 diabetes that David Stewart mentioned, and which other members will discuss later. We have to be quite harsh: we have to educate people so that they realise that being overweight has many implications for their future health. That message must be sent not only to young people, but to people of my age and older. It is never too late to change our diet and become healthier.

I welcome the debate and look forward to listening to members' speeches.

According to the latest Scottish health survey, two thirds of Scots are obese or overweight, only a fifth of adults eat enough fresh fruit and vegetables—I am probably one of those who do not, so I will take that lesson—and only 31 per cent of men and 24 per cent of women meet the recommended levels of physical activity that are needed to prevent health risks in later life. Those are quite startling facts.

The Health and Sport Committee, which I have only recently become a member of, published a paper that said that Scotland has a policy framework that could enable the Scottish Government to make decisions

*“that may initially be unpopular”*—

that part is published in italics—when introducing new initiatives. I am glad that the Scottish Government has decided to follow policies that might be unpopular, because as other members including the minister have said, we need to introduce such policies.

I am pleased that the Scottish Government has taken on board ideas on restriction of discounts on junk food, on minimum alcohol pricing, on restriction of car use, on encouragement of more active travel, and on action on fat and salt in food.

If being unpopular brings us a Scotland that is healthy, and it improves the lives of our children, I am quite happy to be more unpopular than I sometimes already am in my constituency, and I certainly support everything that is in the Scottish Government's strategy.

Various strategies are going on throughout the country, but I want to concentrate on some in my area. NHS Greater Glasgow and Clyde was mentioned by the minister. People in the area can ask their general practitioner or health visitor for a referral to the health board's "live active" exercise scheme, which helps to build the confidence that is required to enable people to make positive lifestyle changes. It offers one-to-one catch-ups that help people to understand the sort of activities that can make their lives much better. Access to the scheme is generally free and, in my constituency, participants can attend classes at North Woodside leisure centre and Kelvin Hall. There is also a weight-management service that is linked with the scheme.

There are various other initiatives in my constituency—for example, Woodlands Community Development Trust. For people who live in areas like Glasgow city centre, the west end of Glasgow or Partick, where it is all tenemental properties, it is really important to have access to green spaces. We are very lucky in Glasgow because we have parks, but it is difficult for people who live in tenements to access to community gardens. Woodlands Community Development Trust runs a community garden, which is a fantastic project. There are 50 raised beds, local people grow and cook their own food, and people who cannot cook are taught how to cook. Perhaps we should look at providing more money for allotments: I will throw that open to the minister. The garden is a fantastic therapeutic space that is attended by school-age and nursery-age kids. There is a community cafe that is open to everyone, which the First Minister visited a couple of weeks ago. Refugees come along there and are fed. The real strength of the project is that everyone joins in; there are no distinctions between people.

Even if it means being unpopular, we have to ensure that people embrace a healthy lifestyle. However, there are other things on the ground that we can do, as well.

I am getting a look from the Presiding Officer, so I will finish there.

**The Deputy Presiding Officer (Christine Grahame):** Thank you for betraying what I am doing here with my looks.



14:56

**Annie Wells (Glasgow) (Con):** We can no longer ignore Scotland's obesity epidemic. Individually, many of us worry daily about our weight—two thirds of Scots are concerned about their weight or the weight of someone in their family. Whether we are made to feel ashamed of our bodies by images in the media, or confused by ever-changing guidelines on what we should and should not be doing to maintain a healthy weight, it is clear that, as a country, we have become lost along the way.

Two thirds of adults in Scotland aged 16 and over are overweight and almost a third of children are at risk of being overweight. The repercussions of that are great, in terms of health and cost to the NHS. It is therefore vital that we set out an ambitious national strategy that embeds across all Government portfolios a focus on healthy eating and physical activity. That is why the Scottish Conservatives support the Scottish Government on the issue—in particular, in relation to the following areas.

It is estimated that 110 tonnes of sugar are purchased on price promotion every day in Scotland—the equivalent of 4.3 million chocolate bars—and that 50 per cent of high fat, sugar and salt products are bought that way. It is right, therefore, that the strategy seeks to restrict price promotions. Looking beyond the food that we consume at home and the fact that eating out can contribute up to 25 per cent of calorie intake, we also support improvements to labelling. We support, too, exploration of how changes to planning could have a positive impact on our food choices, and we agree with support for small businesses to adapt to new healthy food manufacturing opportunities, as they become apparent.

The biggest challenge is to create long-term cultural change—to address our relationship with food and to encourage people to make active healthy decisions. That should not always happen because the choices have been limited; it should also happen because we understand and appreciate the value of healthy eating from an early age. Key to that, as Miles touched on, is education and a cross-portfolio approach that embeds that ethos in our everyday thinking. To supplement that, we should improve physical activity rates from an early age—something that our “Healthy Lifestyle Strategy” paper detailed last year.

At present, 24 per cent of children are not meeting the current moderate to vigorous physical activity guidelines—a statistic that increases to 36 per cent among adults. Not only is physical activity one of the best things that we can do to improve our physical health, but it is proven to improve our

mental wellbeing, mood and self-esteem, all of which are surely conducive to making healthy eating choices.

Linked to that idea is something that we are not talking about enough when it comes to maintaining a healthy weight, which is that we should take into consideration the psychological factors that are linked to our eating habits. It is really easy to forget, among the statistics and strategies, that bad food choices are often made knowingly.

Many of us desperately want to lose weight and we know roughly how to do so, but it is a real struggle. Among serious cases, as leading expert Dr David Blane recently pointed out in a newspaper article, there is quite a large number of adults for whom obesity has large psychological components. Often, there have been situations of adversity in childhood, or other stresses that people have been under that have led to overeating as a coping mechanism.

Furthermore, as I alluded to in my introduction, many of us are crumbling under the pressure of a society that bombards us with images of the perfect body, which distorts our perception of what is healthy and makes it difficult to motivate ourselves to achieve long-term and sustainable lifestyle changes. I ask the Scottish Government how it seeks to widen the focus of the strategy to take into account the psychological factors that influence our eating habits.

The final point that I will make is on the need to focus on how socioeconomic factors affect weight, and how awareness of that can be embedded in the strategy. Adults from deprived areas are more likely to be overweight or obese, and children in the most deprived areas are 8 per cent more likely to be so than are children from the least-deprived areas. I ask the minister for further detail on how the strategy will prioritise work with families who are in poverty and on low incomes, in order to ensure that we do not have such disparities.

In finishing, I repeat my support for a national strategy that seeks to address one of the greatest health challenges that face Scotland at the moment. Only by working together and embedding healthy eating and physical activity in our nation's ethos can we achieve the long-term cultural change that is required to make Scotland a healthy-weight nation.

**The Deputy Presiding Officer:** I remind members that they should use other members' full names in the chamber. It is easily forgotten, but do so, please.

15:01

**Kenneth Gibson (Cunninghame North) (SNP):** Paradoxically, although Scotland is

renowned worldwide for its quality food and produce, obesity is now one of the major causes of ill health here. Our diets often leave much to be desired, earning us the unenviable position of being one of the heaviest nations in Europe. People of a healthy weight are now in the minority. They represent only 35 per cent of Scottish adults—and, sadly, I am not one of them.

There is no quick fix, and no single piece of legislation can change that. Instead, significant effort is now required on all sides—from policy change to a shift in societal behaviour—to ensure a healthier future for Scotland.

For millennia, people in most countries around the world struggled to have enough to eat. Indeed, a century or more ago, corpulence was seen as a sign of health and wealth. Now, the opposite is true. Rises in obesity have largely been driven by the increased availability of affordable and accessible food and drink that is high in salt, saturated fats and sugar, combined with increasingly sedentary and time-stressed lifestyles. Therefore, in addition to individual effort, cultural and environmental changes that determine what people buy and eat are needed to deter excess weight gain, to support individuals to maintain a healthy weight, to encourage people of all ages to exercise more—even if it is just by walking—and to promote active travel.

Obesity can reduce the average lifespan by a decade or more and can have serious and debilitating consequences on physical and mental health, such as cancer, type 2 diabetes, strokes and depression. It also results in an astonishing economic burden, costing NHS Scotland £600 million a year and significantly reducing productivity in the Scottish economy.

Obesity is now one of the biggest public health challenges that we face as a nation, with significant yet preventable impacts on every aspect of society. To tackle it successfully, we must be fully aware of the risks that come with being overweight or obese and be prepared to combat them with tough action and a commitment to change. Some measures are already in place. The Scottish Government has invested £12 million over the past five years on programmes to support and encourage healthy eating, with campaigns such as supporting healthy choices and eat better feel better.

The next step towards a healthier Scotland is the new Scottish Government diet and obesity strategy document, “A Healthier Future—Action and Ambitions on Diet, Activity and Healthy Weight”, which includes bold measures that are designed to deliver a new approach to diet and healthy weight management, to empower change and to help people to make healthier choices.

The programme for government aims to provide more weight-loss support for the 300,000 people in Scotland with type 2 diabetes—a figure that has doubled in just two decades. I commend David Stewart for all the hard work that he has done in that area over a number of years. The programme also aims to progress measures that limit the marketing of products that are high in fat, sugar and salt.

In 2016, food and drink that was bought on price promotion represented 36 per cent of all calories purchased in Scotland, and UK consumer spending on price promotions is the highest in Europe. Consumers often make decisions automatically. I am sure that the majority of us have fallen victim to that and have returned from a shopping trip with unhealthy foods that we had not intended to buy, simply because they were on offer. The strategy represents a unique opportunity to reduce the wide-reaching influence that price promotions have on consumer behaviour.

By welcoming the views of a wide range of stakeholders on current proposals, priorities and implementation methods, this ambitious strategy seeks to revolutionise the food environment in Scotland. I heard many such views at first hand while I was co-convening last week’s Scottish policy conference keynote seminar on policy priorities for tackling obesity in Scotland with Brian Whittle at the Royal Society of Edinburgh, which we chaired in our capacity as co-conveners of the cross-party group on improving Scotland’s health: 2021 and beyond. David Stewart is the other co-convenor of that group. I look forward to seeing many of the ideas from the seminar taken forward.

The development of the much-needed strategy is testament to the fact that we are reassessing diet. By utilising knowledge gained from tackling other public health challenges such as alcohol misuse and smoking, and by utilising the growing body of evidence on actions that are necessary to improve the health of the whole population, the measures will ease the process of making healthier choices each day by empowering change at national and personal levels.

As we develop the new strategy, it is important that we continue to promote community health projects that support people around Scotland in making healthy, affordable choices as well as promoting the vital role of an active lifestyle. That support, such as that which is provided by community food networks, delivers dignified services to individuals and communities through activities that are designed around cooking, growing and food education.

The programme for government outlined our ambition to make Scotland the best place in the world to grow up, be cared for and be healthy in. By committing to the delivery of the new strategy

over the next five years and by offering advice and support to parents, we will get closer to ensuring the healthier future that Scotland desperately needs. After all, an obese child is around five times more likely to become an obese adult, and we cannot afford to let obesity become the new normal in Scotland, regardless of location or circumstance. I am sure that this progressive plan will be exactly what our society needs to kick-start a positive change in attitude and positive action towards diet, weight and healthy living.

15:06

**Johann Lamont (Glasgow) (Lab):** I welcome the opportunity to contribute to the debate. I confess to feeling a little unease about the whole debate around obesity and weight, not because I am obliged to think it through in order to make a speech, but because there is a broader question here.

I cannot be the only person who is alive to the fact that, as well as today's debate on healthy weight, there is a members' debate tomorrow on eating disorders. Many eating disorders have developed out of body shaming or cruel comments about somebody's size. I taught at a school that Lena Zavaroni attended, and she lost her life to an eating disorder. As I have got older and gained more awareness about eating disorders, I have realised that we must be very careful about the language that we use to talk about healthy eating and weight. We must fully understand the consequences for all too many of our young people, in particular, of the language that is used around that question.

For a lot of people—I am certainly one of them—the question of weight is personal. There could be a whole debate on why women, in particular, worry about their weight. As for many women, that has been a part of my personal life. From my childhood and from my time as a teacher, I know about the way in which a child's weight can become a vehicle for bullying that is deeply ingrained among other children in the classroom. We have to understand the impact of that when we talk about the issue.

I do not in any way pretend to be an expert. I have perhaps been on as many diets as others. However, I will make a number of observations about what is important in the debate. I understand the public health impact of the issue and the importance of understanding the need to tackle the question of obesity at that level. There are good health messages on healthy eating and being active—on exercise and sport—to get across to our population, and it is important that we take the time to ensure that people are aware that those messages are for them and not just for other people.

It is also important that we move beyond a one-dimensional, if worthy, debate that is decontextualised—taken out of the context of Government policy choices on spending on health, on education and elsewhere. It is important that we mainstream the debate into the general question of the wellbeing of our communities and that we understand what is happening out there. Some of it is about choice, and we need to understand what shapes those choices. People are not simply malleable to the supermarkets' wishes. Somehow, we need to combat that view.

We also need to understand that there have been many important health initiatives over many years, which are now being rolled back. In the early years of this Parliament, important measures were put in place at a local community level to encourage healthy eating and to ensure that people understood about cooking and sport. Work was also done through after-school activities in our most deprived communities. However, much of that work has gone because of the financial constraints of the recent past—we must recognise that those things go hand in hand.

It is not always easy to take on board many of the sports messages. I never regarded myself as a sporty person. While Brian Whittle was off winning gold medals, some of us simply watched. Nevertheless, in the 1980s, in particular, there was the development of the fun run movement. People like me put on running shoes and ended up running marathons because it was seen as something that all of us could do. It was easy, affordable and supported in our local communities by local authorities and others. We should learn from that.

It is also important that we understand health inequalities in the context of disadvantage. Why are people in deprived communities more likely to be obese? Why are women in deprived communities more likely to be obese than men in deprived communities? As a school teacher, I used to help to run attendance groups—we helped those who had a problem with coming to school. We realised that, often, the only thing that those children had in common with each other was that they did not come to school. That is also true of obesity, as not everyone who is obese is obese for the same reason. Therefore, the same solutions will not necessarily address people's problems.

We need to think about how young people access sports. Does that need facilitating parents or are there ways in which community initiatives can support talented young people to access sports without relying on a parent with a car? Too often, that is the division that develops early doors in our communities.

We need to address those issues gently and understand their importance. We cannot back

away from the importance of resources. I make a particular plea to the minister to ensure that local government is allowed to support those issues as well as the other things for which it has responsibility.

**The Deputy Presiding Officer:** I have been quite tolerant but I cannot allow members to overrun by 20 seconds or so. That takes time away from other members, and we have no time in hand.

15:12

**Ash Denham (Edinburgh Eastern) (SNP):** The food environment that we live in today is very challenging. We apparently need to make up to 200 food decisions every day. That is sometimes summarised in the moment when I look at an orange and think that peeling it is just too much effort—which is obviously wrong. Even something as simple as buying a coffee can be fraught with risk, because we know that we will have to spend five minutes in a queue, looking at the cake display. Having to make 200 decisions can test even those with the strongest willpower.

I have come a long way from the typical diet that I had as a 14-year-old—lunch was usually a portion of chips, and then I would leave school, go to the local shop and buy some sweets. Most people know that chips and sweets for lunch is not a great choice and that they need to eat more fruit and vegetables and get some exercise. The problem is that, although we often know what to do, we do not seem able to do it. Therefore, the strategy is timely in helping people to achieve that change in lifestyle.

The food environment is hugely important and is possibly one of the missing links in converting that knowledge into action. If people have junk food pushed at them constantly, it will be very difficult to resist. Extending the restrictions on junk food advertising to children is, therefore, very important and welcome. From my experience, I know that, if someone does not buy things as multibuys from the supermarket and they are in their kitchen cupboards, rarely, if ever, will they go out to the shops to buy them later.

The strategy also commits £200 million for small and medium-sized enterprises to reformulate their products to make them healthier, which is welcome. However, I raise a note of concern about that in relation to fizzy drinks. To avoid the sugar tax, manufacturers have reformulated their recipes but have replaced the sugar in those products with artificial sweeteners. I am concerned about the long-term damage that those sweeteners might turn out to do, especially to children.

We also need to be able to easily understand what we are eating—that, if something is marketed as healthy, it is actually healthy. Food labelling is key and is perhaps the other piece of the jigsaw. It must be easy for people to judge what the nutritional content of a product is. We also need to carefully regulate the additives and ingredients that go into our food.

Are we holding the food industry accountable for the products that it is producing? We know that some food products are deliberately designed to be as addictive as drugs. Should we force the industry to become more accountable and to label food properly so that people know what they are really eating? I think that we should.

I heard one scientist describe our food environment as containing, in many cases, not food but a food-like substance that our bodies do not recognise. That observation stayed with me. These products are not just making us fat; they are making us sick, too. I will illustrate why that is important using the example of bread. It is something that we might think of as quite simple but, similar to other food products, it is now a complicated tale of processing, maximising shelf life, reducing costs and using ingredients that probably should not be there.

In 1961, the British Baking Industries Research Association in Chorleywood devised a fast bread-making method using lower-protein wheat and an assortment of different additives and high-speed mixing. Until the 1990s, anyone eating commercial bread was also ingesting potassium bromate, which was found to be potentially carcinogenic and was banned in the European Union in 1994. It was replaced by enzymes that are used to make bread huge, soft, squishy and cheap. Those enzymes, which modern baking relies on, are designated as processing aids and, as such, do not have to be listed as ingredients. They are proteins that speed up a metabolic reaction and can be derived from bacterial, fungal, animal or plant sources. Many of them are derived from substances that are not part of a normal human diet and are known to cause occupational asthma in bakers.

Those processing aids are currently used either as ingredients or additives, and bread manufacturers are able to disguise their presence from the buying public legally. I think that the public deserve to know what is in the products that they are eating, especially when those ingredients could pose a risk to their health—and there is a cost to public health from products of that type. For example, there has been a recent rise in coeliac disease, and there may be a link between the two.

The strategy is a strong package of measures and I am pleased to support it.

**The Deputy Presiding Officer:** I will not look at toast in the same way again.

15:17

**Alison Johnstone (Lothian) (Green):** I will pick up on the points that Ash Denham has made. As someone who is just about to finish sugar-free February, the Cancer Research initiative, I have been encouraged to look at hidden sugars, which are not always obvious. I have a picture on my phone of a loaf of bread that contains caramelised sugar. I will not name the offending seller, but it just goes to show that it is a challenging area.

The Government is asking for cross-party support for action to tackle obesity, and I am happy to provide that support. As the Greens' health spokesperson, I signed up to the joint letter from all Opposition parties to the cabinet secretary earlier this month, and I have previously written to the minister about the need to regulate price promotions. The 2016 Green manifesto supported policies that would make supermarkets healthier places to shop, proposing action on price promotions, advertising and product placement. It also suggested help for local authorities to create safe and exciting outdoor spaces, more green spaces, more walking and cycling routes and affordable and accessible sports centres.

I know that the minister attended the national cross-country championships at the weekend, where she will have seen thousands of people of all ages taking part in an activity that is probably about as affordable as it gets and can be enjoyed in many locations. However, she will also be aware, from her recent meeting with Hutchison Vale Football Club, of the challenge that some of our young people have in accessing the places that they need to access in order to train for specific sports, whether football or athletics.

The strategy addresses a multifaceted area, and I support the amendments from Miles Briggs and David Stewart in that regard. When we are seeking to make a big change, there will always be those whose interests are challenged. We should not just ignore their concerns, but we should ask why Asda might oppose restrictions on promotions in its stores. The protests of food manufacturers and big retailers are often framed as a valiant defence of consumers, which is why it was helpful that the consumer organisation Which? sent a briefing ahead of the debate with the results of consumer research that was recently conducted in Scotland. Only about 30 per cent of people thought that food manufacturers and supermarkets were doing enough to encourage people to eat better. Cheaper healthy food is what consumers really want.

Just over a month ago, I hosted an event with the Royal College of Paediatrics and Child Health on its state of child health scorecard for Scotland. Its report noted:

"Child health in Scotland ranks among the worse in Western Europe".

It highlighted the strong relationship between deprivation and weight, which colleagues have touched on. For children in Scotland, overweight and obesity prevalence in the most deprived areas was 25 per cent, whereas its prevalence among those who lived in the least deprived areas was 8 percentage points lower, at 17 per cent. As Kenny Gibson noted, that pattern is in complete contrast to the pattern in the early 1970s, when obesity prevalence was the other way round: it was greater in children from the most affluent areas than in children from the most deprived areas. That relatively new pattern needs new actions.

The Government's strategy talks about the need for a broad range of actions to address a complex problem. That is true and welcome. Good health means tackling income inequality, discrimination and prejudice; it is not only about having more nurses and hospitals.

The consultation also recognises that interventions need to rely less on individual choice and more on changes to the wider environment. Everyone wants to eat food that is tasty and nutritious; let us make that the affordable and easy choice.

A spokesperson from Coca-Cola was in the news recently, claiming that restrictions on price promotions have

"little evidence to support their efficacy".

In 2015, a Public Health England study on evidence for action on sugar reduction identified price promotions as having the most robust evidence base of all actions. It said:

"Food retail price promotions are more widespread in Britain than anywhere else in Europe. Foods on promotion account for around 40% of all expenditure on food and drinks consumed at home. Higher sugar products are promoted more than other foods. Price promotions increase the amount of food and drink people buy by around one-fifth."

Therefore, they clearly work. It also said:

"These are purchases people would not make without the in-store promotions."

Annie Wells was quite right. We have to do another difficult thing: we need to consider the emotional and psychological dimension of food. Can we develop a more psychologically informed approach to weight management? That means working with people to address damaging patterns without stigmatising their weight—a point that was well made by Johann Lamont. We know that

stigmatising behaviours and conditions only damages people's health, making them more psychologically vulnerable and less likely to seek the support that they need.

I touched on that topic in a debate on world cancer day, because there is research that links obesity to adverse childhood experiences. The Parliament should explore that matter further.

15:22

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I thank the Scottish Government for lodging the motion and for seeking to build consensus by reaching out to Opposition members in advance of the debate. I welcome the Government's efforts to maximise the public response to the consultation.

Whenever we have debates like this in the chamber, I am reminded of the words of Thomas Jefferson, who said:

"The doctor of the future will give no medicine, but will interest his patient in the care of the human frame, in diet and in the cause and prevention of disease."

I think that he would be astonished and dismayed to learn that, some 200 years later, in a developed country such as Scotland, obesity and associated health conditions are at their current levels. Some 200 years later, our diet is worse in many ways, our engagement with physical activity is poorer, and our relationship with alcohol is far more extreme.

I do not doubt for a minute the sincerity of the Scottish Government's commitment in that regard, but that commitment has been shared by every First Minister and health secretary and their Opposition counterparts since devolution began. Therefore, something is not working.

We have deployed a significant body of scientific evidence, innumerable publicity campaigns and a hope that the industry will respond and reformulate, but our collective response to the human cost and the reality that obesity is the second biggest cause of cancer after smoking has been found wanting.

Our nation's waistline has proven to be utterly immovable. I have been struck by the fact that, as we have heard, almost two thirds—65 per cent—of adults in Scotland are still overweight or obese. That figure is largely unchanged since 2008. That a third of children are overweight is a national scandal. That correlates to the fact that children in Scotland who live in the two most deprived quintiles are least likely to have a healthy weight and delineates the link between social deprivation and obesity, which we have also heard about in the debate. I saw that at first hand in a detached youth work shift in Govan in 2012. I was astonished to learn then that there were no shops

selling fresh fruit or vegetables within walking distance.

It is not just about diet, but about alcohol. We have again heard a lot about that issue today.

Although diet is disproportionately a symptom of poverty and relates to deprivation in our society, that is not exclusively the case. This morning, I was interested to hear, as I am sure that other colleagues in the Health and Sport Committee were, the chief medical officer, Catherine Calderwood, reveal that the highest rates of childhood obesity are to be found in the Shetlands and in Dumfries and Galloway.

We must be bold, comprehensive and look at a whole-systems and whole-country response. The chair of BMA Scotland, Dr Peter Bennie, is right to state that the Government has got some really good proposals here, but that we still "need to go further." He reaffirmed his view in his response to the committee that voluntary measures have failed and that a heavier hand might be needed. As a Liberal, I instinctively find that approach uncomfortable, but in this case it is absolutely right.

We support measures such as the further restriction on sales and price promotions and on sponsorship and marketing, particularly when it is directed at children. We want the provision of calorific information for food purchased in shops and restaurants to be a requirement, along with, as the BMA has called for, the provision of readily accessible, specialist multidisciplinary weight management units.

I welcome today's motion—I really do—but it refers only to part of the battle. My amendment, had it been accepted, would have covered the other aspects. A healthy diet is only part of the answer to Thomas Jefferson's challenge. He talked about

"the care of the human frame".

That very much relies on the pursuance of physical activity. In the Parliament, we are all very conversant about the many barriers to people using or having access to local leisure facilities, but there is another lens through which to look at the issue.

Social isolation, poor self-esteem linked to mental health issues and infirmity—issues that came to the fore and which I was struck by as part of the Health and Sport Committee's sport for everyone inquiry—all contribute to poor levels of activity.

Basic anxiety is a principal barrier to strenuous activity—embarrassment gets in the way—but it manifests in other forms, too. I go on about fear of falling, but with good reason: it has a severely limiting effect on social orbit. If someone does not

have confidence in the integrity of the pavements and the paths around them, they do not have as much physical activity at their disposal as they would otherwise have.

Two hundred years after Thomas Jefferson issued his prophesy, we have, in this country at least, stalled in our efforts to realise it. The cost of that can be measured by the strain on our NHS and in the life outcomes for those suffering from obesity.

I thank the Government for its motion and I assure it of our support for it tonight.

15:27

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I remind members that I am the parliamentary liaison officer to the Cabinet Secretary for Health and Sport.

I welcome the Scottish Government's ambitious new healthy weight strategy, which is a good foundation for tackling Scotland's obesity problem. As others have said, healthy weight adults are in the minority in Scotland and almost a third of our children are in danger of being overweight or obese. Those figures are alarming, and without proper action our population will undoubtedly see an increase in health problems.

As Obesity Action Scotland has pointed out, we live in an obesogenic environment that promotes weight gain. To pick up on a point that was made by Annie Wells, I support body positivity, especially in our young people. However, there is a clear link between obesity and health issues such as type 2 diabetes, cancer and other chronic conditions. We must ensure that we have early intervention and that children have a healthy and positive relationship with diet and exercise from a young age, so that making informed and healthy choices is second nature to them. The new strategy empowers personal change and contributes towards the cultural change that is needed, too.

We need to tackle the link between poverty and obesity. Child poverty is a massive issue facing my constituency and Scotland more generally. My area of Coatbridge and Chryston is an old industrial heartland, which is recovering from the deindustrialisation and chronic unemployment of the 1980s and has been hit with a second whammy of UK austerity. Although I welcome the very pleasant Miles Briggs, his support for the strategy and, indeed, his amendment, I strongly believe, politically speaking, that those of us of a progressive nature must always be aware of the context of Tory policy when we are implementing actions at a local level and elsewhere.

There is clear evidence that healthy eating and steering clear of processed foods are difficult for people who are on a tighter budget. It is great to see that the strategy takes that into account and will support families who are on low incomes to help them make more informed choices about calories, sugar, salt and fat.

We perhaps talk about fat less than we talk about sugar, and we need to get that balance right. I would like part of the strategy to focus on making the public more aware of the types of fat. I do not have time in the debate to go into this, but there is strong and compelling evidence that we got it wrong many years ago when we lumped all fats together. Some fatty foods, such as nuts, avocado and oils, might bring significant health and weight benefits. I encourage members to watch the BBC documentary "Fat v Carbs with Jamie Owen", which is very interesting and can still be seen on the iPlayer—I checked that.

I praise North Lanarkshire Council for its recent implementation of a 365-days free school meal policy. The Scottish National Party group on the council has supported such a policy and fought for it for a long time—indeed, it was doing so when I was a councillor—but we should give credit where it is due; the Labour Party has brought forward the policy for implementation, with a pilot in Coatbridge.

I agree with the British Psychological Society that children and families need not just information but practical, skills-based education if we are to increase the likelihood of information being translated into action. Such education could include more concrete skills training, to provide all school leavers with the ability to cook basic, balanced meals.

I have a wee bit of personal experience of the kind of education that I am talking about. Just last week, we had a health visitor appointment for our youngest boy, who is eight months old. I was impressed that the health visitor took time to talk about the sugar content in various foods and about hidden sugar. At the end of her visit, I told her that I am the local member of the Scottish Parliament. I said that I would bring up the issue in this week's debate if I had the opportunity to do so—I think that she was quite happy with that. It is important to praise NHS Lanarkshire staff and others who promote healthy eating.

I also want to praise North Lanarkshire Council's community learning and development Coatbridge locality team, which has been running a weaning workshop for about five years, in partnership with the health board, midwives and health visitors. The team runs a four-week course, which offers parents knowledge about diet and nutrition for their baby and their family. The course includes a practical cookery workshop. I have spoken to a

number of participants, who commended the course for enabling them to gain knowledge about sugars, hidden sugars, fats and food labelling, which is especially useful when they are shopping in the supermarket. I think that a lot of them were quite surprised by what they had learned.

We need to get people's approach to physical activity right from a young age. I welcome the Government's approach to building an active nation and making our towns safer places to walk and cycle in, and I welcome initiatives such as the national play strategy, the daily mile project and the commitment to outdoor learning. Just yesterday, my older boy came home with a note from his nursery that said that he will participate in the Forestry Commission's forest kindergarten, which will

"offer children the unique opportunity to play and learn outdoors, helping them connect with their natural heritage."

That seems like a good place to end my speech, Presiding Officer.

**The Deputy Presiding Officer:** It is an excellent place to end. Thank you.

15:32

**Maurice Corry (West Scotland) (Con):** I welcome the opportunity to speak in today's debate.

It is important that we get our response right on this country's health. The statistics show the breadth and scale of the issues that we face in Scotland and are worth emphasising. Scotland has the lowest life expectancy in western Europe—and it has been that way for more than 30 years. The Royal College of Paediatrics and Child Health has found that the health of children in Scotland is among the worst in Europe.

When I was posted to Croatia with my job and lived there with my wife and children, we learned to live a healthy life, which was based on healthy food, tennis, swimming and great sunshine. When we returned to Scotland we had to adapt to having little sunshine and freezing seas, but we kept up with the fresh food, the olive oil and the exercise that have stood us well so far.

Obesity is a problem that looks set to continue over generations. A recent report from health experts showed that millennials are on track to be the most overweight generation since records began. That is a statistic; the real-world impact on individuals is immense. Poor diet has been associated with 13 types of cancer and is linked with a higher risk of type 2 diabetes and a large range of cardiovascular conditions that shorten life expectancy. The cost on society cannot be discounted, either.

I think that the public expect us to resolve the issue. A poll that was conducted on behalf of Cancer Research UK showed that 83 per cent of the public think that Scotland has a problem with obesity. It is clear that the current state of our nation's health is one of the greatest challenges that faces Scotland.

I want to take a moment to note the excellent work of my colleague Brian Whittle in producing the Scottish Conservatives' healthy lifestyle strategy in 2016. The document, "Healthy Lifestyle Strategy: Setting out a long term alternative strategy for Health, Wellbeing and Sport" is great and includes input and insights from a number of well-respected sources. As Brian Whittle hoped that it would do, it sets out a long-term alternative strategy for health, wellbeing and sport. In particular, it looks at the connection between having an active lifestyle and making healthy choices, and the barriers to inclusion and participation that lead to increasing health inequality and contribute to a widening attainment gap. I recommend reading that document, if anyone has not already done so.

It is important to highlight that obesity is not a problem that we can fix through the legislative process alone or by regulating what people can or cannot eat. It is most important that we ensure that the Scottish Government focuses on educating the public and providing the information that is required for people to make healthy choices, without removing their element of choice. Removing completely the element of individual choice would, in my opinion, inhibit and discourage the real cultural, nationwide changes that we need.

I welcome the introduction of domestic science into our schools in Scotland. That is a good step forward and has taught my son to cook healthy food.

**Aileen Campbell:** Some of the evidence is that the higher prevalence of food being purchased on promotion suggests that there is not a level playing field and that our choice is not as straightforward as I think the member has articulated.

**Maurice Corry:** Yes, and offers—such as buy one, get one free—are one of the issues that are being addressed by the retail industry, and in particular the Scottish Grocers Federation. It is also being looked at very clearly in the soft drinks industry. The minister makes a fair point.

I want to take a moment to speak about the soft drinks industry, which I know very well from my past. The Scottish health survey data show that 35 per cent of children drink non-diet soft drinks at least once a day. The Scientific Advisory



Committee on Nutrition recommended in 2015 that soft drink consumption should be minimised.

In the 1960s—believe it or not—there were 54 soft drinks manufacturers in Scotland; now there are only three. It is hardly surprising that we know ourselves to have a sweet tooth. We consume three times the recommended amount of sugar. An average adult's daily limit should be 30g. A typical can of cola contains about 33g, which means that by drinking just one can, an average adult exceeds their daily limit.

I will not say that people should never drink a can of Irn-Bru or Coca-Cola, but, as with everything else, it should be done in moderation. To be fair, I add that to that end soft drinks manufacturers have sought very hard over the past few years to promote responsible consumption. Nevertheless, we in Scotland love our soft drinks. That is why I support the UK Government's soft drinks industry levy, and I would like Scotland's share of the levy to be spent on tackling childhood obesity. I think that that approach, in tandem with educating the consumer, would have the largest long-term effect.

Tackling our nation's issues with health will not be easy and I doubt that those issues will be resolved in a single generation, but it is a fight that we need to have. We cannot keep kicking the issue into the long grass. We have to tackle it now, take it head on, and win.

15:37

**Emma Harper (South Scotland) (SNP):** I am pleased to speak in the debate. As the motion highlights, the food environment in which people live is one of the biggest challenges that faces us. Making healthy choices is difficult when food that is high in fat, salt and sugar is cheap, widely available and heavily promoted.

Colleagues have spoken about a range of issues—diabetes, heart disease, body image and diet. Johann Lamont mentioned tomorrow's debate on eating disorders, in which I will participate. I am sponsoring the post-debate event in Parliament, which I encourage members to attend.

As a member of the Health and Sport Committee, I am delighted that the Scottish Government's forthcoming strategy, which is backed by a £42 million investment over five years, will include world-leading proposals to restrict the promotion of junk foods as well as provide targeted services for those who have, or are at risk of developing, type 2 diabetes.

In November 2017, the cross-party group in the Scottish Parliament on diabetes, which I co-convene with Dave Stewart MSP, heard from

filmmaker Anthony Whittington. He introduced us to his documentary, "Fixing Dad", which focuses on the topic of type 2 diabetes. The documentary, which was aired on the BBC, is about Anthony's father Geoff. In November 2013, Geoff's doctor suggested that a foot amputation might be necessary in the near future, because of Geoff's type 2 diabetes and obesity. The arch of one foot had already collapsed as a result of Charcot's foot, which is a complication associated with diabetes. His other foot was developing ulcers due to poor circulation, which is another type 2 complication.

Geoff's sons, Anthony and Ian, embarked on a mission to overhaul their dad's lifestyle and prevent the premature death that his doctors had forecast. Over the course of the year's filming, we see Geoff's transformation from an obese night-time security guard to an endurance cyclist and health activist. Geoff lost 7 stones in weight—almost 100 pounds—and he no longer requires any of his diabetes medications.

Following the success of "Fixing Dad", the brothers are making new episodes using the same format and have had a big response from across the UK. I spoke to Anthony and his father Geoff at the cross-party group and have since been in contact with him. I am impressed by his plans and his passion to effect real societal change.

The film's message is that real change might not be easy, but it is achievable. Changing the habits of a lifetime is not easy, so it is important that the right support is in place, and the Scottish Government's ambitious new strategy will empower everyone to make the right personal choices for themselves.

The prescription for Geoff by his two sons and the evidence of sustained weight loss—aye, it took a year—indicate that a model of social prescribing can work. Social prescribing is defined as

"a means of enabling primary care services to refer patients with social, emotional or practical needs to a range of"—

**Jamie Greene (West Scotland) (Con):** Will the member take an intervention?

**Emma Harper:** Absolutely—sure.

**Jamie Greene:** Type 2 diabetes is an issue that is very close to my heart, because my mother has it. One of the problems that she faces is understanding the sheer complexity of all the various diets that are out there that claim to cure the condition. Does Emma Harper have any views on how we could standardise the advice that is given to people with type 2 diabetes on what would be the best diet for them?

**The Deputy Presiding Officer:** I do not know whether you are supposed to give a diagnosis, Ms Harper.

**Emma Harper:** I am not a dietician or a diet expert, but I recommend that anyone who is having difficulty with dietary advice should seek specialist information from a dietetic specialist in diabetes management.

I see evidence of the benefits of social prescribing in Dumfries, where constituents Scott Manson and Karli Scambler, who are both veterans of the armed forces and are qualified in exercise referral, have established their own gym, which is called Rebuild Body and Mind. Scott and Karli's aim is to provide exercise, recovery and rehabilitation in their gym as part of social prescribing. I support their goals and have encouraged constituents to engage with them so that they can share their knowledge and skills to help to improve the health and wellbeing of many people who have said that, for whatever reason, they do not feel comfortable going to a gym.

I encourage the Scottish Government, as it examines how the draft strategy could be strengthened, to consider as part its fresh action the need to gather evidence on how social prescribing is helping to improve the lives of people in Scotland.

**The Deputy Presiding Officer:** I call Alex Rowley, who will be followed by Stewart Stevenson. Mr Stevenson will be the last speaker in the open debate.

15:43

**Alex Rowley (Mid Scotland and Fife) (Lab):** Because I am always watching what I am eating in an effort to lose some weight, I know how difficult that can be and how difficult it can be to know what to buy, what to eat and what is good for you. Despite the efforts of successive Administrations, we still have issues with the level of information that is available to people.

For today's debate, we have received some excellent informative and concerning briefs from many experts and organisations. Cancer Research UK has said:

"Obesity is the single biggest preventable cause of cancer after smoking and is linked to 13 types of cancer."

Diabetes Scotland tells us that people in Scotland need to understand the risks of being overweight because, as it points out, the prevalence of diabetes has increased by 40 per cent over the past 10 years. I take the point that Johann Lamont made, but there is a need for us to be more informative with the public. I was certainly taken aback by some of the information that has been provided over the past few days. Obesity Action Scotland has said that obesity rates in Scotland are among the highest in the world.

I would say that, from the levels of information in those briefs, the debate today is one of the most important that we have had of late in terms of the future health and wellbeing of the Scottish population. Indeed, Cancer Research UK says that the Scottish Government's diet and obesity strategy presents a once-in-a-generation chance to scale down the prevalence of cancer in Scotland. I therefore want to focus on what might be necessary to ensure that the final strategy is not just wishful thinking but an action plan for doing something to address the issues.

There seems to be consensus among most professionals and organisations that we need action and regulation to tackle price promotions for unhealthy food across the retail sector. Cancer Research UK says that Food Standards Scotland identified that nearly 40 per cent of all calories, 40 per cent of total sugar and 42 per cent of fats and saturated fats were purchased on price promotions in 2014-15. Consumer spending on price promotions in the UK is the highest in Europe and double that of Germany, France and Spain. As the minister knows, times are hard out there for many individuals and families and it is easy to see why people will be attracted to price promotions. It is therefore also easy to see why that is an area that the Government must take action on.

Fulton Macgregor made the point about the growing levels of poverty in Scotland. Much of that is not happening by accident but as a direct result of UK Government policy. Again, we need not just warm words from the members of the Tory party in this chamber but action to stop the attacks on the poorest and most vulnerable in our communities.

The Government must do more to curb the numbers of fast-food outlets. It is not a coincidence that there are more and more of those in areas where there are schools and, indeed, areas of long-term disadvantage and poverty. Overprovision is a material consideration for a licensing committee for a liquor license application. With the Planning (Scotland) Bill, which is making its way through Parliament, we have the chance to look at the overprovision of fast-food shops. That is an area that we should look at.

In the time that I have left, I want to focus on something that I have spoken to the minister about previously: the projects that have been run in Fife between Fife Sports and Leisure Trust and Fife Council that involve social prescribing, which Emma Harper mentioned. I am sure that there are good projects right across Scotland, but they are struggling for funding because of pressure on local government budgets. If we are serious about tackling obesity, we need to ensure that exercise is part of that. Social prescribing is an excellent

way forward. As I said, there are brilliant projects, but they need funding.

**The Deputy Presiding Officer:** I call Stewart Stevenson, who is the last speaker in the open debate.

15:48

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** David Stewart made a sideways reference to what we should call my seniority in this debate. Indeed, looking round, I see that I am the only member—apart from someone in front of me, perhaps—who might remember rationing. Indeed, I was six years old—[*Laughter.*]

**The Deputy Presiding Officer:** The ground is gradually opening up under your feet, Mr Stevenson.

**Stewart Stevenson:** When I wrote this speech, someone else was in the Presiding Officer's chair, of course.

Anyway, the bottom line is that I was six when sugar rationing ended, so as a youngster my palate was not used to having sweet things. There is an important point in the rather amusing comment that I made, which is that how we eat in the very early days of our lives will influence our preferences throughout our lives. I have survived to the point where my blood pressure is 120 over 60, my heart rate is 72 and my respiration is running at about 20. More critically, I have been sworn in to the Parliament on five occasions and on each occasion I have worn the same suit. However, now for the bad news: I am 30 per cent heavier than I was when I got married nearly 50 years ago. So, it is not all good news; it is merely not as bad as it might be.

I am afraid that I must say that most of that weight gain is probably fat rather than muscle. Brian Whittle—the most accomplished athlete in our number this afternoon—would no doubt agree that of course muscle weighs more than fat so perhaps there is a modest advantage.

I want to talk a little bit about the psychology of being overweight. We heard about tomorrow's debate on eating disorders; of course, such disorders can cause people to be underweight or overweight. Being in possession of an eating disorder is linked to stress and low self-esteem; it might even be linked to some degree of mental ill health. Some of the language that is used does not help. We have used the expression "junk food" quite frequently in this debate and I think that when we suggest to people that they are eating junk food, we demean them and we disincentivise them; we make them feel bad about themselves, because the word "junk" is not a nice word. I do

not think that it is the kind of word that we should use too much.

We have heard a little bit about labelling—from Ash Denham, for example. We need vigorous rules on labelling. It is sometimes really quite difficult to work things out. I pick things up and I look at how many calories they have. Then I notice that in tiny, tiny print, it says that the number of calories is what is in half the contents of the packet. In some cases, it is even a fifth of the packet. I want to see, in 20-point print on the front of everything that is prepackaged, how many calories are in the packet. Then I can start to do some meaningful estimation.

Members have talked about the outdoors and exercise. It is worth saying that we can extend the eating habits of the young by encouraging them to just walk around. There is hedgerow food—we normally pick enough brambles to last for most of the year. They go in the freezer. There has been a huge crop of wild raspberries in our area, and there are mushrooms out there. If I want something sweet when I am in the country, I pick up a clover flower and just stick it in my mouth and suck it; it is lovely. There is seaweed not far away, there is tree resin, and there are nettles, which are an excellent thing to add to mince, stews and so on. Of course, when they are cooked, they have no adverse effect whatsoever on one's palate.

We have talked a bit about salt, which is, of course, sodium chloride. It is possible to buy formulations of salt that have potassium chloride, which is much less harmful to the metabolism, but gives exactly the same flavour benefits.

We have heard a little bit about alcohol. I must confess to members here and now that I reckon that the amount of calories in my alcohol consumption is probably equivalent to a meal a week, and for a lot of members it might be something similar. People should think of their alcohol consumption in those terms when they are thinking of its benefits.

In my lifetime—and I think that this goes to the heart of it—there has been a shift. At the beginning of my life, people were eating to live; now, alas, too many of us are living to eat.

**The Deputy Presiding Officer:** That was entertaining as usual, Mr Stevenson, as well as informative. I call Anas Sarwar to close for Labour.

15:53

**Anas Sarwar (Glasgow) (Lab):** How do you follow that? It has been a really good debate and it is good that there has been so much consensus, because this is a hugely important subject. This Parliament has previously made it a priority to tackle smoking, tobacco and alcohol and I

genuinely believe that the next big public health challenge is to tackle obesity and all the related health issues that follow from it.

As others have said, the health implications linked to obesity are truly horrifying. Alex Cole-Hamilton quoted some of the statistics and I want to repeat them. Obesity is the single biggest preventable cause of cancer after smoking and is linked to 13 different types of cancer. Obesity represents almost 85 per cent of the overall risk factor of developing type 2 diabetes. Obesity is a significant cause of ill health and premature mortality.

Those health implications are put into real perspective when we consider that Scotland has the highest number of people who are overweight or obese in the UK and has among the worst levels in the OECD countries—65 per cent of adults and 29 per cent of children in Scotland are overweight or obese.

As the minister said in her opening remarks, there is wide consensus on the issue—she mentioned the letter that has been signed by all cross-party health spokespeople—and that consensus can be built on so that we have an ambitious strategy that leads by example for the rest of the UK and globally.

Miles Briggs put on record his thanks to organisations, and I repeat those thanks to all the organisations and stakeholders that have provided briefings on this issue and which have regularly campaigned on it. I pay particular tribute to Cancer Research UK for its fantastic public health awareness campaign and for lobbying parliamentarians heavily.

David Stewart and Alison Johnstone spoke about the link between diet and health outcomes and their links to inequality and poverty. Those factors need to be looked at in the round in the obesity strategy, because they impact on life expectancy, life chances and life outcomes. Tackling obesity and its challenges is a matter of not only human interest but financial interest. We have seen the increasing pressures on the capacity and finances of the national health service, for which the cost of obesity and its outcomes are a huge issue.

Sandra White, Kenneth Gibson and others mentioned local community projects. We should put on record our thanks to not just our NHS and third sector organisations but the community organisations for their efforts to do so much important work through local interventions, particular in the hardest to reach areas. I will come back to the impact of local government budgets on that work.

The active lives project was mentioned by Annie Wells and other members. That is important, as

we cannot look at diet in isolation. We have to look at active participation—sports participation or active travel—and ensure that alternative forms of travel are safe so that people can help to protect the environment and help to promote good health.

Johann Lamont made a very important point about body shaming and bullying and the pressures that come from popular culture. That hugely significant issue goes beyond putting restrictions on what people can eat or access to the resources that are available for educating young people and giving them confidence in their appearance and what they can achieve. Shaming individuals into action could be a negative approach; we have to encourage better behaviour and a change in culture through working with communities rather than looking like we are victimising communities or individuals.

Maurice Corry talked at length about sugar and the sugar tax. All that anger towards sugar and its impact made the dentist in me very happy, so more action on sugar is, of course, welcome.

A number of individual strategies are important. We need to look at advertising and its impact on shaping the mindsets of young people, including the timing of those adverts, which the minister mentioned. We need to look at the impact of portion sizes. There is a perception that healthy food is more expensive and less affordable than unhealthy food, and we need to work closely with retailers to make sure that affordable food is healthy and to encourage people to buy that more affordable healthy food. We need to take action on multibuys—it was mentioned that 40 per cent of the intakes of sugar, saturated fat and calories is from multibuys. It is important that we clamp down on multibuys, encourage better labelling and use our planning and licensing legislation to make sure that we have appropriate distances between schools and people who want to sell unhealthy foods.

I will close by touching on local government funding. We cannot look at active participation and active travel in isolation from local government finance. There is a direct link between the budgets of local authorities and their ability to invest in their local communities and in quality local facilities that can be affordable, safe and accessible for people from all backgrounds. This issue has broad cross-party support and I want us to be ambitious on it. I look forward to working closely with the Government to deliver an obesity strategy that will be historic and make real changes to people's lifestyles.

15:59

**Brian Whittle (South Scotland) (Con):** I assure Mr Stevenson that muscle is heavier than

fat, but that makes no difference to me these days. I remember the day, but now it is night.

The debate has been interesting and consensual, which highlights the cross-party recognition that obesity is a serious issue that needs us all to park any political axe that we might wish to grind. The issue is not just about maintaining a healthy weight; it is also about eating a healthy diet to tackle modern-day malnutrition, because it is entirely possible to be overweight and malnourished, which is a growing problem not just in Scotland but in developed countries more widely.

From listening to the debate and reading the Government's motion, I think that there is a danger that the healthy weight strategy will be considered in isolation. By that, I mean that we will discuss measures to tackle obesity as an individual health condition within only one portfolio, as Miles Briggs mentioned. I agree with Kenny Gibson that our relationship with food, drink and physical activity must be taken over a lifetime and that that is how we should frame the debate. When we decide what steps to take and what rhetoric to use, as Stewart Stevenson said, it is paramount that we do not stigmatise any condition or person, which Johann Lamont articulated well in discussing eating disorders.

In many cases, obesity, smoking and a poor relationship with alcohol have a real connection to poor mental health. Annie Wells took the time to bring that point to the chamber in a thoughtful speech. Successfully tackling those issues will, in turn, help to tackle the rising incidence of other preventable conditions such as type 2 diabetes, which was mentioned many times in the debate, musculoskeletal conditions, many cancers and chest, heart and stroke conditions. The two key pillars of a healthy lifestyle are physical activity and nutrition. There is a symbiotic relationship between them in that behaviour in one drives behaviour in the other. To consider one without the other offers limited scope for success.

When it comes to nutrition, Scotland has food producers who are recognised for producing some of the highest-quality food in the world, but it remains the unhealthiest country in Europe and the unhealthiest small country in the world. That suggests that locally grown produce is not getting to Scottish tables as it should. Our farmers produce the highest-quality food, are charged with custodianship of the countryside, pay the living wage and ensure the highest animal welfare standards but, when it comes to public procurement, a high proportion of our food for schools and hospitals—much of which can be sourced locally—comes from cheaper imports. I hold up East Ayrshire Council as showing the way and invite other councils to follow.

I mentioned poor nutrition and lack of physical activity as contributory factors in poor mental health. Good mental health is the starting point for maintaining or achieving a healthy weight. Therefore, although it is all well and good for politicians to provide advice on healthy eating, tax unhealthy food or ban multibuys for unhealthy products, that will be relevant only if the people whom we are trying to reach are in a mindset that will enable them to accept and act on that advice.

In its presentation "Food for thought: Mental health and nutrition briefing", the Mental Health Foundation stated:

"One of the most obvious yet under recognised factors in the development of mental health is nutrition ... There is a growing body of evidence indicating that nutrition may play an important role in the prevention, development and management of diagnosed mental health problems including depression, anxiety, schizophrenia, Attention Deficit Hyperactivity Disorder ... and dementia."

The Scottish Association for Mental Health's document "Scotland's Mental Health Charter for Physical Activity & Sport" suggests:

"Physical activity through sport or recreation has been proven to have a positive impact on physical and mental health and wellbeing.

Research suggests the less physical activity a person does, the more likely they are to experience low mood, depression, tension and worry."

As quite a few speakers have highlighted, education must play a pivotal role in tackling long-term health issues. As SAMH suggests,

"There are lots of people who would like to get active but don't know how."

I have often said in the Parliament that education is a major solution to health and welfare issues.

We have not discussed the delivery mechanism for any strategy that we might introduce. Without that, the strategy might join others that are gathering dust on the shelf. The third sector is a key deliverer, and I will give three different examples where the same outcomes are being produced.

The cardiac physiotherapy department at Crosshouse hospital in NHS Ayrshire and Arran has been running an extended community rehabilitation programme that not only helps sufferers of chest and heart problems and strokes but welcomes people with other conditions, such as obesity and musculoskeletal problems. The comorbidity exercise and education classes have not only been successful in reducing further readmissions to hospital or doctors appointments but been instrumental in increasing the quality of life for people suffering with the conditions that I mentioned.

Last night, I again visited Doon Valley boxing club to watch Sam Mullen, who has had a massive

impact on the community in Dalmellington. Having brought the community into his facility, he has developed a boxing club and a gym and has trained trainers. Parents now bring their kids to the boxing club, and the kids take part in boxing while the parents use the gym before picking the kids up and going home.

I want to mention the Centrestage catalyst programme, which uses music and art to draw people in and does good work in relation to mental health and how people deal with food.

The key word in relation to all of the above is “community”. Everything that I have mentioned happens locally, in communities. All of those programmes have a hook that engages people and brings them in so that other conversations can be enabled. It is not just about the money in people’s pockets; it is about how much things cost and access to opportunities in communities where there are few amenities and where people have little in the way of resource to travel. That speaks very much to the point that David Stewart makes in the Labour amendment, which we will support.

Sandra White and Emma Harper mentioned social prescribing in relation to third sector services. Our doctors, nurses, midwives, physiotherapists, health visitors, teachers and nursery workers must be the very first step in that strategy. However, who is looking after our healthcare professionals and teachers? They need the tools and the room to breathe that will enable them to have the healthy and active lifestyle that they are encouraging others to adopt.

We must consider the tension between a child’s right to be protected from health-harming products and their freedom to choose, and we have some difficult decisions to make in that regard. For example, what is the point of restricting junk food promotions if children can leave school at lunch time and buy junk food from a van that is parked outside the school? If the law does not allow the banning of such enterprises, we should change the law.

I see that I am at seven minutes. Do I have to close now, Presiding Officer?

**The Presiding Officer (Ken Macintosh):** Yes.

**Brian Whittle:** There are some very big decisions to be made but I say to the Government that, even if they are unpopular to start with, it will find that it has support across the chamber.

**The Presiding Officer:** I call Aileen Campbell to wind up the debate.

16:06

**Aileen Campbell:** David Stewart described the challenges that Scotland faces around our diet as

being like a Gordian knot. Indeed, when we consider the statistics and the cultural, societal and marketing changes that we need to make to ensure success, we could all be forgiven for feeling that the issue is impossible. However, the debate has underlined the understanding that there is a need to take action and a consensus that poor health need not simply be inevitable.

Of course, that consensus does not involve an agreement whereby we simply pat each other on the back and congratulate each other on having great ideas. The contributions that I have heard today have been constructive, informed and reflective, and, where necessary, challenging of the Government. That is absolutely correct because, if I, as the minister who is ultimately responsible for the policy, want to have a consensus and the backing of the Parliament, and if we all agree that a step change and a culture change are needed, we need space to contribute in a way that ensures that we collectively feel ownership of Scotland’s eventual diet and obesity strategy.

Food is one of life’s great pleasures. Others have reflected on their experiences, and my experience is one of growing up on a farm. From that, I got a sense of seasonality, of how food is grown and of its connection to the land. I was incredibly lucky. As Kenneth Gibson noted, it is regrettable that our global reputation as a country of fantastic produce, renowned the world over, is at odds with our obesity levels and our current relationship with food—that is a paradox. It is also at odds with the stark reality of the lives of people who rely on food banks and who experience the inequalities that drive Scotland’s public health challenges.

Therefore, I sincerely agree with the colleagues who have said that we cannot view the issue purely through a siloed health lens. The issue is relevant to all of my colleagues across Government, in transport, planning, social security, equalities, education and, undoubtedly, a lot of other areas. That is because obesity is costly to our national health service and impacts on its sustainability, costly to our economy and, as all members have recognised, costly in terms of health and wellbeing, particularly for those who are most disadvantaged.

The facts that many members spoke to this afternoon are stark: 65 per cent of adults are overweight and 29 per cent are obese; 29 per cent of children are at risk of becoming overweight; and 87 per cent of people with type 2 diabetes are overweight or obese. Sugar consumption in children and adults is above recommended levels. As Kenny Gibson said, our country is known for its produce yet, in 2016, only 20 per cent of adults had the recommended five a day of fruit and

vegetables. Fifty per cent of the sugar that we consume comes from discretionary products, and food that is high in fat, sugar and salt is more likely to be purchased on promotion. That stark list of statistics illustrates the clear need for action.

However, it is important to acknowledge that we are not starting from scratch and that there are encouraging signs of progress. The percentage of inactive children decreased from 10 per cent in 2015 to 8 per cent in 2016 and the percentage of children meeting guidelines on physical activity has increased. Walking participation has helped to encourage a slight upward trend in general activity levels in the country, and 2,000 convenience stores in the Scottish Government healthy living programme—most of which are in our most deprived areas—are providing local access to fruit and veg. That relates to a point raised by Alex Cole-Hamilton.

Our healthcare retail standard is altering the offer of food and drink in our NHS. As Brian Whittle said, we need to ensure that we support our health staff, too, and the healthcare retail standard is an important way of allowing them to choose healthier options. In addition, as I mentioned in my opening remarks, breastfeeding rates have shown an encouraging upward trend.

Although that is all positive, as Kenny Gibson, Annie Wells and Alison Johnstone said, it is clear that there is a need for significant culture change. That is why boldness, imagination and innovation are required.

A big theme in the debate has been about empowerment, community-led initiatives and social prescribing. Those issues were raised by Annie Wells, Sandra White, Alex Rowley, Alex Cole-Hamilton and Emma Harper, and that was a key theme in the responses to the consultation—contributors acknowledged that the area needs to be strengthened. That illustrates the need to work beyond the health world. Members mentioned allotments and other community-led initiatives, the social connectedness that comes from such initiatives and the knowledge transfer and support that are the result of people working alongside one another in their communities. Alex Rowley mentioned projects in his Fife constituency. I know that he is keen on allotments and growing one's own food. In Edinburgh, I met people who were getting knowledge transfer and support on what to cook and how to cook it. Those are very basic things, but they were much needed by people in those communities. Sandra White mentioned similar initiatives in her constituency.

There were some laughs at Stewart Stevenson's comments, but he made an important point about the seasonality of food, and the ability to go out and forage for food. There is also an important point there about our lack of connection

with the land and with food production. Stewart Stevenson talked about something that is the antithesis of processed foods, the increasing accessibility of which Ash Denham mentioned.

Annie Wells, Alex Cole-Hamilton and Alison Johnstone rightly raised the psychological issues associated with food—the body images, the stresses of modern living, the distorted perspective of what healthy looks like and, of course, the associated eating disorders. A recurring theme in many parliamentary debates of late has been adverse childhood experiences and their impact on people's ability to cope. We could add to that the reliance on poor food choices in order to cope with past traumas. Our challenge is to understand, help and support people. I will continue to work with Maureen Watt as she takes forward her mental health strategy and we will ensure that there are adequate connections across portfolios to maximise the impact of our strategies.

That is why it is also important to demand more responsible marketing. Better promotions will be important in tackling the urge to buy and the bombardment of images that is so prevalent. Many members mentioned the empowerment that is an important part of community-led initiatives. That empowerment also needs to be felt in the arenas where we buy our food. We need to empower people and help them to make positive choices.

Johann Lamont made a really important contribution. Some of it was challenging to Government, but the key was her personal testimony and what she has seen in her professional life as a teacher. She was right to urge caution in our language, to avoid bullying, body shaming and all the things that can go along with them in our discussion of diet and obesity. She is absolutely right that we need to be bold and imaginative, but we need to temper that with caution in how we articulate the issue.

David Stewart made a good point about how we evaluate the work that we are progressing. He specifically mentioned issues around SCI-Diabetes, which is the most complete and comprehensive national disease register and database of a major long-term condition in the world. It is recognised the world over. Mr Stewart was right to make that point, because it will be a fundamental plank in how we manage, monitor and evaluate what we are doing in the strategy. To give him some comfort, I say that Scottish Government officials continue to work closely with the SCI-Diabetes team to look towards the long-term sustainability of that valued and world-renowned system.

Brian Whittle was right to point to young people. We have mentioned early years, but the danger is that, in talking about early intervention, we simply

equate that with action only in the early years. We need to recognise that our adolescents require support as well, to enable them to continue to make positive choices. This year of young people gives us an extra imperative to make sure that we get our actions right.

It is clear that Scotland now has an appetite for a bold, innovative and effective strategy that draws on the evidence to enable more people to have healthier, happier lives and to relieve pressure on our NHS. I think that we all agree that the plans need to limit the marketing of products that are high in fat, sugar or salt, which will be important for our forthcoming strategy. As David Stewart and Stewart Stevenson mentioned, clearer labelling on our food and the clarity of the information that is imparted to members of the public on what we buy and eat will also be important.

Cancer Research UK, Obesity Action Scotland, Food Standards Scotland and a whole host of others have provided an authoritative and evidence-based voice on the issue, and they deserve the thanks that members have given them. They have very much set the tone and the scene to enable us, as politicians, to land what I hope will be an effective strategy that will create the healthier Scotland that we need.

## European Union (Withdrawal) Bill: Update

**The Presiding Officer (Ken Macintosh):** The next item of business is a statement by Mike Russell, which is an update on the European Union (Withdrawal) Bill. The minister will take questions at the end of his statement, so I encourage all members who wish to ask a question to press their request-to-speak buttons now.

16:17

**The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell):** It is not typical that a minister comes to the chamber to tell members that he or she regrets the introduction of legislation, but that is the situation in which I find myself today. I regret that the Scottish Government now feels compelled to introduce the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. I regret it because it is about preparing for an event—the United Kingdom's leaving the European Union—that I do not wish to happen and which is, of course, contrary to the wishes of the people of Scotland, 62 per cent of whom voted to remain in the EU. I also regret it because it never needed to come to this.

It is important to set out how we have reached this situation and what are the options that are now before us. When the UK Government published its European Union (Withdrawal) Bill in July 2017, it was no surprise that its approach to devolution was careless and lacking in understanding. After all, since June 2016 the devolved institutions, including this Government and this Parliament, have been denied any meaningful input to the Brexit process, despite the clear and agreed terms of reference of the joint ministerial committee (European Union negotiations), of which I am a member.

There was no consultation on the content of the European Union (Withdrawal) Bill prior to our seeing it in finished form two weeks before its publication. That was contrary to all good and established practice with bills that will require legislative consent from the Scottish Parliament. We would have been justified, when the European Union (Withdrawal) Bill was published, in walking away from such a boorach, but instead—in this, I pay tribute to all the parties in this Parliament—as a Parliament, we have put in a great deal of time, resource and effort to trying to make it a workable piece of legislation to which we could all agree.

No matter how much we oppose Brexit, a withdrawal bill is—we have always made this clear—a proper and necessary step: our laws



must be prepared for the day when the UK leaves the EU. If we were to do nothing, laws about matters such as agricultural support and the rules that ensure our high food standards would fall away entirely, and many others would stop working as they were intended to work.

However, the European Union (Withdrawal) Bill, which has now been passed by the House of Commons despite amendments that were tabled by the Scottish and Welsh Governments and by the Opposition parties, would allow Westminster to take control of devolved policy areas in order—according to the UK Government—to allow UK-wide arrangements or frameworks to be put into place after Brexit. Before I address the detail, it is important to stress that fundamental point. The whole debate is about the existing powers of this Parliament in relation to policy areas including farming, fishing, justice and the environment, for which this Parliament already has responsibility.

Therefore, the discussion about the way forward is not an abstract or arcane one. First and foremost, it is about protecting the devolution settlement that the people of Scotland voted for so decisively in 1997. However, it is also about the best way to run important national and local services—for example, our health service. It is about the best way to provide agricultural support, such as with the less favoured area support scheme payments that are essential in Scotland but are not used in England; the best way to devise procurement rules that are tailored to Scottish needs and Scottish business; and the best way to protect and enhance our particular environment—consisting, as it does, of large areas of coast and sea.

At present we have in these islands a unitary but not uniform market. With the freedom to innovate, we have made world-beating climate change legislation, we are in the process of implementing minimum unit pricing for alcohol and we have been able to tailor business support to specific business need.

We have always been clear that we accept in principle the need for UK-wide frameworks on some matters. We have worked constructively with the UK and Wales Governments to investigate those issues and explore how such frameworks would work. However, the key priority for us is to ensure that those are always in Scotland's interests—as members would expect.

Accordingly, what is covered by any UK frameworks, how they are governed and any consequent changes to the devolution settlement must be made only with the agreement of the Scottish Parliament. It is simply not acceptable for Westminster unilaterally to rewrite the devolution settlement and to impose UK-wide frameworks in devolved areas without our consent. That is why

we and the Welsh Government have been working so hard to ensure that the European Union (Withdrawal) Bill both protects devolution and does the job that it is supposed to do.

Opposition to the European Union (Withdrawal) Bill as it is currently drafted extends far beyond the Scottish and Welsh Governments. This Parliament's Finance and Constitution Committee concluded unanimously that clause 11, which constrains devolved powers, is

“incompatible with the devolution settlement”

and, importantly, that clause 11 is not

“necessary to enable the agreement of common frameworks”.

In the House of Lords, the former head of the UK civil service called the treatment of Scotland, Wales and Northern Ireland in the European Union (Withdrawal) Bill “indefensible”. Lord Hope, a former deputy president of the Supreme Court and the convener of the cross-bench peers, even described the bill's approach to devolution as having “a touch of Cromwell” about it. He has also retabled the joint Scottish and Welsh Government amendments for consideration during the Lords stages of the bill.

The Scottish Parliament's first Presiding Officer, Lord Steel, described how the European Union (Withdrawal) Bill threatens Scotland's

“stable and sensible form of government.”—[*Official Report, House of Lords*, 30 January 2018; Vol 788, c 1426.]

Faced with such an array of views from all parties, the UK Government accepted that the European Union (Withdrawal) Bill must change. It is regrettable that despite its promise, it has failed to table an amendment in the House of Commons, although last week it finally put a proposal on the table for the Lords. However, that new amendment would still allow the UK Government unilaterally to restrict the Scottish Parliament's powers through an order made in the UK Parliament, without requiring the consent of either the Scottish Parliament or Government. Under the latest proposition, which was set out publicly by David Lidington yesterday, the UK Government would decide whether the Scottish Parliament's powers in relation to any area that is currently covered by EU law should be constrained.

As a result, the new proposal remains unacceptable to the Scottish and Welsh Governments. UK ministers insist that we have nothing to worry about because they will consult the devolved Administrations before deciding whether to constrain the powers of the Scottish Parliament. However, the track record on consultation is not encouraging: the UK Government has failed to meet similar

commitments to Scotland in relation to the whole Brexit process.

It is impossible to take seriously the UK Government's argument that it needs to constrain the powers of the Scottish Parliament for economic reasons. It is, to be frank, risible that UK ministers, who are pursuing an economically disastrous hard Brexit, say that they must reserve the right to impose UK-wide frameworks in devolved areas for reasons of economic stability.

Despite all that, there remains a basis on which to reach agreement, and the Scottish Government remains committed to that objective. The Scottish and Welsh Governments will meet UK ministers next week to continue to discuss the changes that must be made. We will suggest amendments to the UK Government's proposals that would make them work with, not against, devolution.

However, as a Government, we recognise the reality of the position in which we find ourselves. If the UK Government does not change its position, we will be faced with legislation to which we cannot recommend that the Scottish Parliament gives consent. In that situation, we believe that the constitutionally correct position, consistent with the devolution settlement, would be for the UK Government to remove from the European Union (Withdrawal) Bill matters that are not consented to, and for this Parliament to make its own provisions in those matters. That is why we believe that it is incumbent on the Scottish Government to provide an alternative means of ensuring legal certainty and continuity in areas of policy that are within the competence of this Parliament, in the event that the UK leaves the European Union. That is what the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, which we have introduced today, will do.

Similar steps are being taken by the Welsh Government, which published its own very similar continuity bill earlier today. My Welsh counterpart, Mark Drakeford, has just made a statement to the National Assembly for Wales, setting out his Government's proposals. The continuity bill will, if passed, retain our EU-derived law and give the Scottish Government and Parliament the powers that they need to keep those laws operating. It will assert this Parliament's right to prepare our own statute book, so that the same rules and laws will apply as far as possible after withdrawal.

The UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill has been introduced today to ensure that it can be put in place prior to the final passage of the European Union (Withdrawal) Bill. That will be essential if this Parliament decides not to give the Westminster bill legislative consent.

The Minister for Parliamentary Business has, accordingly, written to you, Presiding Officer, proposing an emergency timetable, which will be put to the Parliamentary Bureau and which I hope Parliament will agree to later this week. That timetable proposes that all stages of the bill take place in plenary session, which will enable all MSPs to participate. Members will also be able, if their committees so chose, to take evidence on the bill, and I will make myself available to any such committee at any time. The period of scrutiny will be shorter than normal, but there needs to be intense examination of the proposals, and the Scottish Government will do everything that it can to enable that.

The UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill is contingency planning. It provides a sensible scheme for preparing devolved law for withdrawal from the EU. However, if the UK Government's European Union (Withdrawal) Bill can be agreed, and if this Parliament consents to it, our continuity bill will be withdrawn. Even if the continuity bill is passed by this Parliament, it contains provisions for its own repeal. If a deal can be reached with the UK Government, we would be able to come to Parliament with a proposal to give consent to the European Union (Withdrawal) Bill, and to repeal this one.

Presiding Officer, let me turn, finally, to your statement on the bill's legislative competence. The Parliament will, I am sure, wish to know that the Presiding Officer has said that, in his view, the provisions of the bill are outwith the legislative competence of the Scottish Parliament. He is entitled to that view, but we respectfully disagree. Indeed, I understand that the Welsh Presiding Officer has reached a different view from the Scottish Parliament's Presiding Officer, and has issued a certificate of legislative competence.

Scottish ministers are satisfied that it is within the powers of this Parliament to prepare for the devolved legislative consequences of the decision by the UK to leave the EU. We do not agree with the Presiding Officer's view that it is "incompatible with EU law" to legislate in anticipation of what is to happen when EU law no longer applies. EU law itself envisages that a member state may withdraw from the EU in an orderly manner that is conducive to legal clarity and certainty.

Under the Scotland Act 1998, we can introduce bills to Parliament only when we are satisfied of that. For the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, the Deputy First Minister has made a statement to that effect. As the ministerial code makes clear, any such statement must have been cleared with the law officers. I confirm—the ministerial code allows me to do so—that the Lord Advocate is satisfied

that the bill is within the legislative competence of the Parliament. Accordingly, the Lord Advocate will provide a written statement to that effect later today and, subject to Parliament's agreement, he will make an oral statement in the chamber on the bill tomorrow and be open to questions on it. To be clear about what that means, I say that the Presiding Officer's statement on legislative competence does not in any circumstance prevent the Scottish Government from introducing or progressing a bill.

By triggering article 50, the UK Government has put the UK on a path that leads out of the European Union. As I have set out, we have a duty to protect and preserve the areas of EU law that are within the responsibility of this Parliament. If we do not make those preparations now and we cannot agree to the UK's withdrawal bill, we would have to wait until we had already left the EU, and EU law had stopped applying in Scotland, before this Parliament could take any necessary precautions. That would be an unacceptable basis on which to invite Parliament to do essential preparation.

Article 50 has been triggered. Without a drastic change of circumstances—which, of course, many of us still hope for—it is, regrettably, more than likely that the UK is leaving the EU. The UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill is a necessary response to that fact.

We recognise that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill is novel, but we should not be surprised that an event such as EU withdrawal is giving rise to novel legal situations. This is the first time since the reconvening of the Scottish Parliament in 1999 that a Government has introduced a bill for which the Presiding Officer has not been satisfied as to its legislative competence. We recognise that, and we are mindful of what a serious moment this is.

However, the fundamental point cannot be escaped: the issue is too important for it to be either my decision, or that of the Presiding Officer, whether the bill is passed. All of us in this chamber have a duty to debate the issue over the coming weeks. All MSPs can listen to the arguments, and then we can all collectively decide whether the bill should become law. It will be a decision not of the Scottish Government but of this, our national Parliament. That is how it should be, and that is why we are introducing the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

I began this statement by saying that I regret having to introduce the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, and I still do; I regret what appears to be the unfolding disaster of Brexit. In my active front-line

political life, which has lasted for more than 30 years, I have never known a time of greater instability, nor a time in which it has been harder to predict what lies ahead. However, the core issue for this Parliament is simple: our primary duty is to serve the people of Scotland and to protect their interests. It is our obligation—indeed, it is our duty—to protect the devolution settlement for which the people of Scotland voted. That is what we are endeavouring to do, despite all the difficulties.

I welcome the cross-party agreement that there has been on that substantial point and I hope that it can continue, despite the pressures on it. It is in that spirit that I have made this statement to Parliament today. [*Applause.*]

**The Presiding Officer:** The minister will now take questions.

**Adam Tomkins (Glasgow) (Con):** I thank the minister for early sight of his statement and Mr Findlay for even earlier sight of what was likely to be in it. In the Scottish Conservatives' view, the bill is both unwelcome and unnecessary, but I will start with where we agree. We all agree that withdrawal from the European Union will require a significant rewriting of large parts of our statute book. We all agree that the European Union (Withdrawal) Bill, which undertakes that task, is deficient and requires to be amended to bring it into line with devolution in the United Kingdom.

We also—all of us—have welcomed what until now has been the constructive and mature approach adopted by both the Scottish and the United Kingdom Governments in the negotiations to fix the withdrawal bill so that it is fit for purpose. A fix is within reach. Both Governments have compromised and have indicated that agreement is close. We are not there yet, but it is close. That is the climate of constructive, serious engagement in which the Scottish National Party now introduces a continuity bill, and that is the reason why we, on the Conservative benches, consider its introduction today to be both unwelcome and unnecessary.

In the light of that, I ask the minister the following specific questions. First, what reassurance can he give the chamber that his Government's continuity bill will help and will not hinder the speedy resolution of the negotiations with the UK Government on amending the withdrawal bill? Secondly, what can he say about the way in which the SNP has shared its proposals for a continuity bill with the UK Government and, indeed, with Opposition parties—although perhaps I should ask that question of Mr Findlay—in advance of its publication? Mr Russell repeated in his statement, a few minutes ago, his familiar complaint that the UK Government did not consult him on the withdrawal bill. In evidence to the

Finance and Constitution Committee, Mr Russell told me that he would share the continuity bill with UK ministers in advance of its publication. Did he do so, or is that another broken promise?

Finally, the continuity bill is plainly a constitutional matter. When legislating on the constitution—if, indeed, it is within our legal competence to do that at all—we should proceed carefully and not in haste, yet the bill is to be fast tracked. How can the minister think that fast tracking constitutional legislation through the Scottish Parliament is an appropriate way in which to proceed?

**Michael Russell:** I thank Adam Tomkins for those questions and will give him the positive answer, first of all. I give him a reassurance that we will continue to seek a resolution with the UK Government, but we are in a position that the Welsh Government is also in. If we do not take this contingency step today, it will be too late to take it. We should be commended for our restraint in holding off for so long. We have held off because we have endeavoured to get a resolution, but the clock is ticking and we must introduce the bill now if we are to have any prospect of putting it in a way and in a timescale that are complementary to the parts of the European Union (Withdrawal) Bill at Westminster that relate to reserved matters. That is how the bill will operate.

If the bill is passed and given royal assent, and if it comes into operation, it will deal with devolved issues whereas the UK bill will deal with reserved issues. The bill is constructed as it is so that it can fit in neatly with those concerns. We are now at the stage at which we must introduce it. I accept that we should take our time in so doing, but we must get the bill in place so that the two bills can move together. That is what we are endeavouring to do.

On the matter of our sharing the bill's proposals, I accept that trust between us and the UK Government is at a low ebb. If members doubted that, they should have read David Lidington's speech on Monday and the press coverage over the weekend. Having gone to the JMC on Thursday and having been assured of the UK Government's good will and then having been denounced on the front pages of *The Daily Telegraph* and in David Lidington's speech on Monday, I find that there is perhaps not a trusting relationship.

I am glad to say that a copy of the bill is now in David Lidington's hands. Perhaps he will look at it and consider whether the best next stage is to have a conversation about the small but significant gap that still exists in negotiations—not just between me and him, but between the Welsh Government and him—on the issue of agreement, as I have indicated. We cannot simply be

consulted on our powers; we must agree or consent to the proposed changes. That is a small matter, and I urge Mr Tomkins to urge his colleagues in the Tory party to take that small step.

**Neil Findlay (Lothian) (Lab):** I thank the cabinet secretary for his statement and offer my apologies for my appalling keyboard skills—*mea culpa*.

The Government's handling of the whole Brexit process has been shambolic from the beginning. The latest development lies squarely with the failure of David Mundell and Ruth Davidson, as the Scottish Tory leader, to deliver on commitments that were given to resolve issues around the devolution of powers from the EU. Mr Mundell and Ms Davidson gave clear commitments that outstanding issues around the transfer of powers would be resolved in the House of Commons and they then whipped every Scottish Tory MP to vote against Labour's amendment, which would have delivered exactly that. The failure to resolve those matters in the House of Lords and David Lidington's wholly unhelpful speech yesterday have simply exacerbated the situation and played into the hands of the SNP, for which Brexit is another ploy in its political strategy.

Scottish Labour delivered on the devolution demands of the Scottish people, and we will defend any attempts to undermine them from wherever they come.

Given that we have only just had sight of the Presiding Officer's statement, I am seriously concerned that the Welsh Government is able to present a competent bill to the Welsh Assembly but that is not the situation here. We want to find a workable solution to that situation, so will the cabinet secretary agree to urgent cross-party talks that will bring in the Presiding Officer, the Government and parliamentary legal officers to find a way through this?

If the Presiding Officer cannot sign off the bill, what precedent will be set if the Government proceeds? The cabinet secretary says that he can introduce the bill, but what will happen thereafter? How will the Government ensure that full parliamentary scrutiny will take place within such a truncated timescale? What background work has been done to date on the practicalities of the bill and on the huge amount of work that would have to be done thereafter? What additional budget would be required to ensure that the Scottish Government had the personnel and the capacity to deal with the consequences of passing such a bill?

Scottish Labour supports the objective of the Scottish and Welsh Governments, but we want to ensure that the proper parliamentary scrutiny

takes place and that the situation is not exploited by parties for their own narrow party political advantage.

**Michael Russell:** The only moment that I have ever felt that the changes that I brought in to the college system as the Cabinet Secretary for Education and Lifelong Learning were perhaps a little more radical than I had expected was in the failure of Neil Findlay to take a keyboard course that would allow him to send emails in a competent fashion. However, there are many such courses and I am sure that we will find the college to give him one.

I will address Neil Findlay's concerns in so far as I can. This afternoon, the Lord Advocate will issue a statement and, tomorrow, he will be available for questioning in this chamber. I hope that some of the legal questions that Neil Findlay has asked about will be resolved in that way. I am quite willing at any time to sit down and have cross-party discussions about the bill, but that would be a question of whether the Presiding Officer and others wished to do so.

We are where we are. This afternoon, the Presiding Officer issued a statement. Some information from the Welsh Presiding Officer has come to hand in the past few minutes, summarising the legislative competence issues, which I am happy to provide to Neil Findlay. Clearly, there is a difference of opinion on the matter. The way to test that difference of opinion is to introduce the bill, as we are allowed to do, and to have the Parliament consider passing it.

As Mr Findlay knows—I have explained this to him—the timescale is an issue. We must ensure that the bill goes through Parliament before the European Union (Withdrawal) Bill goes through Westminster. The two bills are complementary. We do not have a great deal of flexibility, so we have tried to ensure that the whole chamber and Parliament's committees are engaged in the process. I understand that a lead committee and a subsidiary committee might scrutinise the bill, but if other committees wanted to examine the position that I and other ministers are taking, they would be welcome to do so.

We will work as hard as we can with all the parties across the chamber to take forward and outline the issues and to answer the questions. I hope that questions will continue to come from Labour, the Tories, the Greens and the Liberals. We will do our best to go forward together as a Parliament.

**Patrick Harvie (Glasgow) (Green):** The introduction of this bill is an absolutely necessary response to the Brexit crisis and to its incompetent mishandling by a UK Government. Members of this Parliament know very well that the UK

Government is already eyeing up the opportunities that it sees from deregulating and breaking the promises that it has made on our social and environmental protections—a great many of which fall within the competence of this Parliament, not the UK Parliament. It falls to the responsibility of this Government and our Parliament as a whole to stand up against that. Unlike Mr Russell, I suggest that the gap between what the UK Government is offering and what should be acceptable is not a small one but requires major change from the UK Government.

I am pleased that we will see more than the minimum level of emergency legislation scrutiny. The first time that it was suggested that emergency legislation might be used, the minimum scrutiny necessary would have been wildly inadequate. There will now be nearly a month between the bill's introduction and stage 3. That time must give all of us the opportunity—in this chamber and in our committees—to consider the implications and the contents of the bill. This should be about parliamentary control, not Government control.

In that context, will the minister tell us what he means when he says that,

"if the European Union (Withdrawal) Bill can be agreed, and if this Parliament consents to it, our continuity bill will be withdrawn"?

Will he commit that the continuity bill will not be withdrawn without this Parliament's prior agreement to its withdrawal? We should not be left in the position where it is consent to the withdrawal bill or nothing.

**Michael Russell:** Yes, I make that commitment. In fact, the Government could withdraw a bill without consent only up until stage 1; thereafter, the consent of the Parliament would be required.

I am grateful for Mr Harvie's points, many of which I agree with. I will make an additional point, which may be helpful to him. In drafting the bill, we have had to mirror the European Union (Withdrawal) Bill as closely as possible to make them fit together. However, there are one or two differences. I know that Mr Harvie will very much approve of one of them, which is the reintroduction of the European charter of fundamental rights through the Scottish bill, copies of which were made available a few moments ago. We can do some things in the Scottish bill to improve the current situation, and we are open to doing others within the necessary timescale that we have set out.

**Tavish Scott (Shetland Islands) (LD):** I thank the minister for the courtesy of early sight of his statement.

It is certainly unfortunate that the Governments of the UK have not agreed. That is not good. This

is a sensitive and delicate process, which strikes at the heart of government, not just in Scotland but throughout the entire UK. It is also not satisfactory that we have no legal agreement on the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

I am sure that the Scottish Government will want to expand on the legal basis for its position. Will the Government ensure that, beyond the Lord Advocate's statement tomorrow, there will be further opportunities for members of the Scottish Parliament to fully scrutinise the Lord Advocate's opinion?

Given what the minister said about meetings next week, and given the introduction of the continuity bill today, what does the minister expect from those meetings?

**Michael Russell:** I cannot speak for the Lord Advocate but I am sure that he will want to ensure that there is continued dialogue and that he is available to have that dialogue. He will be open to questions tomorrow, and I am sure that his statement later today will begin to lay out the basis of his opinion.

The member asked what I expect to take place next week. I believe that the UK Government is likely to publish its amendment to the withdrawal bill, without agreement from the devolved Administrations, on or around 12 March. That is an action that I am not going to criticise, and I hope that the UK Government will not criticise our action in introducing the continuity bill, because we are all taking the steps that we need to take, given that there might not be an agreement.

I hope that that does not distract from the process of trying to get an agreement. However, we are conscious that we must put in place contingencies, and if the UK Government is putting in place the contingency of an amendment to its withdrawal bill to which neither Wales nor Scotland has agreed—and that is the situation—I think that we are more than entitled to introduce and move forward with our own continuity bills, while recognising that dialogue needs to continue.

That is where we are. I made that clear in my statement and in my response to Mr Tomkins. I make it clear to Mr Scott. We will continue to have discussions and we will endeavour to do that next week—at the moment we are seeking the right time to do that next week.

**Joan McAlpine (South Scotland) (SNP):** The minister said that the European charter of fundamental rights is included in the continuity bill, although it is excluded from the UK's withdrawal bill. I welcome that. Will the minister give more detail on how the inclusion of the charter in the Scottish bill will help victims of discrimination and others whose rights will be affected post-Brexit?

**Michael Russell:** The UK Government has said that its view is that the protections that are afforded by the European charter of fundamental rights are guaranteed within existing UK law. Many people do not believe that to be true, and many people believe that many of the rights that are given in the charter will be diminished or eroded as a result of its removal. I tend towards that view. Therefore, I want to see the charter maintained.

There are many things that the charter does, in stating rights, that are useful and helpful to individual citizens in many circumstances. I think that lots of us have considerable fears about the possibility of substantial erosion of human rights in the workplace and other rights as a result of leaving the EU. I have to say that reassurances to the contrary from Michael Gove do not make me feel a great deal better.

Therefore, I think that it is better to have a belt-and-braces approach, and having the charter of fundamental rights in the bill is the right thing to do. I am sure that the Lord Advocate will be happy to expand on how that is to be done. Members now have a copy of the bill and are able to see the intentions in the drafting; I am sure that the Lord Advocate will want to answer questions on that.

**Jackson Carlaw (Eastwood) (Con):** Since the minister first brought the issue to the Parliament in September, we have been working with him and others to find a way forward that will allow both Governments to agree. Can he confirm that it is the Government's preferred option—and not just an option—that it should continue to work with others to secure an agreement that will enable the Government to recommend the acceptance of a legislative consent motion by this Parliament and thereafter to withdraw the Scottish bill that is being progressed?

**Michael Russell:** Very simply, yes. That is the preferred option. I take Mr Harvie's point that the consent of the Parliament will be required to withdraw the bill, but that is the preferred option. That is what I said in my statement and it is what I continue to say.

**Bruce Crawford (Stirling) (SNP):** Can the minister confirm that in his statement he said that the new proposal from the UK Government to amend the European Union (Withdrawal) Bill includes a provision to "consult" the devolved Administrations before any devolved powers are constrained? Can he also confirm today that the Scottish Government will never recommend consent to a bill that gives the UK Government the unilateral right to grab whatever powers it chooses in the areas of EU law? Does he agree that the UK Government either agrees with the principles of devolution as established after the referendum in 1997 or it does not, and that there is no middle road, there is no third way and there is no fudge

with regard to protecting the powers of the Scottish Parliament as well as the interests of the Scottish people?

**Michael Russell:** I have always found it virtually impossible to disagree with Bruce Crawford, and on this occasion no one could put the proverbial cigarette paper between us on that issue. There is no question of us agreeing to any diminution of the Parliament's powers.

I heard the same point put very forcefully by Mark Drakeford at the JMC last week. He made it clear that he could not envisage circumstances in which the First Minister of Wales went to the National Assembly of Wales and told it that powers that it had had since the start of devolution were to be taken away unilaterally, and that, although there had been a consultation during which the Welsh Government had said that it did not want the powers taken away, they were going to be taken away anyway.

I cannot imagine the First Minister of Scotland agreeing to that. In fact, I know that she would not.

**Claire Baker (Mid Scotland and Fife) (Lab):** I share the minister's preference for an agreement with the UK Government on an amendment to the withdrawal bill that protects the devolution settlement. Given that the ruling from the Presiding Officer contradicts the Lord Advocate, the alternative that we are faced with is not straightforward.

Next week the Scottish and Welsh Governments will meet the UK ministers to discuss the amendment, while the Parliament's focus will be on the passage of this bill. How will the Parliament be informed of the debate and the detail around the amendment while we are focusing on the legislation that has been introduced?

**Michael Russell:** I think that it will be possible for us to look both ways while we focus on ensuring that we take this issue forward, because the encompassing issue is the same: the necessity of having in place arrangements for that infinitely regrettable moment that the UK Government seems hell-bent on achieving—leaving the EU, which is beyond all common sense or reason.

However, we are focused on that moment and on having our law in a suitable state for it. It is possible for us to try a twin-track approach, because the outcome has to be the same: we have to have the statute book in the right way. In order to get it in the right way, either we can have a legislative consent motion, so that the UK bill covers both devolved and reserved matters, or we can have two bits of legislation, one of which deals with devolved matters and one of which deals with reserved. That is the choice, that is what we are

trying to work our way towards and, in the end, that is the decision that will have to be made.

**Mairi Gougeon (Angus North and Mearns) (SNP):** I note the comments made today by Welsh First Minister Carwyn Jones about protecting devolution. Will the minister outline how he intends to work with other devolved Administrations to ensure that the powers that already lie in Cardiff and Holyrood are not diminished?

**Michael Russell:** We have been working very closely with the Welsh Government, and I want to give my thanks to Carwyn Jones and Mark Drakeford in particular for the very close relationship that we have built up. Mark and I have spent a considerable amount of time in quite a lot of different places over the past year or so, trying to take these issues forward, and we will continue to do so.

It is a matter of great regret that there is no Parliament or Assembly in Northern Ireland at the present time. I think that the voice that we should be hearing from Northern Ireland would be significant in this debate. There would be a difference of opinion there. At the very start of the JMC(EN) process, the Northern Irish members were Martin McGuinness and Eileen Foster. Those two people provided a balanced view and they contributed very importantly to the proceedings of the JMC(EN). That came to an end after the collapse of the Administration, as a result of which only civil servants have been present at the JMC(EN) from that side of the house, and it has not been the same.

It would be great to have the Northern Ireland Government back, as it would provide a significant input. However, we will continue to work very strongly with Wales—our interests in these matters are identical. We cannot and will not accept a diminution of devolution.

**Donald Cameron (Highlands and Islands) (Con):** We have heard a lot in recent months from all quarters about the need to respect the devolution settlement—a sentiment that the Scottish Conservatives fully endorse. How can the minister be satisfied that the continuity bill that he proposes today respects that settlement, not least in light of the Presiding Officer's statement that the bill is outwith the legislative competence of this Parliament?

**Michael Russell:** I hesitate to bandy legal opinion with an advocate who is far better qualified to argue the case than I am, but I call in my defence the Lord Advocate, who may slightly trump Mr Cameron in that respect. I use the word "trump" in the old sense, not the new sense—I would never suggest that.

Our introduction of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

is a perfectly legitimate and reasonable step to take. I note that, in the Presiding Officer's opinion, he accepts that it is a perfectly legitimate and reasonable step to take. Having said that, there is a genuine difference of opinion between the Lord Advocate's view and the Presiding Officer's view. The Welsh Presiding Officer has taken a view that is much more in accordance with the Lord Advocate's view. In those circumstances, there is absolutely nothing wrong with moving in the way that we propose. Indeed, as I indicated in my statement, it is the right thing to do democratically, because it will allow the Scottish Parliament to make the decision.

There are one or two Tory members who are muttering about the prospect of this chamber making the decision, but I assume—unless they do not like basic democracy—that that is worth doing. Therefore, the ideas in question will be put to the test and we will have a vigorous debate at stage 1, stage 2 and stage 3, to which I look forward.

**Richard Lochhead (Moray) (SNP):** Given that the current Conservative UK Government poses the biggest threat to Scottish devolution since the Parliament was reconvened in 1999, and given the enormity of the issues at stake for Scotland and our economy, I offer my support to the minister's proposal to bring the continuity bill to Parliament, but I ask him to pay attention to negotiations across the Irish Sea. I know that he will want to support the spirit of the Good Friday agreement and to pay close attention to whether the UK Government is willing to give special trade arrangements to Northern Ireland that could place the Scottish economy at a competitive disadvantage if we are not given a deal on access to the European market.

**Michael Russell:** I certainly think that the issue of Ireland and the Irish border is not only vitally important but will loom very large in considerations this week. As ever, Brexit is a fast-moving issue. This week, we heard from David Lidington and Jeremy Corbyn on Monday. While one speech was deeply unacceptable, the other one indicated a move in the right direction, as I have said publicly.

A variety of things are happening today, including the introduction of continuity bills in Wales and Scotland. Tomorrow, we will get from the EU the draft legal text that will deal with the Northern Irish situation, among others. I suspect that that will be a very problematic moment for the UK Government, particularly if one believes that the Northern Irish border is akin to the border between Camden and Islington or Camden and Westminster, which is such a mind bogglingly stupid thing to have said that it is impossible to

believe that a UK Foreign Secretary actually said it.

That issue will arise tomorrow, and it appears that, towards the end of the week, the Prime Minister is to make a speech about her ideas for the next stage of the EU negotiating process; as those ideas appear to be based on a set of proposals that the EU has already rejected, it, too, might lead to some interesting conclusions.

We will continue to take forward what we believe is the correct approach in this very sensitive and difficult time, but of course we support a peaceful resolution of the situation in Northern Ireland—a resolution that supports the Good Friday agreement, but which does not also create circumstances in which Scotland would be actively disadvantaged. We say that not for pro forma reasons, but because the same must be true of how we work with others.

**The Presiding Officer:** Five members still wish to ask a question. I am conscious of time, but with the assistance of the minister and members—in other words, I am asking for brevity—we will get everyone in.

**Daniel Johnson (Edinburgh Southern) (Lab):** The continuity bill is clearly no ordinary Government bill. It has been introduced by the Government but it seeks to protect the interests of this Parliament. Therefore, I am sure that the minister will agree that maintaining cross-party confidence in it is vital.

In that context, given the Presiding Officer's decision regarding competence, will the minister commit to a formal cross-party body similar to established bodies such as the Parliamentary Bureau and the Scottish Parliamentary Corporate Body being used to manage and oversee the bill's passage, rather than its being the purview of a particular minister or, indeed, the Government?

**Michael Russell:** No. I think that that is an impractical solution, because I cannot imagine what such a body would be or how long it would take to set up. The Parliamentary Bureau and the other institutions are established by law and are part of the Scotland Act 1998. I therefore do not think that Mr Johnson's solution is a practical one.

However, I do not want to be difficult. As I indicated in my answer to Neil Findlay, I am keen for cross-party discussion and work to continue and I am happy for that to be as broad and deep as members wish it to be. I am therefore happy for us to endeavour to work as a Parliament to make sure that the bill is taken forward. However, it is a Government bill and, as I remember from my days on the Parliamentary Bureau, the law requires a bill to be defined as a Government bill or as another bill. The bill is a Government bill, and I think that it is a bit late to change horses



midstream in that regard. In the circumstances, we will work closely with other MSPs and other parties. I put it on the record that I want to do so.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Can the minister confirm that what is at issue in the dispute over the European Union (Withdrawal) Bill is what happens to the existing powers of the Scottish Parliament and that this is not, as has been suggested by others, a new powers bonanza?

**Michael Russell:** Absolutely. I used the phrase “existing powers” in my statement, and Christina McKelvie is correct that the issue is not about additional powers or new powers but about the powers that we have, which would be very much undermined by the process that the UK Government is going through. We are talking about defending the existing powers of this Parliament, which should—I say this in light of the question from Daniel Johnson in particular—unite all of us in finding a way to work together to defend them.

**Ivan McKee (Glasgow Provan) (SNP):** Does the minister agree that it is ridiculous for the UK Government to cite risks to economic stability as a reason to override the devolution settlement, given the huge damage that its own secret analysis shows will be done to Scotland’s economy by the hard Brexit that it is pursuing?

**Michael Russell:** I agree; I simply add that the real issue in terms of what is at risk is an attempt by the UK Government to present as existing something that does not exist. There is no single market in the UK, as the UK Government has presented it. There is a uniform market—we all trade together—but we have different arrangements when those are required and when the powers of this Parliament or those of the Welsh Assembly make that necessary. Minimum unit pricing is a classic example of that. We should therefore recognise that the UK market is not unitary but uniform, and our work should proceed accordingly.

**Neil Bibby (West Scotland) (Lab):** The minister will be aware that Professor Alan Page of the University of Dundee has suggested that so-called standstill provisions, in which the UK Government and the devolved Administrations agree not to exercise powers in the absence of a common framework, might offer a temporary solution to clause 11. In light of the latest developments, has the minister given any further consideration to Professor Page’s suggestion of standstill provisions and does he now consider them a pragmatic alternative to clause 11 that could potentially negate the need for a continuity bill?

**Michael Russell:** I am familiar with Professor Page’s standstill proposal, but I think that even he was going a little cold on it because there are some substantial problems with it. That type of voluntary restriction on the powers of Parliaments would work only if everybody was working together, but we have seen no indication that the UK Government would do that. Indeed, what would happen when we needed to exercise our powers, for example, when dealing with certain agricultural issues such as an outbreak of agricultural disease? The standstill idea seems attractive, just as sunsetting seemed an attractive idea, but there are some substantial difficulties with it. I talked very briefly to Professor Page about it and I would always be happy to do so again. However, I think that the option is not as realistic as it appeared to be when it was first suggested by Professor Page in the evidence that he gave to—I think—the Finance and Constitution Committee.

**Alex Neil (Airdrie and Shotts) (SNP):** Given the Lord Advocate’s very welcome ruling, will the minister give a guarantee that if the UK Government or any other body mounts a challenge to the legality of the continuity bill in the courts, the Scottish Government will fight any such challenge tooth and nail to ensure that we can pass the legislation legitimately?

**Michael Russell:** I do not think that I should commit the Scottish Government or the Lord Advocate to legal action. The question sounds to me like the type of question that the Lord Advocate will be well placed to answer tomorrow. However, I cannot imagine the position that we have taken weakening in any way—the member can draw his own inference from that.

**The Presiding Officer:** Thank you. That concludes the statement and questions.

## Point of Order

17:04

**The Presiding Officer (Ken Macintosh):** Mike Rumbles has a point of order.

**Mike Rumbles (North East Scotland) (LD):** My point of order concerns rule 9.21 of standing orders, which is entitled “Emergency Bills”.

In his statement, the Minister for UK Negotiations on Scotland’s Place in Europe stated that the Minister for Parliamentary Business had written to the Presiding Officer, proposing an emergency timetable for the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, which will be put to the Parliamentary Bureau. Mr Russell also said that the shortened timetable proposes that all stages of the bill take place in plenary session. I listened carefully, but in neither the statement nor the question-and-answer session did the minister say whether the bill is to be considered as an emergency bill under rule 9.21.

Rule 9.21.4 states:

“The requirements in Rules 9.5.3A to C as to the minimum periods that must elapse between the Stages of a Bill shall not apply”.

However, that applies only to an emergency bill. Otherwise, as rule 9.5.3A states,

“The minimum period that must elapse between the day on which Stage 1 is completed and the day on which Stage 2 starts is 12 sitting days”,

and, as rule 9.5.3B states, there should be 10 sitting days between stages 2 and 3.

This is important for the proper scrutiny of legislation. The convention that we have established in this Parliament is that an emergency bill has all-party support. An emergency bill has never been taken forward by any Government without all-party support. Indeed, we are in new territory here—as we all accept—because, for the first time, the Presiding Officer has certified that a Government bill is not within the legislative competence of our Parliament.

Presiding Officer, I am looking to you for guidance as to whether the bill is an emergency bill—which means that a shortened timetable can be used, providing that there is all-party support for that—or whether it is not an emergency bill, which means that our rules and conventions for proper scrutiny should be adhered to. I genuinely seek your guidance.

**The Presiding Officer:** I thank Mr Rumbles for advance notice of his point of order. I can confirm that, until the Parliament decides that a bill is an

emergency bill, it is not an emergency bill. However, I point out that, under rule 9.21,

“Any member of the Scottish Government or a junior Scottish Minister may by motion propose that a Government Bill ... be treated as an Emergency Bill.”

I can also confirm that the Minister for Parliamentary Business, Mr FitzPatrick, has written to me this afternoon, asking for a meeting of the Parliamentary Bureau. I have agreed and have called a meeting of the bureau for after decision time this evening so that we can decide the matter. Following the decision of the bureau, the proposal will be put to Parliament and it will be up to Parliament—up to all members—to decide whether to treat the bill as an emergency bill. I add that any decision to treat it as an emergency bill is not required to be unanimous. I hope that that answers the question.

## Business Motion

17:07

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-10729, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for tomorrow.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for Wednesday 28 February—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Culture, Tourism and External Affairs;  
Justice and the Law Officers

and insert

1.30 pm Parliamentary Bureau Motions

1.30 pm Portfolio Questions  
Culture, Tourism and External Affairs;  
Justice and the Law Officers

2.10 pm Ministerial Statement: UK Withdrawal  
from the European Union (Legal  
Continuity) (Scotland) Bill—[*Joe  
FitzPatrick.*]

*Motion agreed to.*

## Decision Time

17:07

**The Presiding Officer (Ken Macintosh):** We come to decision time. The first question is, that amendment S5M-10652.1, in the name of Miles Briggs, which seeks to amend motion S5M-10652, in the name of Aileen Campbell, on developing a Scottish healthy weight strategy, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The second question is, that amendment S5M-10652.3, in the name of David Stewart, which seeks to amend motion S5M-10652, in the name of Aileen Campbell, on developing a Scottish healthy weight strategy, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The final question is, that motion S5M-10652, in the name of Aileen Campbell, on developing a Scottish healthy weight strategy, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament supports the development of an ambitious new Scottish healthy weight strategy; believes that fresh action is necessary, as two thirds of the population are above a healthy weight and almost a third of children are in danger of being overweight or obese; recognises that obesity and the absence of a healthy diet are clearly linked to harms, including type 2 diabetes, heart disease, stroke and cancer; supports proposals that are anticipated to have the greatest effect, including restricting junk food price promotions, exploring the strengthening of current labelling arrangements and enhancing how nutrition information is communicated; acknowledges that the food environment in which people live must be addressed in this work as this has a significant impact on the choices that people make for their diet; believes that a cross-portfolio approach is required to achieve meaningful change and embed the ambitions set out in the draft strategy; recognises the crucial role that an active lifestyle plays in tackling obesity and related conditions; encourages the Scottish Government to examine where the current draft strategy can be strengthened as a result of feedback to the recent consultation; notes the importance of an active lifestyle for maintaining good physical and mental health and wellbeing and calls on the Scottish Government to ensure that resources are made available to support increased physical activity programmes for all ages and backgrounds; believes that the case for action is clear, and therefore calls on the Scottish Government to consider bringing forward the timescale for the publication and implementation of its strategy as a matter of urgency.

**The Presiding Officer:** That concludes decision time. We now move to members' business. It will take a few moments for members and ministers to change seats.

## Scotch Whisky (Contribution to Tourism)

**The Deputy Presiding Officer (Linda Fabiani):** The final item of business is a members' business debate on motion S5M-10433, in the name of Rachael Hamilton, on the Scotch whisky industry's contribution to the Scottish tourism industry. The debate will be concluded without any question being put. Members who wish to speak in the debate should press their request-to-speak buttons now.

### *Motion debated,*

That the Parliament recognises the contribution that Scotch whisky makes to the Scottish tourism sector; believes that 2016 saw a record number of visits to Scotch whisky distilleries, totalling 1.7 million, meaning that Scotch whisky distilleries, as a tourist attraction, are as popular as the Scottish National Gallery and St Paul's Cathedral; understands that the average visitor spend was £31 per person and £53 million overall in 2016; welcomes the new distillery to Hawick by The Three Stills Company, the first in the Scottish Borders since 1837, where a local visitor centre is planned, and wishes new and old whisky distilleries continued success in the coming year and beyond.

17:10

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** It is a pleasure to rise to my feet today to praise and highlight the great work of the Scottish whisky industry and the boost for tourism that it provides.

All over the world, Scotland is known for its national drink. From New York to Tokyo to Sydney, Scottish whisky is bought and sold in restaurants, bars and shops. According to the Scotch Whisky Association, 39 bottles are exported every second, and it accounts for 80 per cent and 20 per cent, respectively, of all Scottish and British food and drink exports. On a recent trip to Brussels, I reminded Michel Barnier that the French consume more Scotch whisky than they do cognac, to which he replied that he is partial to the stuff himself. We are, quite rightly, proud to be able to sit down in almost any establishment in the world and peruse a list of countless whiskies, many of which are produced only a matter of miles from our own front doors.

I am proud to tell members that that will soon be the case for me in my constituency. For the first time since 1837—more commonly known as the year when Queen Victoria acceded to the throne—whisky will be produced in the Scottish Borders. The Three Stills Company is currently putting the finishing touches to its distillery in Hawick. The Borders has a proud history in food and drink; I look forward to the future growth of the sector, which will shortly include that whisky distillery. It is

a pleasure to welcome the company's representatives and those of many other whisky companies to the Scottish Parliament today. Nothing excites my staff more than having a day dedicated to whisky.

Like many other distilleries across Scotland, the Three Stills Company will look to capitalise on the growing tourism boost that has been seen in the whisky industry and the tourism sector as a whole. World-famous brands bring with them global-reaching interest, and it is great that tourists from all around the world are drawn to visit a world-leading industry at work—and, of course, to try a few drams along the way. I pay tribute to all those who have played their part in the achievement, from tour guides to tour operators, as part of the wider Scottish success story.

Members will be aware that 1.7 million people visited a whisky distillery in 2016. That number is up by a quarter on the number in 2010; no doubt the number will have grown even more in 2017, with the boom in the number of international visitors to Scotland. The draw of "Outlander" has undoubtedly played a part in attracting tourists, as has the creative and tailor-made north coast 500 whisky heritage discovery tour, which showcases the best that the Highland region has to offer.

Because of the very nature of our whisky making, many of the jobs that are provided by the industry are located in rural areas; about 70 per cent of people who are directly employed by whisky companies live in rural areas. That means better career opportunities in those areas for young people, which allows them to stay where they grew up and contribute to their communities. As whisky tourism grows, so too will the number of jobs. I hope that that will go some way towards ensuring that the balance of the Scottish economy is not further weighted towards our main cities and urban areas.

Tourism skills should become a priority for us all, as brand Scotland and brand Great Britain become ever more popular around the world. Only yesterday, I held—with the developing the young workforce programme, Borders College and local businesses—a tourism event for 150 secondary 4 pupils from across the Borders to highlight the massive opportunities that tourism presents, from brewing to distilling to becoming a tour guide.

The whisky industry, whether it is exporting products or importing tourists, will be of great value as the United Kingdom embarks on a new chapter in its global ambitions. It was great to see just a few weeks ago the Prime Minister, alongside the chief executive officer of the Scotch Whisky Association, Karen Betts, securing a 10-year renewal of the Scotch whisky trade mark in China. Currently, 25 bottles are exported to China every minute. It is right that our great brand is protected,

which paves the way for even more sales in the future, as the Chinese taste for luxury British, Scottish and European products increases.

That is another compelling reason for the Edinburgh-China air link project, which I am sure we all agree is well overdue and which will make it easier for Chinese tourists to come and see our fantastic distillery tours.

Recent figures show that the USA continues to be our biggest export market in terms of value. That looks set to continue as the Americans' appreciation of single malts grows. We are all very aware of the importance of American tourists to Scotland, whether for whisky or otherwise, and I hope that that continues for many years to come.

Of course, it is worth noting that not all visitors to our distilleries are from overseas. Yes—many of our main export markets, including China and the USA, are significant sources of whisky tourism, but so are Scotland and the rest of the United Kingdom.

I remind members that not all whisky tourism visits are to distilleries. In my previous role as an MSP for South Scotland, I had the pleasure of enjoying the whisky experience at the Glenkinchie distillery in East Lothian. As well as going on the historical timeline tour, customers are educated on how to enjoy and taste whisky, which I certainly enjoyed. Glenkinchie also takes its commitment to the environment seriously and has created wildlife walks among the cooling ponds in the grounds.

It is a pleasure to bring to the attention of Parliament our thriving whisky tourism industry. Members are all very aware—as, I am sure, is Her Majesty's Treasury in London—of the importance of the Scotch whisky brand and of valuing the tourism that it brings as a consequence. That will be even more important in the coming years, as we strike new trade deals around the globe as well as with the European Union—deals that will perhaps be better suited to UK industries—to ensure a global Scotland, a global Britain and a global Scotch whisky industry.

17:17

**Richard Lochhead (Moray) (SNP):** I congratulate Rachael Hamilton on securing the debate so that we can celebrate the Scotch whisky industry and everything that it contributes to Scotland. I expect that we will all be in the mood for a dram after we have listened to the various speeches. I am, already.

Scotch whisky is a global and Scottish phenomenon. It is the most successful food or drink export from Scotland and the whole UK. It sustains tens of thousands of jobs throughout Scotland—in particular, in more rural areas.

Therefore, it is important to recognise that its economic contribution relates not just to manufacturing, but to the fact that it invites many people to visit our country, the distilleries and the visitor centres, and to see where the whisky is produced.

Whisky is a phenomenal success story and we should make as much as possible of the fact that it has contributed so much to the Scottish brand throughout the world. Around the world, people associate Scotland with quality products that they can trust, uniqueness and, of course, fantastic landscapes. Scotch whisky has opened doors throughout the world for other products, which is why it is so important to the country.

The fact that, as the Scotch Whisky Association says, 30 new distilleries are being planned or built at the moment is a sign of fantastic confidence in the sector. My constituency includes Speyside, where 50 per cent of Scotch whisky is produced. I am lucky enough to represent something like 45 to 50 distilleries.

A number of distilleries have been newly built in Speyside in the past few years, on top of the enormous number that we already have. Some of the bigger distilleries, including Glenlivet or Macallan, have in the past few years expanded even more or are being expanded at the moment. Macallan is investing more than £100 million in building near Craigellachie a new distillery that will be a visitor attraction in its own right. Its architects are world famous and reckon that the number who will visit the new distillery will be double the number who visited the old one.

The industry is going from strength to strength in Speyside and throughout the country but, as Rachael Hamilton said, the tourism is not just about people visiting distilleries. In Speyside, for example, we have the Keith and Dufftown railway. At one end of the railway line, we have the picturesque Strathisla distillery, which many people visit. At the other end of that heritage railway we have the Glenfiddich distillery, which is also a major tourist attraction in its own right and produces a very successful Scotch whisky. Talks are going on about expanding the role of that whisky line in Speyside in order to attract even more visitors to Scotland.

I want to make the point that whisky is not just about the magic of the malted barley, the spring water, the yeast, the casks and the nose; it is also about its folklore and its place in Scottish history. That is why I very much welcome the current efforts to recognise the role of smuggling in Speyside in the 16th, 17th and 18th centuries, which of course forms the bedrock of the Scotch whisky industry that we have today. George Smith, the founder of the Glenlivet distillery, was a smuggler before he opened the first licensed

distillery in Speyside in 1824. That folklore is important and can play a huge role in attracting even more tourists to Speyside and, indeed, to other parts of Scotland.

The Cabrach Trust is talking about building a new historical distillery in the Cabrach, where there have been many illicit stills over the centuries, and it also wants to open a heritage centre in order to tell more of the story of the role of the Cabrach in illicit distilling. It is reckoned that between Glenrinnnes, Glenlivet and the Cabrach, there were 400 illicit stills in the 16th and 17th centuries. As I said, that is the bedrock of the Scotch whisky industry that we have today. I hope that the distilleries, the whisky companies and the communities can get together and celebrate the social history as well as the economic history, in order to ensure that we attract more people to Scotland.

There is much more that can be done to attract whisky tourists to Scotland. I hope that the companies can work more closely together with local authorities, VisitScotland and the Scottish Government, and I hope that the minister will give some thought to how that can be achieved in the next few years—provided, of course, that we get through Brexit and maintain the current protection for Scotch whisky, which is an important political priority for the Scottish Government.

17:21

**Alison Harris (Central Scotland) (Con):** We are fortunate to live in a beautiful country that, despite our somewhat unpredictable weather, draws people from all over the world to enjoy the scenery, history and culture that Scotland offers. Since the years when the writings of Sir Walter Scott and the paintings of the artists of the early Victorian era first attracted English tourists to Scotland, an added attraction has been that Scotland is the home of the world's finest whiskies.

Through the decades, Scotch whisky and its links to the economic benefits that tourism brings have grown and grown. More than half of Scotland's distilleries now welcome visitors: as we have heard, in 2016, there were 1.7 million visits to distilleries. We could say that that means that Scotch whisky distilleries rank among many well-known UK attractions, including the Scottish national gallery and St Paul's cathedral. In financial terms, visitors' spend at distilleries was almost £53 million.

The popularity of Scotch whisky continues to take the name and reputation of Scotland to the four corners of the globe. Although people from the rest of the UK are vital to Scottish tourism, the largest numbers of visitors come from Germany,

France and the United States, with the United States and France being two of the largest markets by value for Scotch. Scotch exports to many other mature and emerging markets have increased, and there has been a marked return to growth in the Chinese market and in exports to Japan.

Such is the popularity of whisky that about 20 per cent of tourists now include a distillery visit while they are in Scotland. About 30 new distilleries are either planned or are being built, and for many new-build distilleries a state-of-the-art visitor centre is front and centre of their plans. Visitors are spending more than ever at distilleries—the average spend is £31 per person.

Although distilleries are undoubtedly concentrated in some parts of the country, including the Highlands, Speyside, Islay and Campbeltown, and do much to boost the economies of those areas, I want to highlight that there are also lowland distilleries, such as Glengoyne and Glenkinchie. Further, later this year, a new distillery will open in my region. It is many years since residents of Falkirk lost the distillery that produced Rosebank, which was known as the king of lowland malts, so I know that many of my constituents are looking forward to the Falkirk distillery opening near Polmont. It will recognise the importance of attracting visitors by offering retail and restaurant facilities as well as the whisky experience. Because it is in close proximity to attractions such as Blackness castle—which appears in "Outlander"—Callendar house, the Kelpies and the Falkirk wheel, the distillery and visitor centre will seek to attract up to 75,000 visitors a year.

Lowland malts are known for their malty, zesty flavours, with slightly fruity, citrusy and sometimes floral notes. I am sure that with a description like that for its product, the new Falkirk distillery will add to the existing tourist attractions in the Falkirk Council area.

It is difficult to overestimate whisky's contribution to the Scottish tourism industry, or the potential that still exists for growth in the sector. As more distilleries open their doors and improve and expand their offering, I am confident that it is one industry that can look forward to a bright and glowing future.

Slàinte mhath, as they say.

17:25

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I, too, thank Rachael Hamilton for creating this opportunity to talk about the wonderful Scottish product that is whisky. It is almost impossible to imagine that, between 1837 and now, there was no informal production of

whisky in Rachael Hamilton's constituency, as there was right across Scotland. Indeed my father, as a GP in Fife, used to get the occasional informal bottle from one of his patients in the 1950s and 1960s.

I have an intern working with me at the moment—Chase, who is from the United States. He tells me that, prior to departing for Scotland, he received three questions: whether he would be buying a kilt, whether he would be trying haggis and how many whisky tours he would be tagging along for. Thus far, he has had no budget for a kilt, he has yet to try haggis and he has been on only one tour, so he still has a lot to do. That is testament to how much is known about whisky and how important it is as a symbol or emblem of Scotland and Scottish tourism.

Why does whisky account for such a large proportion of our food and drink exports? I suggest that it is because of its diversity. We have a whisky for every occasion and palate, with or without food. I have a pal who shared a tiny portion of whisky out of a bottle that cost £1,000. I will not buy such a bottle, and I noticed the care with which my friend resealed the bottle to ensure that there was no escape. There is a little bit of magic in every bottle of whisky.

There is also a bit of a gender issue around whisky. It is predominantly thought of as being a male drink, so I welcome the fact that, yesterday, Johnnie Walker produced a new bottle of whisky called the Jane Walker, which has a young lady on the label instead of the man in the top hat. That has not necessarily gone down terribly well. Maura Judkis wrote a long and amusing article for *The Washington Post* yesterday, at the end of which she says, "This article is satirical." If we are to change the gender issue around whisky, we might need to be a little more cautious about how we do it.

Huge numbers of people visit distilleries. My constituency has four, and I hope to get Chase up to visit some of them, to multiply his one visit to a distillery. The Isle of Arran distillery had more than 100,000 visitors in 2017. The numbers keep going up, and most distillers have found it useful to have a visitor centre to increase knowledge of whisky and to let people see the skills involved and the setting for this wonderful drink that goes across the world.

I often make personal references in my speeches, so I cannot let pass the opportunity to mention my father's cousin, James Stevenson, later Lord Stevenson, who was the managing director of Johnnie Walker when the symbol that is currently on the label was introduced. As part of Lloyd George's Government, he was responsible for the Immature Spirits (Restriction) Act 1915, which meant that whisky was kept in bond for

three years, which improved its quality and marketability. He was also responsible for the fact that the English got a football stadium: Wembley.

**The Deputy Presiding Officer:** I am stunned. I call Colin Smyth, to be followed by Sandra White.

17:29

**Colin Smyth (South Scotland) (Lab):** As we always say after Stewart Stevenson has spoken, that is a difficult act to follow.

As other members have done, I thank Rachael Hamilton for bringing to the chamber today's motion, which has provided us with the opportunity to celebrate the significant contribution that whisky makes to Scottish tourism. I am particularly delighted that the motion comes from a fellow member who represents the south of Scotland. It is all part of our long-term plan for the south of Scotland to take over from the Highlands and Islands as Scotland's whisky capital. Joking aside, the Lowlands, where we have Scotland's most accessible distilleries, have always played an important role in Scotland's whisky heritage. After a decline in Lowland distilleries in the 18th and 19th centuries, that contribution is growing once again—and not just in the production of traditional Lowland light, unpeated whiskies. Rachael Hamilton highlighted the really exciting plans for Hawick, where the Three Stills Company is constructing the first whisky distillery in the Scottish Borders—having listened to Stewart Stevenson, I should say the first legal one—since 1837.

I would like to take members on a Lowland whisky trail slightly further west, into my home region of Dumfries and Galloway, where tourism is crucial to the local economy, attracting £300 million a year in visitor spend and supporting over 7,000 local jobs. It is an inspiring region whose unique towns and villages, unspoiled beauty, truly contrasting landscapes and mesmerising history offer visitors so much. We have an abundance of rare wildlife in our stunning forests, fantastic sandy beaches along our coastline and some of the clearest skies in Europe to gaze up to from the dark skies park in Galloway. We also boast the highest village in Britain in Wanlockhead, the food town in Castle Douglas, the artists' town in Kirkcudbright, Scotland's national book town in Wigtown, the marriage capital in Gretna Green and, of course, the football capital of the world in Palmerston Park, where Queen of the South play. Okay—maybe the final one of those is not true. However, whether visitors are into ice cream, mountain biking through a forest or flying along one of Europe's longest zip wires, Dumfries and Galloway has a wonderful and growing tapestry of attractions, which I am delighted to say now

includes Scotland's first whisky distillery across the border: the Annandale distillery.

The rebirth of the Annandale distillery is a wonderful story that deserves to be shared. It was originally established in 1836 and its doors were closed by the then owner, Johnnie Walker, in 1918, seemingly forever—until Professor David Thomson and his wife Teresa Church happened across the derelict distillery when they were walking in the Annandale countryside. Fascinated by the history and potential of the distillery, David and Teresa rescued the ruins in 2007. After a significant investment of nearly £11 million, the distillery sprang back into life on 3 November 2014, complete with visitor shop and cafe. I had the pleasure of meeting David and Teresa for the first time around five years ago, when I was the chair of Dumfries and Galloway Council's economy committee and the council was supporting the rebirth of the distillery, recognising the huge contribution that it could make to the local economy. Since then, I have followed closely the fascinating story of Annandale, including the careful development of its distinctive logo: a ship's sail, which pays tribute to Annan's rich maritime history and shipbuilding heritage.

On 15 November 2017, I had the pleasure of attending the breaching of the first barrel at the restored Annandale distillery, and I can tell members that the 99-year wait since Johnnie Walker closed the doors was very much worth it. Annandale distils two whiskies, whose names derive from two famous Roberts. Man o' Swords is a smoky, peated whisky that is named after the seventh Earl of Annandale, Robert the Bruce. The mellow, fruity, unpeated Man o' Words celebrates Scotland's national bard and local hero Robert Burns, who famously penned "The De'il's awa wi' th' Exciseman" while he lodged in Annan. Indeed, given that Annandale was probably an illegal distillery at the time that Burns was a local exciseman, Professor Thomson speculates, in conducting his owner's tours, that he might well have visited the distillery. Of course, there is no guarantee that he did, but it is a cracking story nonetheless.

That is what makes Annandale distillery the perfect example of why distillery visits are so popular. Each is distinctive, with its own fascinating history and stories. They often display stunning craftsmanship. Annandale has been painstakingly restored, with many unique features that have been crafted locally to the highest standards, blending tradition with the demands of a modern distillery. It is little wonder that it is attracting visitors from right across the world, including from Annandale in Virginia, while making a major contribution to the local economy of a relatively small rural town in a highly competitive tourism market.

Annandale joins Dumfries and Galloway's other distillery, Bladnoch, the history of which dates back to 1817. After a recent period of closure, it is once again producing whisky, is undergoing significant investment and will soon reopen to visitors. Together, Annandale and Bladnoch continue the fine tradition of producing delightful traditional whiskies in the Lowlands. I highly recommend both to all members.

17:34

**Sandra White (Glasgow Kelvin) (SNP):** I thank Rachael Hamilton for securing this important debate. It is certainly important with regard to the uniqueness of whisky and what it means to Scotland in exports and people visiting Scotland. They do not come here just for the whisky, but that is part of the experience. When I go home tonight, I will have a wee hot toddy, which might help my cold, and that is part of it, too.

Members have mentioned whisky from various areas. Once I have mentioned my experience, I will give a history lesson.

We now have the Clydeside distillery in Glasgow, which is a £10.5 million project in the iconic pump house between the Riverside museum and the Hydro arena. I am very proud of the fact that Tim Morrison and his family got together, recognising the potential, and built the distillery and visitor centre there. It opened just before Christmas 2017, and I have had the pleasure of going there. There are 25 employees and the distillery is advertising for more. There is a great video display that tells people all about the whisky experience.

The reason why I want to talk about history is that Tim Morrison's great-grandfather built the pump house in 1877, so building the distillery on that iconic site is like coming home for Mr Morrison and his family. However, it is not just about that. There is a fantastic history of distillers in Glasgow and the Clydeside, and, with the boats coming in and out, whisky was exported from there. I will give members a wee bit of history so that they will thank Glasgow for the fact that whisky is made here in Scotland.

I do not want to be political about it, but the story starts way back in 1707, when Glaswegians were not very happy with the situation between England and Scotland. To stop any riots in the streets, they were not allowed to have gatherings of more than three people in the street. People were incensed about various things so there was rioting, which started when the British Government decided to start collecting the first malt tax, in 1725.

Glaswegians rose to oppose the tax, and they attacked the property of Daniel Campbell of Shawfield. They rioted, plundered his house,



which was on Glassford Street and the Trongate, and caused a lot of damage. Some were jailed and some were not, but, in the end, the city of Glasgow had to pay Daniel Campbell the sum of £6,080 in compensation for the damage that had been done. He sold his house and moved to the islands of Islay and Jura. They were his private property, so he looked at malt whisky production, which is where the connection between Glasgow and whisky comes to the fore. He decided to introduce new crops such as barley and, because he owned the islands, nobody visited to ask for tax. Basically, he started the whisky industry in Islay and Jura. Bowmore, the first planned village in Scotland, was created on Islay in 1760, and the Bowmore distillery, as it is now known, has been there ever since.

It seems right that the industry that produces Scotland's national drink and that employs 10,000 people directly and another 30,000 people indirectly can trace part of its growth back to the bubbling sense of injustice of Glaswegians. The riots stemmed from the most Glaswegian of desires—the desire to chart our own path and destiny as a city and to enjoy a few swallies without being sold up the river.

17:39

**Bruce Crawford (Stirling) (SNP):** I thank Rachael Hamilton for, and congratulate her on, bringing this fantastic debate to the chamber.

Members know that I seize every opportunity to talk about my magnificent Stirling constituency. It is a hugely attractive area for year-round visitors due to our unsurpassed historical heritage and spectacular natural settings. The Stirling area is also home to the creation of wonderful whiskies, with excellent events and attractions for locals and visitors alike to enjoy.

Our first stop on the Stirling whisky tour is Deanston distillery. Operating as a cotton mill into the 20th century, Deanston housed the largest water wheel in Europe at the time, which was used to power the machinery of the spinning mill and weaving shed. To this day, hydropower produces much of the energy that the distillery needs. Following the decline of the cotton industry, Deanston mill closed its doors in 1965, but all was not lost. The mill was converted into a distillery and the first-ever bottle of Deanston Highland single malt—very creamy it is, indeed—was produced in 1974.

In 2012, I was privileged to attend the official opening of the magnificent new Deanston distillery visitor centre. That opening signalled the beginning of a new era for the old mill, not just as a popular producer of whisky, but as a popular tourist destination in its own right. Deanston's

unique story is carried across the globe and whisky lovers can share in the experience of its production at its highly recommendable facility.

The Stirling constituency is also home to the incomparable Glengoyne distillery. Located on Burnfoot farm, Glengoyne distillery operates in the area where George Connell began secretly distilling, out of sight of the exciseman—he probably supplied half of Glasgow at the same time, if Sandra White is right. As an aside, in 1899, the distillery manager, Cochrane Cartwright—what a wonderful name—drowned in the distillery, having sampled much of its product, or so it is alleged.

In 1903, Glenguin of Burnfoot changed its name to Glengoyne distillery, and there was a production boom in the 20th century as the local product gained increasing international appeal. The distillery's building and remarkable setting are must-sees. Less than 40 minutes from Glasgow, it is often dubbed as Scotland's most beautiful distillery.

I can personally testify that those two distilleries—Deanston and Glengoyne—produce outstanding whisky and also provide superb visitor attractions in the Stirling area. Perhaps we cannot compete with Richard Lochhead and Speyside, in terms of the number of distilleries, but I am sure that we can compete as far as quality is concerned.

The Stirling area's relationship with the water of life has inspired the Stirling whisky festival, which is returning for its seventh year and is now held in the Stirling Highland hotel, right in the centre of the old town. The festival has been hugely popular and has helped to support the many tourism-related businesses that Stirling has to offer, resulting in an increased visitor footfall to the city, which appears to be on the up. Last year's visitor figures show that Stirling castle had an 18 per cent increase in visitors, based on figures from 2016. Similarly, 8 per cent more people visited the battle of Bannockburn visitor centre and the Smith art gallery and museum also had an increase in visitor footfall.

It is clear that the Stirling area has much to offer in terms of tourism and visitor activities. Showcasing our proud whisky heritage is an excellent opportunity not just to promote our local whisky products, but to support local businesses, such as those in the hospitality industry that rely on the footfall of tourists and visitors alike.

I, again, congratulate Rachael Hamilton on securing tonight's debate.

17:43

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** I thank Rachael Hamilton for securing the debate. As a whisky drinker with more than 60 bottles of malt at home, I can confirm to Stewart Stevenson that there is, indeed, a little bit of magic in every bottle.

Whisky and whisky tourism is one of the success stories of 21st century Scotland. Ninety-nine million cases of whisky are exported each year and, if every bottle was laid end to end, the bottles would stretch from this Parliament to New York six times over. Visitors to distilleries come from some of the largest markets for whisky—mainly Germany, Scotland, the United States of America, France and other parts of the United Kingdom.

The Scotch whisky industry, through the establishment of the Scotch Whisky Research Institute in my constituency some 40 years ago, aims to safeguard consumer confidence in Scotch whisky and, as a result, will protect whisky tourism. Research is carried out by the institute to ensure that flavour, quality, consumer safety and authenticity are maintained to protect Scotland's whisky as a premium global brand.

One of the research institute's first key achievements was the establishment of the compositional database to protect Scotch whisky from counterfeiting. At any moment, there can be around 70 court cases being fought and hundreds of investigations under way in order to protect the industry against fakes. Yet the industry allows whisky to be exported in bulk to places where it can be blended with other whiskies and locally branded, and it then competes with our own whisky, or that same local whisky can be deliberately labelled wrongly and sold as Scotch whisky at a premium price, despite being a counterfeit product.

Blended whisky accounts for 70 per cent by value and 90 per cent by volume of all whisky exported. Malt whisky accounts for only 9 per cent by volume and 24 per cent by value, yet only the premium product, malt whisky, is required under the UK Scotch Whisky Regulations 2009 to be bottled in the country of origin. At the time of the regulations being passed, requiring that malt whisky be bottled in Scotland, the Scotch Whisky Association stated that the export

"of Scotch Whisky in bulk has led to adulteration and contamination when it is bottled abroad. This risks damaging the reputation of Scotch Whisky and leaves consumers vulnerable to counterfeit products which could also have public health implications".

Given the number of on-going cases and investigations into counterfeit whisky, is it not time that the subject was re-examined? After all, Spain

insists that Rioja wine is bottled before export and France has similar regulations in place for cognac.

My Scottish National Party colleague at Westminster, Martin Docherty-Hughes, submitted an early-day motion in December supporting the Unite union campaign, save our Scotch. In recent years, there have been the closures of Port Dundas and Kilmarnock, plus concerns that were raised by the union regarding Leven and Shieldhall. Since 1980, 12,000 directly employed jobs in whisky have been lost in Scotland. Jobs are still under threat at a time when the SWA estimates that Scotland is home to more than 20 million casks of maturing whisky—almost four for every person living here. The concern is not just over-outsourcing of whisky, but other white spirits currently bottled in Scotland and the potential impact that that could have on the supply chain, including bottling plants, labelling and packaging manufacturers, warehousing and distribution.

Each year, £1.7 billion is spent on the whisky supply chain, but not all of it is spent in Scotland. It is estimated that more than £340 million is spent elsewhere, to our detriment. We know that Scotch whisky must be produced in Scotland, made from mostly malted barley and aged in oak barrels for three years or more. However, most of the jobs associated with the industry are not in distilling but in bottling and throughout the supply chain, which we must ensure remains in Scotland.

I will leave members with this thought. Back in 1979, the Scottish Council for Development and Industry discussion paper "Should Scotland Export Bulk Whisky?" concluded that

"Scotland would economically benefit in the long-term if the bulk export of all whisky was banned."

Given the industry's importance to Scotland, and to tourism, is it not time that the issue was re-examined?

17:48

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** I thank Rachael Hamilton for securing the debate and for her speech. She made a point about the French consuming more whisky than cognac, and it is worth noting that they consume more whisky in one month than they do cognac in a whole year. I thank all members who have contributed to what has been a very interesting debate on Scotland's national drink.

We heard from Richard Lochhead, who has been and continues to be a great champion of whisky. An important point that he made was about how whisky opens the door to other products in terms of exports. He also spoke about the sheer dynamism of the sector. Colin Smyth referred to the mission creep of the south of

Scotland, and I was also pleased to hear about the Annandale constituency. Stewart Stevenson introduced us to Jane Walker.

There are not many constituencies in Scotland that do not have a link to the Scotch whisky industry in some form or another. Indeed, I recall that, when I visited the Pixar studios in Los Angeles on a Government visit, I was served a St Magdalene whisky from Linlithgow, which is in my constituency. That extensive reach of whisky demonstrates the foundations that that fantastic industry has across Scotland and its importance to the economy, people and communities of our land.

Alison Harris mentioned the opening of the Rosebank distillery, which sits on the edge of my constituency, but is in the Central Scotland region.

Many of the distilleries lie in the heart of our rural and island communities right across Scotland, from the Highlands and Islands to the Lowlands. The role of those businesses in supporting communities in remote areas and providing jobs cannot be overstated.

We can celebrate another success story in the Lowlands: the Three Stills Company, which is investing £10 million in its distillery and visitor centre and is the subject of Rachael Hamilton's motion. Together with the planned £40 million Mossburn distillery near Jedburgh, it will open up the Borders to new tourism opportunities. Those investments will provide firm foundations for the success of our iconic Scotch whisky in future years.

The whisky sector continuously builds on its success, its brands are increasingly recognised internationally and its distilleries are must-see destinations for our tourists. The Scotch Whisky Association's latest annual survey found that visits have increased by around a quarter since 2010 and that more than half of Scotland's 123 distilleries now welcome members of the public. An example of that success is the Tomatin distillery visitor centre near Inverness, which experienced its most successful year in 2017; its visitors exceeded 49,000 and it had record sales of 1 million. According to Diageo, its 12 malt distilleries have seen a 96 per cent rise in visitor numbers over the past five years.

It is interesting that 43 per cent of German visitors visited a distillery on their visit. That is the second biggest activity for visitors from that market. On average, 20 per cent of all visitors to Scotland visit a distillery.

Collectively, Scotch whisky distilleries rank among the most popular Scottish and UK attractions. When visitors step into a distillery, the passion, knowledge and enthusiasm of those who work in them is evident from the outset, and there are high-quality presentations and exhibitions. The

visitor sees the striking contrast of traditional whisky making combined with modern technology, high-quality attractions and gift shops. The timeless and unmistakable smells nod to days gone by and give tourists an evocative sense of Scotland's rich heritage.

Every distillery has its own heritage and story. The point about the folklore, the story and the heritage is very important. I have visited a number of distilleries on Islay, and every one of them had its own story. The social, economic and cultural heritage must not be underestimated. Richard Lochhead referred to Speyside smuggling. There are different aspects to those stories.

When a visitor visits a distillery and walks into the cold, dark rackhouse, they step back in time. The muffling silence and the years of dust on the barrels emphasise the rich and historic tradition that we have in Scotland. It is difficult for anyone not to feel a sense of awe when they are surrounded by the work of a previous generation that has yet to be enjoyed. Then, of course, there is the taste. That is why it is easy to see why visitors spent a total of £53 million on whisky in 2016. The average spend per person has increased by 13 per cent to £31 from £27.

The high standards that those attractions offer is more than ably illustrated by Oban distillery's winning the Association of Scottish Visitor Attractions best visitor experience award in 2017, against very stiff competition.

There are new developments, of course. In a fascinating speech, Sandra White told us about the Clydeside distillery and the great opportunities there for Glasgow to tell its story, which is a distinct one.

**Richard Lochhead:** I am sure that the cabinet secretary would not want to let my good friend Sandra White get away with the claim that Glasgow in 1707 was the birthplace of Scottish whisky as we know it today, given the reference in the fantastic book "Scotland's secret history: the illicit distilling and smuggling of whisky", by Charles MacLean and Daniel MacCannell and edited by Marc Ellington, which states:

"As late as the end of the reign of James VI and I, who died in 1625, whisky as we know it was made in the Highlands only."

**Fiona Hyslop:** Perhaps that is a matter that falls under your responsibilities to decide on, Presiding Officer. Much in the world of whisky is contested, but I cannot contest the role of Speyside and the Highlands in the development of Scotch whisky.

The importance to tourism is evident, but we can do more to promote whisky trails, such as through local marketing and hospitality opportunities. We see that happening with the

north coast 500, and more can be done for whisky. Bruce Crawford referred to whisky festivals. We have seen such festivals in Stirling, Speyside and Islay, and interest in them is growing.

We face challenges, one of which is leaving the EU. Many distilleries rely on EU nationals not least to understand the different EU markets and for their language skills. I visited Deanston distillery on the banks of the River Teith, which Bruce Crawford mentioned, where I heard first hand about the impact of Brexit on the tourism sector. All the senior staff whom I met were from EU countries. They had come to work here and were committed to delivering a fantastic visitor experience.

We cannot rest on our laurels. We want to drive forward our tourism sector and make sure that we promote the combination of food and drink and tourism. The "Ambition 2030" strategy on food and drink is reaching out on tourism, and I inform the chamber that, under my portfolio, the first national food tourism strategy is being developed to take forward those links between the tourism and food and drink sectors.

Gordon MacDonald is right to make what is an important point about the integrity and the reputation of the product, and how we must promote that internationally. It is important that we recognise the interdependence between food tourism, Scotland's reputation and the hospitality sector, and the integrity of experience and the integrity of product are very much at the heart of that. Skills will be an important aspect of that, so I was very pleased to hear Rachael Hamilton talk about the events that took place in the Borders, because we must all take responsibility to encourage more youngsters in particular into the sector.

There are plans to build more than 30 distilleries over the next five years, from the Borders to the Highlands and across our islands. Tourism can work with whisky and whisky can work with tourism to help to promote our fantastic product and to make sure that the unique and authentic experience of drinking whisky in the place of its birth is the one thing that tourists can do in Scotland that they can do nowhere else on the earth.

*Meeting closed at 17:57.*

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