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Scottish Parliament

Tuesday 11 June 2019

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. The first item of business is time for reflection. Our leader today is the Reverend Lesley Bilinda, who is vicar of St Andrew's Church, Fulham Fields, and guest speaker at the national prayer breakfast for Scotland.

The Rev Lesley Bilinda (St Andrew's Church, Fulham Fields): Recently, I watched the Scottish Parliament television channel. I have to admit that that is not something that I regularly do—in fact, it was perhaps the first and only time that I have watched it—but a friend gave me a heads-up that there was to be an item on the 25th anniversary of the Rwandan genocide, and I have a particular connection there.

In April 1994, when the genocide began, I had been living in Rwanda for nearly five years. I was a midwife, running a community health programme with Tearfund, and I was married to a Rwandan Anglican priest. Rwanda was my home.

From April to July 1994, as the world's media brought graphic images of massacre and genocide into our sitting rooms, most people reached for the atlas—there was no Google Maps in those days, of course—to try to locate this tiny, little-known country.

“Savages” was the word that was most often used to describe the perpetrators, but for me, both those being killed and those doing the killing were my friends, my neighbours and my colleagues.

My husband, Charles, was a Tutsi, and although many of his family survived, thanks to the immense kindness and courage of Hutu neighbours, Charles was not so fortunate.

The genocide did not start with clubs and machetes. It was many years in the making, and it started with words. It began in subtle ways: discrimination; humiliation and mocking; treating others as less than human; the language of hate. Rabbi Jonathan Sacks writes of how genocide emerges out of the dehumanisation and demonisation of the other, and that was most certainly the case in Rwanda. Tutsis and Tutsi sympathisers were described as rats or cockroaches—vermin to be trampled on and annihilated.

But when we treat others as less than human we lose something of our own humanity. When we try to destroy others—whether physically, with a machete, or ideologically, with our words—we destroy something of ourselves. It is only when we treat one another with dignity and respect, regardless of our differences, that we can be truly and fully human.

Archbishop Emeritus Desmond Tutu describes that as “ubuntu”—the southern African concept of interdependence and mutuality. A person with ubuntu, he says, is affirming of others, is not threatened when others are able and good, and is diminished when others are humiliated or treated as if they were less than who they are.

In the Christian church, when we as Christians meet to share the bread and wine that is the reminder of Jesus's giving of himself for the world, we put aside our differences. We are on a level playing field and we focus on the bigger picture, which is God's kingdom, and on all that unites us as brothers and sisters, together.

To say “Never again” to genocide means that we pledge ourselves not only to deter future genocide but to avoid the factors that lead to polarisation and division, by treating one another with dignity and respect—even those with whose ideas we totally disagree. In this way, we pledge to build a stronger community locally, nationally and globally.

Thank you. [*Applause.*]

Topical Question Time

14:05

Broadband (Reaching 100 per cent Programme)

1. Colin Smyth (South Scotland) (Lab): To ask the Scottish Government by what date the R100 project is expected to deliver its target of 100 per cent superfast broadband coverage. (S5T-01708)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): As I outlined in my update to Parliament on Friday, the procurement is on-going and delivery timescales will be confirmed once we have a supplier, or suppliers, in place later this year.

The £600 million that we have committed to the R100 programme is a vital investment in Scotland's national infrastructure. Despite the fact that broadband services are wholly the legal and regulatory responsibility of United Kingdom ministers, 96.5 per cent of that investment is coming from the Scottish Government. We are providing that investment because we want to secure the right outcome for Scotland—one that will underpin digital connectivity and economic growth for decades to come—and we will work to deliver that as early as possible.

Colin Smyth: I thank the minister for that answer, but it did not answer the question. I asked specifically when the Government is expected to deliver on its target of providing 100 per cent superfast broadband. Previously, the Government was very clear—it said consistently that it would do that by 2021, but the minister now seems to be saying that it will do so as soon as possible.

I ask the minister to answer the question. Will the Government meet its commitment to deliver 100 per cent superfast broadband under the R100 programme by 2021? Yes or no?

Paul Wheelhouse: As I said in my original answer, as Mr Smyth would know if he had been listening, we will confirm that once we have a supplier, or suppliers, in place. That is part of the negotiations with the bidders. We are setting them our objective of achieving the goals by 2021, and we are inviting them to submit their bids on the basis of how much they will deliver by 2021. That is how bidding works. It is impossible to say at this point in time, during the live procurement process, exactly what we will see, but I commit to giving Parliament more certainty on the delivery timescales as soon as we have a preferred bidder in place.

Colin Smyth: That was possibly the longest “No” that I have heard. It is quite clear that the Government is not going to hit the original target that it set.

The minister has announced that the contracts are being awarded a year later than was originally intended. As a result of the delays in awarding the contract, is it now less likely that the Government will meet the target and provide the coverage that it believed that it would provide by 2021, or is the Government still on target?

Paul Wheelhouse: Given the scale and complexity of the procurement, legally, financially and technically, we have always acknowledged that 2021 would be a challenging target to meet, but we will not sacrifice our aim of achieving the best result for Scotland. I am confident that the process is working well. We have maintained competition throughout the process, which is vital in ensuring that we get a good deal for the public taxpayer. We are getting good engagement through the process.

To give Mr Smyth confidence that the Scottish Government is delivering well on broadband, I need only direct him to Ofcom's “Connected Nations 2018” report, which confirmed that Scotland continues to outperform the United Kingdom as a whole in providing superfast broadband access. [*Interruption.*] I can hear Conservative members scoffing, so I will quote what the report said:

“Over the past year the coverage of superfast broadband across the UK increased from 91% to 94%, with Scotland seeing the largest increase of 5 percentage points (pp) from 87% to 92%.”

Ofcom figures also show that, since the digital Scotland superfast broadband programme began in 2014, access to superfast broadband has increased by 31 percentage points in Scotland, whereas in the UK it has increased by just 19 percentage points.

Therefore, we are doing well. We want to continue our track record in delivering R100. As I said to Mr Smyth, I am confident that I will be able to give members a fuller update once the procurement process proceeds to the preferred bidder stage and the contractors are appointed, when we will have more information about the delivery timescales.

The Presiding Officer (Ken Macintosh): Five members wish to get in. If people are succinct, we might get through all five.

Finlay Carson (Galloway and West Dumfries) (Con): For 18 months, the Scottish Government has been crowing about R100 being delivered by 2021. That formed part of Derek Mackay's 2017 budget announcement, which gave false hope to constituents right around the country. Although

£600 million has been promised, investment in broadband infrastructure on the ground has fallen from £114 million in 2017-18 to only £32.9 million in 2019-20.

Will the minister apologise to my constituents and take immediate action to support businesses in my constituency, which are struggling for any kind of connectivity? Despite his protestations to the contrary, the Scottish National Party Government has responsibility for roll-out to areas where commercial providers are unable or unwilling to provide it on a commercial basis.

Paul Wheelhouse: Mr Carson, predictably, has gone for that line of attack. I need to remind Mr Carson—as I have reminded several Conservative MPs and MSPs who have written to me about broadband issues—that, as I said in my earlier answer, broadband services are the legal and regulatory responsibility of UK ministers. *[Interruption.]*

The Presiding Officer: Let the minister answer, please.

Paul Wheelhouse: Mr Carson wants me to direct my answer to delivery. Let us talk about delivery in Dumfries and Galloway. When the DSSB programme commenced, just 17 per cent of premises in Dumfries and Galloway could have a superfast broadband connection. By February of this year, 83.3 per cent were able to have a superfast connection. That is our record of delivery.

As I said in my response to Mr Smyth—*[Interruption.]* The member wants to disagree with Ofcom. Ofcom has highlighted that the Scottish Government's track record is better than that of the UK Government. As I said, there has been a 31 per cent increase in Scotland since January 2014, compared with a 19 per cent increase in the UK as a whole. Despite the most challenging geography in these islands, we have overachieved compared with the UK average.

Richard Lyle (Uddingston and Bellshill) (SNP): Can the minister advise members how the approach here, in Scotland, differs from that which is being taken by the UK Government? Broadband services are a reserved matter. How does that impact on R100? What contribution is the UK Government making to R100, and what is the UK Government's target date for 100 per cent access to superfast broadband?

Paul Wheelhouse: That is an extremely important point. As Richard Lyle has said, the UK Government does not have a commitment to 100 per cent superfast coverage across the UK. Scotland is the only part of the UK to have made such a commitment, which is supported by £600 million of public investment that is targeted towards the areas that need it most.

Only £21 million—or 3.5 per cent—of that £600 million cost is being met by the UK Government, despite the fact that the responsibility for broadband is reserved wholly to Westminster. The UK Government has indicated that its objective is to have full fibre access across the UK by 2033, but no funding has been committed—there is no funding to support that ambition. The Scottish Government is not waiting. We have acted, and the £600 million that we have committed to the R100 programme will put Scotland in an enviable position as one of the best-connected nations in Europe. I hope that members across the chamber will get behind that.

Edward Mountain (Highlands and Islands) (Con): Given that NHS Highland is starting to rely on superfast broadband to deliver its NHS near me treatment service, does the minister agree with me that the failure to deliver R100 on time is bad for the health of highlanders?

Paul Wheelhouse: The point that Mr Mountain is trying to make is extremely unfair. In Highland alone, between January 2014 and February 2019, there has been an increase of 58.3 per cent in access to superfast coverage—that is the impact of the digital Scotland superfast broadband programme—which is well above the 19 per cent increase that we have seen across the UK over the same period. If anything, Highland has been well served by the investment that this Government is making, and our stewardship of the DSSB programme, along with our partners, has delivered an outstanding result. Perhaps the member might want to acknowledge that.

I agree that access to broadband is extremely important for innovation areas such as health innovation. Through CivTech and other measures, we are pioneering new approaches to use of digital technology in NHS Highland, and the area will benefit hugely from the investment in R100 and the continued investment in DSSB.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Is the minister aware of the UK Government's announcement about the universal service provision for broadband, which is for a lower speed than that of the R100 programme? More fundamentally, it is a capped investment whereby the subscriber will have to pay any extra cost above the cap that the UK Government is putting in place. Is such a cap in place for the R100 programme?

Paul Wheelhouse: The short answer is no—there is no such cap for the R100 programme. We are looking to spend £600 million through the initial R100 procurement, but we have always acknowledged that we may need aligned interventions to supplement that amount. I am concerned that the initiatives that are in place as a result of the UK Government's decisions around

the universal service obligation will be insufficient to meet the cost of delivering a connection to many rural properties. Stewart Stevenson is absolutely right to highlight that, but we are trying to work with UK ministers to combine our efforts in respect of voucher schemes to get the biggest bang for the public buck and to do as much as we can to accelerate deployment in the areas that are affected by poor service, at present.

Jamie Halcro Johnston (Highlands and Islands) (Con): Despite the picture that the minister and other SNP members have painted, whereby all seems to be rosy in the broadband garden, a Which? survey that was released earlier this year showed that parts of my Highlands and Islands region have among the worst broadband speeds in the country, with Orkney having the slowest speeds of any local authority area, Shetland being not far behind and Moray having the worst speeds of any mainland authority. At a time when more and more services are moving online, has the Scottish Government done any analysis of the wider cost of the delays to broadband roll-out, particularly for Scotland's remote and rural communities?

Paul Wheelhouse: I have highlighted a number of times that the roll-out in Scotland has been faster than the UK average. Starting from a lower base, we have caught up and are now only two percentage points behind. I know that Jamie Halcro Johnston takes a particular interest in Orkney Islands Council. In the absence of DSSB, 11.1 per cent of premises there would have had access to superfast broadband, but the figure is currently 65.1 per cent. The R100 programme—*[Interruption.]* Mr Halcro Johnston should listen. In the R100 programme, we have given a commitment and have mandated areas across the Highlands and Islands to which access must be delivered by the selected bidders, and we have set weighted areas, particularly in our island communities, to ensure that we address the deficiencies in broadband coverage.

I remind Mr Halcro Johnston and other members that the area is a responsibility of the UK Government, in regulatory and legal terms. We are merely taking the funding that has been allocated, augmenting it with our resources and doing better than the UK Government in rolling out the schemes.

The Presiding Officer: I apologise to Rhoda Grant, but there is no time for any more supplementary questions. I can tell that there is a lot of interest in the subject.

Fisheries (Rockall)

2. Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): To ask the Scottish Government what

action it is taking to protect Scotland's fisheries interests around Rockall. (S5T-01695)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Our relationship with Ireland is strong and we value it highly. Our aim is to reach an amicable position with the Irish Government.

Before I set out the latest steps, it may be helpful to Parliament if I provide some background. In 2017, the Scottish Government became aware of a significant increase in fishing by Irish vessels in the territorial seas and fishing grounds within 12 nautical miles of Rockall. Irish and other European Union vessels with quota can, of course, fish in the external 200 nautical miles of the exclusive economic zone.

In April 2017, the then Irish Minister for Foreign Affairs and Trade asked to speak with me about his concerns regarding potential enforcement by Marine Scotland. Since 2017, we have had regular ministerial meetings and calls in which the issue has been discussed, alongside official-level meetings. We have made various political and diplomatic efforts to resolve the issue without the need for enforcement action. In September 2018, given that no resolution had been reached, we notified the Irish Government that, in the absence of an agreed way forward, we would need to prepare enforcement options, in line with international law, and that we would give the Irish Government notice of such action.

Dialogue is continuing between the Irish and Scottish Governments. In recent days, there have been close contacts at official level, and it has now been agreed that a process of intensified engagement will take place, which will be led by senior officials from both Administrations. We want to reach an agreement, and our Governments are talking as we speak in an effort to do so. While that discussion takes place, Marine Scotland will continue to monitor the area using aerial and satellite capabilities.

Dr Allan: As the cabinet secretary said, the Scottish Government clearly has the legal right to regulate fishing rights and access up to 12 nautical miles from Rockall, as is laid out in the United Nations Convention on the Law of the Sea. She will be aware of the importance of the fishing industry to my constituency and many other communities across Scotland. Will she outline to Parliament what increase in activity around Rockall there has been in recent years and what impact the notice of enforcement has had on any such activity?

Fiona Hyslop: Sustainable fishing and responsible fisheries management depend to a large degree on adherence to and enforcement of the law. In recent years, activity by Irish vessels in

the area has increased sharply, from 15 incursions in 2015 to 33 in 2016 and 94 in 2017. In 2018, there was a slight decrease in activity due to a change in fishing quotas and the absence of some seasonal fisheries. Surveillance by Marine Scotland has shown a decrease in Irish vessels' activity in the area as a result of the notice of enforcement action. Official and ministerial channels have always remained open throughout the period, and I welcome the move to intensify discussions in the coming days.

Dr Allan: I thank the cabinet secretary for that information. As she has outlined, domestic law recognises Rockall as part of Scotland; therefore, the Scottish Government clearly has a duty and an obligation to regulate the use of the territorial waters around it.

The actions of the Scottish Government, in showing our determination to protect the rights and interests of Scottish fishermen and our willingness to engage in discussions, have demonstrated that we take the protection of our fishing interests seriously. Will the cabinet secretary confirm that the dispute does not impact on our constructive relations with Ireland? Will she or the Cabinet Secretary for the Rural Economy report back to Parliament on the outcome of the discussions that are currently under way?

Fiona Hyslop: It is our duty to protect the interests of the Scottish fishing industry and our territorial seas. In exercising our rights under international law, we have an obligation to uphold the law just as other countries do. Scotland has a strong and enduring relationship with our nearest neighbour, Ireland, which we value greatly—one that is demonstrated by our regular ministerial conversations and our political, economic and social connections. We hope that that strong relationship will lead to a constructive resolution. Parliament will be updated as and when there are further developments.

Andy Wightman (Lothian) (Green): I declare an interest as an Irish citizen.

The cabinet secretary will be aware that Rockall was annexed by the British Crown on the advice of the Colonial Office when, in September 1955, Lieutenant Commander Scott landed on the rock, raised the union flag and announced:

“In the name of Her Majesty, I hereby take possession of this Island of Rockall.”

Does the cabinet secretary agree that we should reject complicity in Britain's last act of colonialism, make it clear that we will have nothing to do with such land grabs and instead renounce any Scottish claims over Rockall?

Fiona Hyslop: Clearly, the issue of the United Kingdom Government's sovereignty is one thing

and management of sustainable fisheries—in which I would have thought that Mr Wightman would be interested—is another. The obligations and responsibilities of the Scottish Parliament in relation to sustainable fisheries management are clear, and the Scottish Government will continue to promote recognition of the importance of the fisheries industry to Scotland's economic interests.

As I have said, I value our relationships very much. We want to strike up a new relationship with Ireland as we progress. Of course there may be difficulties along the way, but the way to resolve those is through diplomatic discussions with the Irish Government, which we have had and will continue to have.

The Presiding Officer: I apologise to Rhoda Grant once more, and also to Peter Chapman, as there is not enough time to take their supplementary questions. I imagine that both subjects will come back to the chamber in the future.

Primary 1 Standardised Assessments

The Presiding Officer (Ken Macintosh): The next item of business is a statement by John Swinney, the Cabinet Secretary for Education and Skills, on an update on primary 1 standardised assessments. The cabinet secretary will take questions at the end of his statement.

14:23

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): On 19 September 2018, Parliament debated the Scottish national standardised assessments and agreed to a motion that called for two distinct actions: a halt to P1 assessments, and for the Scottish Government to consider evidence on how best to progress assessment of pupils in P1. I understand the views that were expressed by Parliament and am alive to the concerns that have been expressed by members and others about the P1 assessments.

In the light of the parliamentary motion, I judged that the appropriate response was to reconsider the evidence, and that if we were to stop P1 assessments, the decision should be based on independent expert educational advice.

I therefore commissioned an independent review of the Scottish national standardised assessments in primary 1. The purposes of the review were to take a clear and reasoned look at the evidence, and to provide an informed way forward. The review was to have sufficient scope to endorse the criticisms that were voiced on 19 September and, should doing so be what the evidence directed, to recommend an end to SNSAs taking place in P1. I set out the approach clearly to Parliament on 25 October 2018.

Having taken advice from Her Majesty's chief inspector of education, I commissioned David Reedy to conduct that review. Mr Reedy possesses the necessary educational experience and expertise to have secured professional credibility for the role. He was, for example, co-director of the Cambridge Primary Review Trust from 2013 to 2017, and he has served as both general secretary and president of the United Kingdom Literacy Association. As someone who had not been involved in the debate on SNSAs until that point, he was also perfectly positioned to apply the required objective rigour to the review.

Between January and March this year, David Reedy gathered information by conducting stakeholder interviews, inviting written feedback, and examining the submissions to and findings from the P1 practitioner forum and the Education

and Skills Committee's inquiry into the Scottish national standardised assessments. Crucially, he visited schools to observe the SNSA being delivered to primary 1 children in real time. The review could not have been fully or meaningfully informed had it not been possible for Mr Reedy to witness at first hand children undertaking the assessments, and to talk to the teachers involved.

The Scottish Government gave clear advice to schools in September that they should continue to implement the assessments as they had been, pending the findings of the independent review that had been commissioned to re-examine the evidence, at Parliament's behest. Continued delivery of the assessments was encouraged for reasons of consistency and to guard against the creation of an information vacuum, and to ensure that the independent review considered evidence that was based on the second year of delivery of the assessment.

The review was also undertaken with the recognition that feedback had already been gathered and acted upon to improve the system, particularly in relation to P1, following the first year. There would have been little value in examining a position from which the SNSAs had already moved on.

During that phase, 142 P1 teachers, 131 senior school staff and more than 50 wider stakeholders were involved. I thank everyone who took the time to submit comments, or who agreed to meet David Reedy, or to demonstrate the assessments to him. Their contributions and the sharing of their views were of the utmost importance in helping Mr Reedy to form his conclusions. The conclusions have been published today, alongside a set of recommendations for the Scottish Government and for local authorities.

Having been asked explicitly to consider whether the primary 1 assessments should be stopped, Mr Reedy's answer in his independent review is that they should not. Rather, he concludes that it would be beneficial for the assessments to continue, albeit with important modifications and the establishment of additional guidance and support for practitioners, to ensure that the assessments deliver their intended value as low-stakes diagnostic assessments. Mr Reedy acknowledges that the assessments can provide an additional source of nationally consistent objective information about where a child is performing strongly, and where he or she might require further support.

I do not suggest that the review has delivered an unqualified green light to the Scottish Government in terms of P1 assessments. Clearly, the review makes important recommendations about improvement, so I am determined to take the valuable learning in Mr Reedy's review and to

act on it. I will introduce the recommended modifications and safeguards: first, in order to further improve the assessment experience for P1s; secondly, to strengthen understanding of the purpose of the assessments; and, thirdly, to ensure that practitioners see the benefit of the information that the assessments provide.

Fundamentally, however, the key review finding that Mr Reedy has articulated and the key message that should be taken from his report is this:

“P1 SNSA has potential to play a significant role in informing and enhancing teachers’ professional judgements and should be continued”.

I was reassured to read that Mr Reedy identified that there is

“scant evidence of children becoming upset when taking the P1 SNSA”,

but I acknowledge the significance of his observation that the attitudes of the people who deliver the assessments can influence children’s confidence. We must ensure that practitioners are appropriately supported and equipped to deliver assessments such that they are perceived positively by the children who undertake them.

Mr Reedy also considered the compatibility of the assessments with a play-based approach to learning. The review makes a clear and helpful distinction between a pedagogical approach to play-based learning in the early years—which the Scottish Government fully endorses, and which is at the heart of curriculum for excellence at the early level—and what David Reedy describes as a “moment of assessment”. The review confirmed that it is eminently possible—and, indeed, valuable—to assess children in the early years through diagnostic means such as the SNSA, while remaining true to the principles of play-based learning. The report states that

“There are strong examples of schools where headteachers and teachers operate a play-based approach and find no incompatibility between that and the P1 SNSA.”

It is evident that the need for a shared understanding of the aims, purpose and value of the SNSA drives many of the review’s recommendations. Today, I am happy to commit to redoubling our efforts in relation to communications and engagement with practitioners and all stakeholders, to clarifying our messages, to strengthening our guidance and to ensuring wider access to SNSA training.

Mr Reedy also identified important reservations regarding the length of the literacy assessment and its alignment to the benchmarks. Again, I accept the recommendation to review that assessment and to explore with ACER—the company that developed the assessments—the

potential for reducing the number of questions that are presented to primary 1 children.

I will take a moment to reflect on wider scrutiny of the SNSAs that has run in parallel with the review. As members will be aware, the Education and Skills Committee has reported on its inquiry into SNSAs. The P1 practitioner forum that I convened last December has produced a number of recommendations for enhancing the P1 assessment experience. In addition, our own annual user review, which is intended to feed into our cycle of continuous improvement of the SNSAs, has produced interim findings ahead of the end of the school session.

I thank the committee and the P1 forum, which is chaired by Professor Sue Ellis, for their thoughtful and detailed consideration of the issues. Their reports contain valuable suggestions for ways in which to improve aspects of communications around and implementation of the SNSAs. It is important that no report recommends scrapping the assessments. I believe that that reflects the evidence that Parliament required us to consider, and provides the basis and the rationale for continuing to apply SNSAs, as the independent review recommends.

Should further vindication be needed, I direct members’ attention to the learner feedback that we have gathered during this academic year from a question that is in the SNSA system. The feedback is that 91 per cent of primary 1 children who have undertaken the assessments enjoyed the experience. That statistic represents the views of the children themselves.

I accept that there is work to be done, but I believe that we can, with the improvements that are proposed, move forward in the correct direction. Today, I published the Scottish Government’s individual responses to Mr Reedy’s independent review, the Education and Skills Committee’s inquiry report and the P1 practitioner forum’s recommendations, along with a progress report on the SNSA user review for 2018-19.

In addition, given the clear overlap in focus and read-across between a number of areas that are raised in the various reports, I intend to publish a summary that draws together all the actions that the Scottish Government will undertake over the coming months. I have published a draft of that action plan today. The draft identifies eight overarching themes for actions that are to be taken in response to all the reports’ recommendations. We will take the draft to the Scottish education council for review and feedback, and we will work with practitioners to agree the details of our approach to implementing the recommendations, before producing a final action plan at the start of the new school year.

As Parliament requested, I have reconsidered the evidence. As we approach the end of the second year of delivery, we now have a far clearer picture of the views of P1 children and of their teachers to the assessments. An impartial review has confirmed the value of the SNSAs. A constructive action plan for enhancing the assessments, consolidating their value and delivering on their potential has been laid out.

I hope that members will join me in accepting Mr Reedy's findings and in focusing, as we must, on delivering an education system in Scotland that raises attainment for all, closes the attainment gap, and enables all children and young people to fulfil their potential.

The Presiding Officer: I remind members that we are very pushed for time this afternoon. After the opening questioners for each party have made their opening remarks, I would like all questions and answers to be succinct and to the point.

Liz Smith (Mid Scotland and Fife) (Con): I thank the cabinet secretary for his statement and for a copy of the independent review.

The cabinet secretary stated that, on 19 September last year, the Parliament voted to halt the P1 tests and to review the evidence. I remind him that the Parliament and the Opposition parties did that because we were listening to the many concerns that were being expressed by primary teachers, parents groups and teaching unions, all of whom told us that there was not sufficient evidence to prove that the tests were in the best educational interests of primary 1 pupils. Those concerns were echoed at the Education and Skills Committee on 30 January by other organisations such as Upstart Scotland and Children in Scotland.

My three questions to the cabinet secretary therefore relate to evidence. What specific educational evidence has the cabinet secretary seen that convinces him that he is right and others wrong when it comes to promoting this type of formal testing of five-year-olds as necessary and appropriate, particularly in light of the fact that the Reedy review has not undertaken any in-depth analysis of the evidence from other countries that do not start formal tests as early as P1?

Secondly, in light of the Parliament voting against the P1 tests, why, in mid-April this year, did the cabinet secretary choose to announce modifications to the tests before waiting for the full review to be completed?

Thirdly, the cabinet secretary said in his statement:

"There would have been little value in examining a position from which the SNSAs had already moved on".

I do not understand why he made that point when his mid-April announcement was doing the exact opposite.

John Swinney: David Reedy's review has done exactly what Parliament asked us to do, which was to look at the educational evidence on this question. That was the basis of my judgment. I am interested only in whether there is educational value here.

The Reedy report covers a lot of information, but one of its key points is the important assistance that the assessments provide in moderation across schools in Scotland. They enable teachers to be confident about the judgment that they are exercising about the progress of young people, given the fact that, for the first time under curriculum for excellence, the Scottish national standardised assessments give them an assessment that is related to curriculum for excellence, and the confidence that young people are reaching the appropriate level that is envisaged in the early level of the curriculum. David Reedy has spoken to many organisations and practitioners, some of which Liz Smith mentioned, and has seen practice in place in coming to that evidenced report.

The second point is about the P1 practitioner forum. It was important for me to respond as swiftly as possible to the views of practitioners in a body that I had established so that I could hear practitioners' views. If practitioners believe that there are ways in which the assessments could be enhanced, we should take them up at the earliest possible opportunity.

Liz Smith's third point is important. In September last year, I accepted that, if specific educational issues about the P1 standardised assessments had to be addressed, we should address them at the earliest possible opportunity. That is precisely why I have taken the actions that I have taken.

Iain Gray (East Lothian) (Lab): I thank the cabinet secretary for early sight of his statement.

The cabinet secretary says that the review does exactly what Parliament told him to do, but, of course, it does not. Parliament told him to stop P1 testing. It might be that the Reedy review does not say that, but it says that the tests need to have a clear rationale and, obviously, they do not.

The review says that the tests must not and cannot be aggregated to draw general conclusions or to compare schools or local authorities, but the Scottish Government has repeatedly claimed that they can be. The review says that the administration of the tests must be flexible, but we know that 80 per cent of P1 tests were administered at the same time of year. The Reedy review says that the P1 tests must be changed to

align with curriculum for excellence, because clearly they do not.

The review might say that the tests have potential, but its evidence says that Parliament's concerns back in September were well founded. What gives the Deputy First Minister the right to traduce those concerns, to ignore that decision and to defy Parliament's will?

John Swinney: I have accepted that there has to be a clear rationale about the assessments. David Reedy reinforces the argument that I advanced to the committee that they are assessments with a diagnostic purpose—their purpose is to assist teachers and pupils in identifying the progress that requires to be made. I have accepted that there needs to be a clear rationale, which needs to be embedded in the assessments.

Secondly, Iain Gray said that the assessments are not related to curriculum for excellence. I have to disagree with him on that point, and Mr Reedy does not substantiate that point in his report either. David Reedy has said that the literacy assessment would benefit from being shortened, and that is exactly what we will explore with the company involved.

Throughout all this, I have been interested in the educational arguments for standardised assessments. As I said in the first paragraph of my statement, in September Parliament voted for a halt to P1 assessments. However, it then asked us to consider the evidence about how best to progress the assessment of pupils in P1. I took a decision—which I reported to Parliament in October—to encourage the assessments to take their course to give us a second year of evidence. I then commissioned David Reedy to undertake the review to give us that evidence, which I now present to Parliament. The evidence says that there is an educational benefit to the assessments and that, although their purpose should be clarified, they should be maintained—that is the Government's intention.

Ross Greer (West Scotland) (Green): I thank the Deputy First Minister for his statement and accompanying papers. Although the Government's primary objective for the tests is for them to inform teacher judgment, Parliament has still not been presented with compelling evidence that the P1 tests usefully do that. We have, however, heard concerns from teachers, parents and education and child development experts about the negative effects of the tests and the confusion surrounding their introduction.

When giving evidence to the Education and Skills Committee, the Deputy First Minister first claimed that the tests are formative, not summative. Later that same morning, he stated

that the tests are somehow both formative and summative. Given that he has been unable to clearly explain the purpose of the standardised tests, how does he expect teachers and parents, who opposed P1 testing from the start, to have any confidence in a policy that the Government refuses to drop?

John Swinney: First, I am accepting today that there is a need to strengthen the rationale for the assessments. That point came out of the Education and Skills Committee's inquiry, and I am happy to accept it.

The second issue that Mr Greer raised is about the nature of how the assessments are described, and he accurately reflects the exchange that he and I had at committee. However, I want to put it into a little bit of context. I was asked whether the tests are formative or summative, and I said that they are formative, for all the reasons that I have just explained to Iain Gray. I also accepted the point—it is simply an acceptance of reality—that, if all the numbers are added up, they inevitably become summative. However, that is not their purpose. That was simply an honest answer to a question that I was asked at committee.

Let me be absolutely crystal clear with Parliament that they are formative assessments to inform teacher judgment, and I believe that they add a valuable component—particularly in relation to the question of moderation, about which I replied to Liz Smith—in supporting teachers in their professional judgment.

Tavish Scott (Shetland Islands) (LD): I thank the cabinet secretary for his statement. Will he explain to Parliament why he hired an academic from the English educational regime that nationalists condemn, and from a country where high-stakes testing is the norm, to produce the arguments that he wanted? How many more reports is he planning for Parliament to see, when teachers, unions, parent groups and this Parliament all said that he should halt the testing of four and five-year-old boys and girls?

Will he tell teachers in primary 1 what their workload will now be, given all the additional guidance that he has produced and the new action plan that he has announced today? What will be the increase in the workload and the bureaucracy that they face every day? If parliamentary democracy is so important, why is the Government so determined to press on with the tests when Parliament said, "Don't do it"?

John Swinney: First, I simply offered David Reedy's independent credibility as a leading expert on questions of literacy as justification for recruiting a man of significant independent educational expertise who does not have an axe to grind on Scottish education. I simply invited an

individual who has an academic track record to provide us with some independent evidence, and I place on the record my thanks to him for being prepared to do that.

Secondly, with regard to Tavish Scott's points about primary 1 teachers' workload, I am trying to make sure that teachers have the ability to rely upon a substantive assessment that will assist them in the crucial role of moderating the educational performance of young people. The steps were taken to make that as convenient, straightforward and accessible as possible for teachers in primary 1.

Thirdly, Tavish Scott supported a motion that called on us to halt the assessments, but also to consider the evidence. I have considered the evidence, and it says that our assessments are perfectly valid to be used as a rational contribution to assessment of the progress of young people. That is why I believe that it is important to implement the view that was taken by Parliament in the fashion that I have set out this afternoon.

The Presiding Officer: All the parties have outlined their positions, so I ask for just questions from now on, please. I call Jenny Gilruth, to be followed by Alison Harris.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): Given that the standardised assessments replaced what was already used in 28 of Scotland's 32 local authorities, how will the Scottish Government ensure that they are not used in addition to those that existed previously, many of which were not benchmarked against curriculum for excellence?

John Swinney: In the project, we have had excellent co-operation with our local authority partners, which have been involved in all the preparation of the standardised assessments. A limited number of local authorities are continuing with the assessments that they undertook previously in order to give them a consistency check for future years. On a temporary basis, that is an entirely reasonable proposition. However, the Scottish national standardised assessments are relevant to curriculum for excellence and they provide an opportunity for local authorities not to use other assessments that have not been related to curriculum for excellence.

We will work with our local authority partners through the actions that I have set out in the Scottish education council, in which local government is a full partner with us in progressing the issues.

Alison Harris (Central Scotland) (Con): Despite the independent review, a survey in February this year revealed that 41 per cent of teachers disagreed that the tests were beginning to inform teaching and another 17 per cent were

unsure. That is nearly 60 per cent of the teaching profession who disagreed or were unsure. In light of that, are the standardised tests really capable of delivering on their intended purpose of informing teaching?

John Swinney: I am not sure whether Alison Harris is one of the members who took up the opportunity to see a demonstration of the assessments. If she was, she will have seen the diagnostic information that is generated for every child. The feedback that I get from individual teachers is that that diagnostic information is quick and simple to consider and gives teachers an opportunity to judge whether the prevailing judgment is accurate or there are issues that require further investigation. That is the opportunity that the diagnostic assessment provides for teachers, and it gives the reassurance, which I raised in my answer to Liz Smith, that teachers will see a position that is relevant to what is expected in the early years of the curriculum, which is of benefit to the professional judgment of teachers.

Tom Arthur (Renfrewshire South) (SNP): Will the Deputy First Minister outline how standardised assessments at primary 1 can support teachers in closing the attainment gap in schools in my constituency of Renfrewshire South?

John Swinney: Because the diagnostic information readily identifies areas where young people may have challenges in their education performance, it will help teachers to undertake something that is increasingly happening in Scottish education, which is a relentless focus on closing that gap by identifying the obstacles that exist in young people's education and supporting them to overcome them. That will apply in Mr Arthur's constituency of Renfrewshire South and, because the assessments are available across the country and are related to curriculum of excellence, in all other areas as well.

Mary Fee (West Scotland) (Lab): David Reedy concludes that it would be beneficial for the tests to continue, albeit with important modifications and the establishment of additional guidance and support for practitioners. Will the cabinet secretary give some detail on the important modifications that are required and the timescale for implementation?

John Swinney: Perhaps the most important modification relates to the length of the literacy assessment. As a matter of urgency, we will discuss that with the company that is involved in design and delivery of that assessment, and I will be happy to keep Parliament informed on that point.

The other important modifications relate largely to the description and outline of the assessments'

purpose. Mr Reedy gives us a strong framework within which we can operate to ensure that at no stage could the assessments be viewed as high-stakes assessments. I am determined to ensure that they are, in fact, characterised as low-stakes diagnostic assessments.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Will the Deputy First Minister outline how the Scottish Government can ensure that all local authorities, including North Lanarkshire Council, integrate the standardised assessments with a play-based approach to learning for all primary 1 pupils?

John Swinney: I am anxious to separate out two issues that have become somewhat conjoined. One issue is the importance of a play-based curriculum for young people, which is at the heart of the early level of curriculum for excellence. Absolutely nothing in the statement that I have made today compromises that play-based curriculum.

David Reedy helpfully makes the distinction between a play-based curriculum and what he calls a “moment of assessment”. At some stage, assessment will be undertaken of children who are involved in a play-based curriculum, and David Reedy correctly characterises how that can be done through the Scottish national standardised assessments.

However, I make it absolutely crystal clear that the Government firmly believes that a play-based curriculum provides a vital foundation in how young people acquire their learning in the early stages of their educational development.

The Presiding Officer: That concludes questions on the statement. I apologise to Johann Lamont, Oliver Mundell, Rona Mackay and John Mason, who have been unable to ask their questions. We are pushed for time this afternoon as we have two bills to consider.

Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): Time is tight, so I will move on to the next item of business, which is a stage 3 debate on motion S5M-17566, in the name of Kevin Stewart, on the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill. Members will recall that, following consideration of amendments last Thursday, the Presiding Officer indicated that he had determined that no provision of the bill relates to a protected subject matter, so the bill does not require a supermajority to be passed at stage 3.

14:53

The Minister for Local Government, Housing and Planning (Kevin Stewart): I am very pleased to open this debate on the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill. From the outset, the bill has been a strong and ambitious piece of legislation, and it has been improved during its legislative stages through the building of consensus across Parliament and through consultation and engagement with stakeholders.

We have established a challenging—but, importantly, achievable—target to reduce fuel poverty to no more than 5 per cent of households by 2040. We have changed the fuel poverty definition to ensure that there is much closer alignment of fuel-poor households with income-poor households. In the illustrative draft fuel poverty strategy, we have shown the scale of the task ahead, as well as some of the ways in which we can bring about change through taking actions across all four drivers of fuel poverty.

I have some thanks to give. I very much thank all the officials who have been involved in the bill, particularly my excellent bill team and my private office. They should be proud of their role in the bill.

I also thank the Local Government and Communities Committee—James Dornan, Alex Rowley, Graham Simpson, Annabelle Ewing, Kenny Gibson, Alexander Stewart and Andy Wightman—for its input as we have moved forward. Its scrutiny and engagement at stages 1 and 2 improved the bill, and I appreciate its constructive input throughout the process. Its stage 1 report included a number of recommendations that I was happy to act on at stage 2, and they have undoubtedly improved the bill.

Other members—Jackie Baillie, Liam McArthur and Alasdair Allan in particular—have paid close attention to the bill, and I thank them for their contributions. Our positive dialogue has led to

amendments that we have agreed on and which have improved the bill.

In light of the positive changes that the Parliament has made at stages 2 and 3, it would be useful for me to give an overview of precisely where we are with the bill.

The first thing to note is that the singular fuel poverty “Target” that was originally in the bill’s title has become multiple “Targets”. Secondly, the single metric of the proportion of households in fuel poverty in 2040 has been joined by targets for those in extreme fuel poverty and for the median fuel poverty gap, with interim targets to get us there. On top of that, the 2040 targets have been extended to each and every local authority area in Scotland.

Of course, none of the bill’s targets will have any meaning unless we have a comprehensive and accurate picture of fuel poverty throughout Scotland. To that end, the proposed new definition puts us in an excellent position. As I said, the definition ensures a close alignment between fuel poverty and relative income poverty through the introduction of the income threshold, which is based on the United Kingdom minimum income standard, and the use of after housing costs income. Under the current definition, only around 60 per cent of fuel-poor households are also income poor; under the new definition, that proportion rises to more than 70 per cent. The proportions of households in fuel poverty in the social and private rented sectors also show significant increases, alongside a rise in the number of families recorded as being fuel poor. Those are the kinds of households whose circumstances are often poorly captured by the current definition.

The more balanced picture of fuel poverty that the new definition presents has been further refined by innovations, including Jackie Baillie’s amendment on deducting disability benefits from a household’s adjusted net income.

The definition of extreme fuel poverty was one of the other major additions at stage 2. That came in response to stakeholder input and the committee’s recommendation. To complement that, we added in specific targets to reduce extreme fuel poverty.

Remote, rural and island communities are at the heart of the other major change that we introduced at stage 2: the uplift to the UK minimum income standard for households in those areas. In preparing the details of our proposals, my officials worked closely with Professor Donald Hirsch of the centre for research in social policy at Loughborough University, whose team is responsible for producing the UK-wide minimum income standard. I thank him for his invaluable

contribution. The initial reactions that I have heard from rural and island stakeholders to our new uplifts and to our comprehensive island communities impact assessment for the bill have been very positive.

Finally, the decision to create a new statutory Scottish fuel poverty advisory panel was another measure recommended in the committee’s stage 1 report. I was happy to support Alex Rowley’s subsequent amendments, which we improved on further last week.

To conclude, the bill is in excellent shape and will help to ensure that the blight of fuel poverty is tackled with the seriousness and consistency of effort that it demands.

I am pleased that the bill has shown how working together with members from all parties, discussing issues in advance and reaching a consensus can deliver improved legislation.

We can be proud that the Parliament is world leading with the bill. Scotland is one of only a handful of European countries to have defined fuel poverty, let alone set a goal to eradicate it. Achieving the target will place Scotland among the best in the world in tackling fuel poverty.

In that light, I move,

That the Parliament agrees that the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill be passed.

The Deputy Presiding Officer: There is no time in hand.

15:00

Graham Simpson (Central Scotland) (Con): I got a bit confused at the weekend when I was thinking about the debate. On Twitter, the Scottish National Party announced:

“Here’s what we’re doing in government to make Scotland a fairer place to live.”

That came with a downward arrow that pointed to a list of alleged achievements, the first of which was:

“Passed world-leading legislation to tackle fuel poverty.”

That is what I thought that we were here to do today.

In any case, I am not sure that the term “world-leading” is appropriate for a bill that started with just six pages and was a lukewarm replacement for what we were promised—a warm homes bill. In the stage 1 debate, I said that the bill lacked ambition. I had pretty harsh words for it, which did not go down well with everyone—I recall that my good friend Kenny Gibson got himself in a bit of a tizz, but he is not here to confirm that.

One criticism of the bill was about its target to reduce the fuel poverty rate to 5 per cent within 21 years. Some have argued that that is too far in the future but, now that we have amended the bill to include interim targets, we can be comfortable that we have something that is at least achievable, which is important.

On a visit to Stornoway by the Local Government and Communities Committee, one of the bill's serious omissions was brought home to us. The omission was that using the minimum income standard, which the minister referred to, to define fuel poverty did not reflect the higher costs that people who live in islands, remote towns and remote rural areas incur. Fuel poverty rates in urban Scotland have improved since 2015, but rates in rural areas have not, so the gap is widening. We faced a legislative vacuum, and the committee said so. Thankfully, the Government listened and amended the bill accordingly at stage 2.

When making law, we must ask ourselves whether it will make a difference to anyone's life. If the answer is no, we are right to wonder why on earth we should spend any time on it. The bill was in that sort of shape when it was introduced, but we have a different beast now. That is down to people co-operating across party lines and coming up with sensible proposals—as well as some not-so-sensible ones.

Andy Wightman lodged amendments to keep the focus on all four drivers of fuel poverty. The Labour Party introduced provisions on the Scottish fuel poverty advisory panel, which is a welcome addition. It will be an independent advisory panel that will keep the pressure on the Government. It will analyse the periodic reports that the Government produces and will give its views on the progress that has been made and whether the fuel poverty targets will be met. The panel will also be a statutory consultee.

That significant layer of scrutiny was previously lacking. Thankfully, the Government decided that funding for the panel can be much higher—just over four times higher—than the figure that Alex Rowley originally suggested. The Government is to be congratulated on that. The panel will make a significant difference to tackling fuel poverty and will keep the focus and scrutiny on meeting—and, I hope, exceeding—the targets.

The Government listened to calls to target extreme fuel poverty. Stage 2 amendments defined extreme fuel poverty and set final and interim targets for it, as well as for fuel poverty. That will prevent people who live in extreme fuel poverty from being left behind—many of us feared that that would happen under the target that was originally proposed.

As I said, the Government also listened to concerns about the higher costs of energy for people living in island and rural communities.

I felt strongly that hard-to-reach homes should not be forgotten about when we are dealing with national targets, so I lodged amendments that were accepted at stage 2. I also got some minor changes agreed to at stage 3, whereby the Government must be seen to be working to reduce fuel poverty at the level of each local authority, and the fuel poverty targets are to be targets at the local level. I was very careful not to place the onus on councils, but I did not want a national figure, which would run the danger of areas such as our islands, where fuel poverty is high and harder to combat, being overlooked.

A bill that was once lacklustre and unambitious is now focused, strong and achievable—and I think that that is what we all want today.

If the bill is passed—I hope that it will be—that will be the result of nearly a year of scrutiny. It is a very good example of committee working and of parliamentarians being listened to. There were areas of disagreement—of course there were—but we are in a good place and the bill could change lives. If I can take one thing from the whole experience, it is not to get on the wrong side of Jackie Baillie on anything.

The Deputy Presiding Officer: I desist from commenting.

15:06

Alex Rowley (Mid Scotland and Fife) (Lab): Labour will vote in support of the bill, mainly on the ground that any target is better than no target.

We know that the last target that was set by Parliament, which was to eradicate fuel poverty by 2016, was not achieved by successive Governments. The aim today of getting fuel poverty down to 5 per cent of households by 2040 is of small comfort to those who are living in fuel poverty. We believe that, across the chamber, we should be more ambitious in tackling fuel poverty. Should we not at least try to be bolder in tackling fuel poverty, and work together to do all that is necessary to eradicate it? I had hoped that we could find consensus on setting a more ambitious target, but as we saw last week, the SNP and Tory MSPs across the chamber teamed up to vote down the more ambitious target of reducing fuel poverty to 5 per cent of households by 2032.

James Dornan (Glasgow Cathcart) (SNP): Does Alex Rowley accept that he signed up to the target in the Local Government and Communities Committee's stage 1 report on the bill?

Alex Rowley: That issue was raised at stage 2, after the stage 1 report. The answer that I gave to

Mr Dornan then is the same as I will give him today: I have listened to organisations and to people living in fuel poverty up and down Scotland, who say that the 2040 target is not ambitious enough. Surely, the job of politicians in this chamber is to listen to what people say.

The SNP and Tory arguments are built around the Scottish Government claiming that it does not have access to all the drivers of fuel poverty and that yet-to-be-developed technologies would be needed. When it comes to income, they say that we have no powers. However, Norman Kerr from Energy Action Scotland said:

“The Scottish Government may not have access to all the drivers, but it has access to some that would certainly mitigate fuel costs in particular.”

On the question of being more ambitious and aiming for a 2032 target, Mr Kerr said:

“We need to scale up the ambition. We could all say that 2040 sounds absolutely fine, but that would not give a step change in productivity levels or in the number of homes that are tackled each year. In all honesty, it condemns another generation to live in fuel poverty. The 2032 target is based on what we can reasonably expect in a number of parliamentary sessions and with an increase in the budget.—[*Official Report, Local Government and Communities Committee*, 21 November 2018; c 6 and 11.]

The point about the budget is key, because if we are to have any chance of tackling fuel poverty using the levers that are within our control, there must be an increase in the levels of funding. We are nowhere near the level of budget that will be required to tackle the level of poor housing. It is about time that the Government woke up to that fact and acknowledged what needs to be done. If it wants to be ambitious for Scotland, it needs to be bold, and to put the money in and not rely on the Tories’ help to kick fuel poverty into the long grass. That point was made by Norman Kerr when he talked in the evidence session about insulating homes against rising costs. He pointed out that the more energy efficient the home, the less energy it will use.

A report that was published earlier this year by KPMG, working on behalf of the Scottish Government, said that, in 2016, 1.8 million homes failed to reach the energy performance certificate rating C benchmark. Therefore, meeting the 2040 target would equate to roughly 66,000 buildings requiring major improvements each year over the next two decades. Of course, achieving that will require much more funding than is currently available, which perhaps goes some way towards explaining why the Tories and the SNP are so unambitious when it comes to fuel poverty.

In the social rented sector, landlords have been required for some time to improve energy efficiency—

The Deputy Presiding Officer: I am sorry, but you must conclude.

Alex Rowley: We should do that in the private rented sector. We must be more ambitious and tackle fuel poverty once and for all.

The Deputy Presiding Officer: Thank you. It is regrettable, but we have no spare time.

15:11

Andy Wightman (Lothian) (Green): I am delighted to have contributed to the work on the bill throughout its parliamentary stages since its introduction, about a year ago. I thank stakeholders—the Existing Homes Alliance, Energy Action Scotland, Di Alexander and others—for engaging constructively with the bill. I also thank my colleagues on the committee, the clerks and the Scottish Parliament information centre.

The passage of the bill has been a collegiate process, and I commend the way in which the minister has positively engaged with me and my colleagues in other parties to improve the bill. I think that, together, we have pushed the ambitions of the bill further, particularly on the scrutiny around the securing of the target. It remains disappointing that this is not a warm homes bill, which the SNP manifesto promised. However, the debate gives us an opportunity to reflect on where we have got to with the legislation. It is encouraging that, following stage 2, we now have a bill before us that does its best to seek to eradicate fuel poverty in Scotland. Of course, it simply sets out targets and definitions; the real work of doing all of that will be in implementing the fuel poverty strategy, which will be done by partners in local government and other stakeholders, who have a big job to do over the next 20 years or so.

Amendments that were proposed at stage 2 have strengthened the bill, making it a far more robust piece of legislation. Those changes include the provision of additional heating regimes, which is the result of an amendment that was lodged by Jackie Baillie—despite being thwarted at stage 2, she tenaciously pursued the issue at stage 3 and persuaded the Scottish Government to make some amendments in that regard. Likewise, taking a cross-party approach has ensured that the fuel poverty strategy considers the four drivers of fuel poverty. I am glad that they are in the strategy, and I thank colleagues including Alexander Burnett and Alex Rowley for helping that to happen. Alexander Burnett’s famous £60 million amendment was not agreed to, but he nevertheless made an important contribution to amending that section.

I pay particular tribute to Alex Rowley for his amendment on the Scottish fuel poverty advisory panel, because, after stage 1, one of the things that we were quite clear about was that, if the target is to have the best chance of being achieved, there needs to be independent scrutiny of not only where we are in relation to the target but why we are there and what we might do in the future. The work of that panel will be critical to our meeting the target.

A good compromise is often cited as being a situation in which both parties are dissatisfied with the outcome, but I do not think that that is the case with the bill. The cross-party working and the engagement by the minister, particularly in developing an enhanced definition of minimum income, a definition of extreme fuel poverty and an improved definition of the fuel poverty strategy and in elevating the role of the Scottish fuel poverty advisory panel, is to be commended. That is a good example of cross-party working, and it has given me pleasure to work with colleagues to secure such improvements to the legislation.

There are, of course, disappointments. It is disappointing that the amendment that would have provided for more ambition in tackling fuel poverty by setting a target of 2032 was not agreed to. What happened undermines the Scottish Government's assertion, in its response to the committee's report, that Scotland will be

"amongst the very best in the world in terms of tackling fuel poverty."

It also compromises the Scottish Government's recent climate emergency declaration. This was the opportunity to tie the fuel poverty target to other targets on energy efficiency.

Nevertheless, we are where we are, and I say sincerely that we have a good bill. My Green colleagues and I will support it at decision time.

15:15

Liam McArthur (Orkney Islands) (LD): The choice between heating one's home and eating a meal is not one that anyone should have to face in this day and age. The sad fact, however, is that, according to Government statistics, around 613,000 households are estimated to be living in fuel poverty, with 174,000 in extreme fuel poverty.

Fuel poverty blights communities up and down Scotland, yet we know that people who live in remote rural and island communities consistently experience the highest levels of fuel poverty and extreme fuel poverty. There are many reasons for that, including longer, harsher winters, homes being off the gas grid, more properties being hard to heat, lower average household incomes and higher costs of installing energy-saving measures. All those factors play their part in placing Orkney

uncomfortably at the top of the pile when it comes to fuel poverty. That is why it was disappointing that the bill, as drafted, took so little account of the rural and island dimension, ignoring the advice of the Scottish rural fuel poverty task force and almost every individual and organisation that works in the sector across the Highlands and Islands and other rural parts of Scotland.

To his credit, the minister listened to the case that I made on behalf of those stakeholders and communities, which was supported by colleagues from across the parties. The amendments that we were able to agree to at stage 2 will, I hope, ensure that the needs of people in remote rural and island communities are recognised and then met through the provision of the additional resources that will inevitably be required. Again, I put on record my thanks to all those in Orkney who helped to build the case: Orkney Islands Council, Orkney Housing Association and Tackling Household Affordable Warmth Orkney, or THAW. Special mention must also be made of Di Alexander, the chair of the rural fuel poverty task force, who gave such compelling evidence to the committee and proved to be the most tenacious advocate for the communities that he has served over many years.

Of course, those were not the only changes that were made to the bill. Indeed, it was striking how progress in strengthening the bill was made thanks to the efforts of each and every member of the committee, as well as others. As a result, the Scottish fuel poverty advisory panel will be on a statutory footing, with scope for recommending that targets be made more ambitious. There will be a requirement on each local authority to make progress towards achieving the targets and interim targets, so that no area or community is left behind. There will also be greater flexibility in assessing need so that resources can be more effectively targeted. All four drivers of fuel poverty will be taken into account. In relation to those and other improvements to the bill, I acknowledge the efforts of colleagues from each of the other parties and the minister, who worked constructively to reach agreement. It remains to be seen whether our failure to agree to Andy Wightman's amendment on commencement will come back to haunt us—that would be the revenge of the geek.

It is important to bear in mind that the benefits of reducing fuel poverty go far beyond simply removing the need for people to choose between heating and eating. All the evidence shows that lifting people out of fuel poverty improves their physical and mental health. It is unsurprising that living in a warm and dry home increases educational attainment as well. Local jobs are created and sustained in the energy-efficiency and low-carbon heat industries, and households have greater energy security and more money to spend.

Our ambitions for tackling climate change rely on our making progress in improving the energy efficiency of our housing stock.

For all those reasons and more, the bill matters. However, in passing this much-improved bill this evening, we will have done the easy part. We will then need to make sure that it and the fuel poverty strategy make a difference to the individuals, households and communities that, for too long, have been blighted by fuel poverty. For now, I have pleasure in confirming that the Scottish Liberal Democrats will support the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill at decision time later this afternoon.

15:19

James Dornan (Glasgow Cathcart) (SNP): I am delighted to be given the opportunity to speak in this important debate, which further enhances Scotland's reputation as a world leader when it comes to addressing fuel poverty.

Regardless of their income or employment status, everyone should be able to heat their homes and keep themselves and their families warm. It is absolutely unacceptable that people are still having to choose between keeping themselves warm and keeping themselves from being hungry. According to recent research, the UK has the second-worst rate of excess winter deaths in Europe, with more than 3,000 deaths every year being caused by people not being able to afford to heat their homes. That shows why action was necessary.

Indeed, the Scottish Government has already taken action, backed up by significant investment, to improve energy efficiency and thereby to keep homes warm and bills down. Recent figures show that 97,000 households in Scotland moved out of fuel poverty in 2015. Those figures are good, but faced with high fuel bills, we know that we still have much more to do to eradicate fuel poverty.

As the convener of the Local Government and Communities Committee, I sincerely thank all the members of the committee, the people who appeared before us and those who submitted evidence, and the minister and all his officials. It would be remiss of me not to also thank the committee's clerking team, along with their colleagues from SPICe and outreach services, for all the fantastic work that they did to allow us to find out about the true impact of fuel poverty and the best way to combat it. I think that all members of the committee would agree that, throughout the bill's progress, the minister has been incredibly helpful, and I am grateful for his co-operation over the past few months. The burgeoning bromance between him and the always constructive and

cheery Graham Simpson has been a joy to behold.

I turn to some of the stage 3 amendments to the bill. I am delighted that MSPs voted in favour of the Scottish Government amendments that were moved on Thursday. Most of them were technical or tidying amendments, many of which I know already had the backing of a number of members. At stage 1, I expressed my concern about the fact that the Government did not accept the committee's recommendation to put the Scottish fuel poverty advisory panel on a statutory footing. I am very pleased that the Government now supports that.

On that note, I would like to comment briefly on the Government's amendment 60, Alex Rowley's amendment 96 and Andy Wightman's amendment 60A. I was pleased that amendment 96, as well as Mr Rowley's other amendments to make the panel a statutory consultee for the strategy and the preparation of the periodic report, were agreed to. However, I could not support amendment 60A. The Scottish Government supported the statutory advisory panel, because the cap will mean that administrative costs will not be excessive and resources will be focused on tackling fuel poverty on the front line rather than backroom functions. Amendment 60 introduced a new three-yearly cost cap of £82,000 on the statutory panel, which was calculated on the basis of the cost of a panel of similar size to the existing non-statutory body. However, with amendment 60A, there was a real risk that the panel would cost the public purse a lot of money that could otherwise be spent on improving people's lives at home.

I was delighted that the group 2 amendments failed to garner the necessary support. Although I recognise that Mr Rowley's amendments were well intentioned, the Local Government and Communities Committee scrutinised the bill carefully, took evidence from a number of people and concluded that the 2040 target date was realistic and achievable. Mr Rowley regularly asks for budgets to be increased on a number of fronts, particularly in relation to fuel poverty. Given that we have limited resources to grow the economy, we have limited resources to increase budgets. In my view—this was also the view of the committee in its stage 1 report—there is no credible alternative plan that shows that bringing the target date forward by eight years could be achieved without major risk. It was even suggested that pushing for the earlier target of 2032 could, in some cases, lead to increased fuel poverty levels as a result of higher installation or operating costs for householders, or could bring forward mandatory intervention in homes. To pursue an unrealistic target would be to ignore the many concerns that have been raised, including by the Convention of Scottish Local Authorities, which

said that setting unrealistic targets was callous. That was based on our experience of the 2016 target, which Alex Rowley mentioned and which we never came near to meeting.

I am very proud that we have reached this stage of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill. It says a lot for the maturity of this Parliament, Government ministers and members that we are on the verge of making this incredibly important bill law by working together. I look forward to decision time, when we will officially make the bill law so that it can begin to benefit the lives of the many Scots who are still suffering from the blight of having to choose between eating and heating. For me, this is a good day to be an MSP.

15:24

Alexander Stewart (Mid Scotland and Fife)

(Con): I am delighted to participate in today's stage 3 debate on the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill. It is undoubtedly a positive step forward in tackling fuel poverty in Scotland, which is what we needed. It is concerning that estimates suggest that, in Scotland today, a quarter of households live in fuel poverty, with the figure rising to more than 50 per cent of households in Orkney and the Western Isles.

Fuel poverty is driven by many factors, including energy costs, energy inefficiency, household incomes and energy use. We have to acknowledge that we do not have control over all those factors. The target that was set in 2001 to eradicate fuel poverty by 2016 has clearly not been met. Government efforts have focused on improving the energy efficiency of homes, but rising energy costs have meant that fuel poverty levels are now significantly higher than they were when the target was set back in 2001.

As we set out in our 2016 manifesto, the Scottish Conservatives are committed to reducing fuel poverty and to ensuring that everyone lives in an easy-to-heat home. To that end, we have been broadly supportive of the bill from its initial stages. We also supported the recommendations of the Local Government and Communities Committee, which I am a member of, and I thank everybody who gave evidence and all those who participated in the process for ensuring that we had a positive dialogue throughout the whole journey of the bill.

The bill takes a welcome approach, clearly setting out a revised definition of fuel poverty based on the calculation of a minimum income standard that takes account of living costs. We also welcome the fact that the Scottish Government will publish a fuel poverty strategy

and will consult those who are living or who have lived in fuel poverty prior to its publication.

We were not able to support Alex Rowley's amendment to bring forward the target year from 2040 to 2032, because we believe that that is unrealistic and the 2040 target was much more talked about through the whole process. Instead, we lodged an amendment that set out a target that, in 2035,

"no more than 10% of households in Scotland are in fuel poverty, ... no more than 3% of households in Scotland are in extreme fuel poverty,"

and that the median fuel poverty gap would not be more than £300 in 2015 prices, once inflation was taken into account. As with the stage 2 amendment to include an interim target for 2030 of no more than 15 per cent of households being in fuel poverty and no more than 5 per cent of households being in extreme fuel poverty, this 2035 target will ensure that we continue to keep momentum as we go towards the 2040 target.

Local authorities want to play their part in addressing the issue and we therefore lodged an amendment on the 2040 target, to require councils to report on their achievements to reach that target in that timescale.

We also support the new section on the Scottish fuel poverty advisory panel, which covers ministers' duties to provide financial resources and stipulates the total maximum costs that can be allocated for the panel.

I welcome the bill and I support the amendments that I have covered and that were outlined in the debate. Fuel poverty remains a massive issue for many individuals. We have heard that some people need to decide whether to heat their home or feed themselves. That is something that we have to acknowledge and tackle in Scotland today. The bill is a significant step. We still have a long way to go to ensure that the majority of people feel safe and secure, but we can be proud of what we have put in place today. I support the bill.

15:28

Jackie Baillie (Dumbarton) (Lab): I declare an interest as an honorary vice-president of Energy Action Scotland.

As a minister in the first, Labour-led Scottish Government, I was responsible for establishing the fuel poverty target, so I will start with a look back, because history is always instructive.

It was the Housing (Scotland) Act 2001 that committed the Scottish ministers to ensuring that, by November 2016,

“so far as reasonably practicable, ... persons do not live in fuel poverty”.

At the time, we all felt that it was an ambitious target, but it was one on which all the parties across the Parliament agreed. It is not often that we find issues that transcend the political divide, so it is disappointing that, with that level of consensus, we failed to meet the target.

In reflecting on what happened in the past, we can understand where we went wrong and therefore what we need to do in the future. In 2008, there was a members’ business debate on the subject; at that point, MSPs thought that the target was tough but achievable. Nicola Sturgeon, when she was Deputy First Minister, reconvened the Scottish fuel poverty forum specifically to provide advice to ministers on how to refocus the policy and how to achieve the target. At that stage, we were still talking about eradicating fuel poverty and achieving the 2016 target.

In 2011, members of that forum told ministers, parliamentary committees and the Parliament that, unless there was a substantial increase in resource, we would fail to meet the 2016 target. As I recall, the spending level back in 2012-13 was £65 million. At that time, the Economy, Energy and Tourism Committee said that in the order of £100 million to £170 million was needed to achieve the target. If we strip away financial transaction moneys, which can be used only for loans, the budget now is still less than £100 million. Last year, the budget was underspent, which has been a feature in previous years, although I know that it is difficult to put loans into a budget and expect them to be fully utilised.

We need an ambitious target, a route map for how to achieve it—which is the strategy—and a mechanism to monitor implementation closely, but we also need to have enough money in the budget to realise our ambitions. I am interested in whether the minister has assessed what budget will be needed. Does he have an indication of what money will be required to achieve the target by 2040?

The bill has been improved by the Government, the committee and other members since its introduction. I welcome that and the minister’s willingness to discuss changes. However, it will come as no surprise to him that I remain disappointed that the target of taking fuel poverty down to 5 per cent by 2040 remains unchanged. That is genuinely lacking in ambition. It is a reduction of just 1 per cent a year and it potentially condemns yet another generation to fuel poverty. The target should be 2032, and I am genuinely sorry that the Government, aided and abetted by the Tories, has chosen to ignore the voices of experts in the field of fuel poverty, such as the Existing Homes Alliance and Energy Action

Scotland, all of which evidenced the need for a more ambitious target.

James Dornan hit the nail on the head when he suggested that there is a burgeoning bromance between Graham Simpson and the minister—that can be seen, too, in the Planning (Scotland) Bill. Clearly, I frighten Graham Simpson, and I am so sorry about that, but let me say as gently as I can to him that interim targets are no substitute for ending fuel poverty a full eight years earlier. The process is slower than it needs to be. We could have interim targets with a 2032 target as well.

Graham Simpson: Will the member give way?

Jackie Baillie: No. We have heard enough from Mr Simpson already.

The Deputy Presiding Officer: No, Mr Simpson. The member must conclude now—and I am not frightened of you, Ms Baillie.

Jackie Baillie: Thank you, Presiding Officer. I will conclude on that point.

15:32

Annabelle Ewing (Cowdenbeath) (SNP): I am pleased to participate in this stage 3 debate on the Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill. In reflecting on the legislative process with regard to the bill, in addition to thanking the Local Government and Communities Committee clerks and SPICe for all their hard work, I pay tribute to the way in which the minister has conducted matters throughout the process. It has been a constructive process and it is clear that all members of the committee were four-square behind the key principle that underlies the bill, which is to set a target to reduce fuel poverty in Scotland.

The ambitious and realistic target that the Parliament has agreed to is to reduce fuel poverty to no more than 5 per cent of households by 2040. Of course, much of the discussion focused on the target. It should be recalled that, in the committee’s stage 1 report, after hearing all the oral evidence and studying all the written evidence that the committee received, all committee members across all parties supported the approach set forth in the bill. The report said:

“the Committee ... understands ... that this approach is a pragmatic response to previous attempts to set a target, which ultimately failed. We also recognise arguments that reducing fuel poverty will lean heavily on applying technologies still in development and that it is realistic to build in time for these to come on-stream.”

The committee went on to conclude:

“The Committee therefore accepts the Government’s reasons for setting the target date at 2040.”

However, that acceptance of the main tenet of the bill was conditional on the Government lodging amendments at stage 2 on a statutory interim target. The Government did so, and the approach has been further strengthened at stage 3, with a further interim target being agreed to. At the same time, the Scottish fuel poverty advisory panel will be able to propose an acceleration of the target, if circumstances permit.

That seems to me to be the best way to proceed. It is the pragmatic way and it reflects the approach that is favoured by those who will have to deliver the fuel poverty strategy on the ground, including local authorities. It is also, as a matter of necessity, the only approach that is open to us, given that two of the four key drivers of fuel poverty—energy prices and household incomes—fall outwith the absolute control of the Scottish Government.

Concomitant with the target date is the key definition of fuel poverty itself, the focus being very much on people who are most in need. At the same time, the fact that the minister acceded to the committee's calls to set a separate target for tackling extreme fuel poverty, and the provisions on enhanced heating for those with disabilities and long-term illnesses, are to be welcomed. I, too, look forward to the work that is being undertaken to develop the fuel poverty strategy that will underpin the bill.

As I said at stage 1, it is absolutely unacceptable that people in Scotland—an energy-rich nation—are living in fuel poverty. While SNP members will use every power that is at our disposal to resolve that, it is self-evident that, without control over all our resources and all the levers of fuel poverty—that is to say, without the powers of a normal, independent country—we will continue to be constrained in what we can do. Labour members seem quite happy to see that continue and to see Tory rule rather than home rule. That is as unacceptable to me as it is to an increasing number of people in my constituency of Cowdenbeath, as well as people across Scotland. Only with independence will we see real social justice in Scotland.

The Deputy Presiding Officer: We move to the closing speeches.

15:36

Pauline McNeill (Glasgow) (Lab): I welcome the reintroduction of a fuel poverty target, the previous one having been missed. Scottish Labour supports the bill. We welcome the new definition of fuel poverty and the work of the Local Government and Communities Committee in amending the bill to make it a great deal better than it would otherwise have been. However, I am very

disappointed in the bill's narrow scope: I believe that it should have been a warm homes bill. At least in passing, the bill has to be part of a centrepiece of wider policy on warm homes.

As the minister said, fuel poverty is a serious challenge, but that is all the more reason why the bill should have been wider in scope. Last year, in announcing £54 million-worth of funding to help to eradicate fuel poverty, the First Minister said that the investment

"highlights our ... commitment to ... tackle fuel poverty and reduce greenhouse gas emissions",

recognising the important link between the two.

I believe that there have been two significant amendments to the bill. The first, on an uplift for rural communities, is extremely welcome. I am sure that Liam McArthur does not need me to point out that, in Orkney, fuel poverty is the highest in Scotland, at 59 per cent, but I am also sure that he will welcome the fact that I have said so. That is one of the most significant amendments to the bill and is most welcome. Secondly, the establishment of an advisory panel gives me some hope that, in the long run, we will be able to scrutinise how we are progressing with the targets. That is a significant and very welcome amendment.

We all agree—and the evidence shows—that living in cold, draughty homes has a negative impact on people's physical and mental health and on children's attainment. People in Scotland live in a cold country—that speaks for itself—and, increasingly, they feel the need to heat their homes for most of the year. That should be a consideration in any policy that looks at warm homes and reducing the use of fuel.

I believe that all four of the four drivers of fuel poverty—the cost of energy, the energy efficiency of homes, how households use their energy, and household income—can be affected by Government action and policy and by legislation. The UK has the highest rate of excess winter deaths in Europe—the only figure that I could find on that related to the UK—but we know that we still face those.

The wider issues, which my amendments tried to address, are that the majority of consumers are still on standard variable tariffs and are paying way over the odds. Educating consumers about how they can change that is the role of Government. Vulnerable customers should have a programme designed for them, because the energy companies are not doing enough. I believe that they should be required to contact vulnerable customers. There could be a public information campaign to ensure that such customers are on the cheapest deals.

In my final 40 seconds or so, I want to mention the need to ensure that the centrepiece of the warm homes policy also focuses on the drive for energy efficiency within homes. I also want to mention prepayment meters, because they are used by the poorest people, who face potential disconnection. Scottish Power has a good policy on that, but ministers should check whether all energy companies are adopting the same policy to ensure that poor people are not disconnected from the energy supply.

The evidence of the success of the bill will be in the detail. We need a higher dose of ambition. One commitment that we give to the Scottish Government, despite our disappointment, is that if it makes the bill the centrepiece of wider action—*[Interruption.]* Sorry, that was my alarm going off.

The Deputy Presiding Officer: I hope that it was not your morning call. Was it telling you to finish?

Pauline McNeill: Yes.

The Deputy Presiding Officer: I call Alexander Burnett; follow that, Mr Burnett.

15:40

Alexander Burnett (Aberdeenshire West) (Con): First, I note how pleased I am to see this bill coming through Parliament. Often we focus on the small things, and rightly so, but looking at the bigger picture this bill is the first step towards positive changes for many people across Scotland. I join my fellow Scottish Conservative colleagues in welcoming the bill and, as usual, I direct members to my entry in the register of members' interests in relation to energy efficiency, property management and construction.

In Scotland, a quarter of households currently live in fuel poverty, with rural and island communities living with higher fuel poverty rates than urban areas. As the Existing Homes Alliance noted, nearly 1 million homes fall below the energy efficiency standard that is needed for good health and change has not been coming fast enough, causing consequential health implications and costs to the national health service.

At stage 1, we supported the bill and pledged to make amendments to strengthen it. We were concerned that the bill did not outline how the Scottish Government would be held accountable if it did not meet the targets outlined, and how issues that affect island and remote rural areas would be addressed. We were, therefore, pleased to work with members across the chamber and pleased that the Government accepted amendments that aligned with the bid for homes to reach an EPC rating of C or above by 2040.

We wished for stronger EPC targets for 2030, but we accept that adding interim targets at 2030 and 2035 will bring benefit. As my colleague Graham Simpson said last Thursday, those interim targets will ensure that by 2030 the overall fuel poverty rate will be less than 20 per cent, with a further reduction to less than 15 per cent by 2035. They will also ensure that the final aim of no more than 5 per cent of households being in fuel poverty by 2040 is reached.

I was pleased that my colleague Graham Simpson's amendment 72 was agreed to. That required the strategy to set out the approach that Scottish ministers intend to take towards all targets and interim targets in each local authority area. With the differences that there are in fuel poverty across Scotland, that is a very welcome addition.

Andy Wightman said on Thursday that I will probably

"go down in history as ... the member who moved the £60 million amendment at stage 2."—*[Official Report, 6 June 2019; c 74.]*

I do not regret attempting to do so. For us to see any radical changes to fuel poverty levels, and to create real change in reducing carbon emissions, we need to invest now in improving energy efficiency levels. To clarify the matter to members who may simply be looking at the cost, I was seeking to ensure that there was identification of residential buildings and the work that they would require in order to reach an EPC rating of C or above by 2030.

Andy Wightman: In clarifying that his amendment was about identification, does Alexander Burnett agree that there are cheaper ways to carry out that identification in the standard EPC methodology and that new technologies are emerging? He should stick with it; he will have my support in pushing for better means of identifying the homes in Scotland that are most in need of energy efficiency measures.

Alexander Burnett: We can always look to improve the EPC methodology and we always welcome discussions about how we can improve anything that ultimately will benefit people who are in fuel poverty and in cold homes. That work will be required at some point, and the sooner that it is legislated for, the better. It is just one example of an issue that Scottish Conservatives and stakeholders alike have had with this bill, in that it does not go far enough and will not bring people out of fuel poverty fast enough. Nevertheless, it is a good first step.

I note briefly my disappointment that my amendment 77 was not agreed to. It would have provided detail on the approaches that will be taken to remove poor energy performance as a

driver of fuel poverty in order to meet the targets set.

To end on a positive note, as the constituency MSP for Aberdeenshire West, I am pleased to see that the bill will look after remote rural areas. By setting out a minimum income standard for such areas separately, the bill will ensure that those communities are taken care of in a realistic manner.

Overall, we welcome the bill—we are committed to reducing fuel poverty and the bill will begin the process of ensuring that that happens. As we stated in our manifesto, we are seeking the change to help households to

“save on their energy bills”,

make homes “easier to heat” and create “thousands of jobs” all over Scotland,

“all whilst reducing carbon emissions.”

15:45

Kevin Stewart: It is a bit strange to have stage 3 proceedings split over two days. During consideration of amendments, I was accused of compromising with Jackie Baillie, and today I have been accused of having a bromance with Graham Simpson. I do not know what is going on; I have obviously missed something.

From listening to the debate this afternoon, it is clear that members of all parties fully appreciate that it is absolutely imperative that we remove the blight of fuel poverty from communities throughout our country. I firmly believe that the measures that are contained in the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill will ensure that we achieve that goal.

The challenging but realistic targets that the bill will introduce will ensure that tackling fuel poverty remains a pressing issue for this and future Governments. The new definition that the bill will create will give us a better understanding of the problem than we have ever had, and it will help us to develop a comprehensive strategy to solve it.

In all this, however, I know that not everyone is satisfied. Some folk, including stakeholders, always want us to go faster. I understand that. However, we have to take cognisance of the fact that although experts whom Mr Rowley mentioned talked about a target of 2032, the folks who are delivering on the ground—including COSLA and various companies—say that that date would not have been achievable and that 2040 is the best date.

I am a man who always looks for compromise, and one of the good things about the additions to the bill is that the new fuel poverty advisory panel will be able to look at whether we can move the

target date nearer. We will keep a close eye on that. Through the “Energy Efficient Scotland” route map, we will continue to monitor how we are doing, what technologies have come into play and whether we can up the ante in moving forward faster.

I agree with everyone who has said today that no one should have to make the choice to put on their heating or eat. I think that we all feel that way, so it is incumbent on us all to scrutinise how we are doing in that regard, as we move forward. I am sure that, along with the panel, we will do so.

I will also touch on things that folks have seen on their travels. Graham Simpson talked about going to Stornoway. I went to the islands and various other places to talk to people about the changes that they want, which are now encapsulated in the bill.

Members from all parties have paid tribute to Di Alexander—he deserves the tributes that have been paid to him for his efforts. We should also take cognisance of the people in organisations and communities who made their voices heard, and whose views are now encapsulated in the bill.

I do not think that we have paid enough attention to the fact that the bill is the first bill to be island proofed: I am very grateful to everyone who has played a part in achieving that. There may be lessons that can be picked up for other bills.

Some of today’s debate has strayed on to the four drivers of fuel poverty, and some members have picked up on the fact that we do not control those drivers. I am pleased that, at stage 2, Andy Wightman and others looked at the four drivers in some depth and said that we in Parliament and the committee should in the future look at all four drivers.

Regardless of whether we all in the chamber are happy with the devolved settlement, I hope that we can all work together to persuade the UK Government to look at energy costs, particularly in respect of areas that Pauline McNeill mentioned—including prepaid meters, which are scandalous—and to do more on tariffs. We can work together across the chamber to highlight to the UK Government the changes that need to be made, from which we will, I hope, see change. I would like the powers to come here, but in the meantime, let us see what we can do together to make the required change.

Presiding Officer—I see you staring at me. Does that mean that I am almost out of time?

The Deputy Presiding Officer: Yes.

Kevin Stewart: I will finish on this. There are still far too many people in our country who are struggling to afford to keep their homes warm. I find that to be completely unacceptable. From

what I have heard from other members, I think that we are all in agreement on that—it is clear that Parliament thinks that. Let us work together and make sure that we do all that we can to take people out of fuel poverty. The bill will help us to bring it to an end, and I hope that everyone will support it.

Human Tissue (Authorisation) (Scotland) Bill: Stage 3

15:52

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 of the Human Tissue (Authorisation) (Scotland) Bill. In dealing with the bill, members should have with them the bill, as amended at stage 2, the marshalled list and the groupings of amendments.

Should there be a vote this afternoon, the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, there will be one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Section 2—Information and awareness about authorisation of transplantation and about pre-death procedures

The Presiding Officer: Amendment 1, in the name of the minister, is grouped with amendment 2.

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): I thank Lewis Macdonald and David Stewart for lodging stage 2 amendments that related to the duties of the Scottish ministers to provide information and raise awareness about authorisation for transplantation. Amendment 1 draws together the overall intentions of the amendments that Mr Macdonald and Mr Stewart lodged at stage 2 by setting out how ministers are to carry out their new duty under the new section 1(1)(d) of the Human Tissue (Scotland) Act 2006. That provision places a duty on the Scottish ministers to promote information and awareness of how transplantation may be authorised, including, in particular, how authorisation for transplantation may be deemed to be given.

The effect of amendment 1 will be that the duty must be carried out at least once in every calendar year. It will also mean that, when the duty is exercised, the Scottish ministers must have regard to the need to provide information to the public about how authorisation of transplantation might be deemed to be given and how to give an express authorisation or to make an opt-out declaration. The amendment makes it clear that the Scottish ministers must have regard to the need to provide that information in healthcare settings, which could include providing information

in general practitioner surgeries or in hospital waiting areas, in line with the intention of Mr Stewart's stage 2 amendment.

Amendment 2 is consequential on amendment 1, and I ask members to support amendments 1 and 2.

I move amendment 1.

Lewis Macdonald (North East Scotland) (Lab): I welcome the minister's amendment 1, which fulfils his commitment to refine the text of amendments that were agreed to by the Health and Sport Committee at stage 2. I also welcome his willingness to seek agreement on the area. As he said, amendment 2 is consequential on amendment 1.

My amendment at stage 2 was to commit ministers to an annual campaign to raise awareness of both deemed and express authorisation and opting out. David Stewart's amendment was to commit the national health service to communicating with patients about authorisation and opting out. I am glad that the minister has engaged with Mr Stewart and myself on those matters and that his two amendments deliver on the commitment that he gave at stage 2. I therefore look forward to supporting both of the amendments in the group.

Amendment 1 agreed to.

Section 3—Establishment and maintenance of register

Amendment 2 moved—[Joe FitzPatrick]—and agreed to.

After section 11

The Presiding Officer: Amendment 3, in the name of Lewis Macdonald, is grouped with amendment 4.

Lewis Macdonald: The purpose of amendment 3 is to require ministers to review and report on the new system of authorisation five years after it comes into force, which includes conducting a review of the Government's actions to raise awareness of the changes under the bill in general. The Health and Sport Committee unanimously agreed that approach in supporting an amendment in my name at stage 2. Amendment 3 refines the approach, and amendment 4 is consequential.

I am grateful to the minister for working with me on the amendments, which I believe deliver the shared purpose of the Government and the Health and Sport Committee. Amendment 3 provides that ministers must review both the new arrangements for deemed authorisation and their own actions to promote information and awareness about the

revised system of organ donation. The report must say whether the objectives of the bill have been met and whether family members have had the support that they need. That will allow ministers and the Parliament to make a judgment, five years after implementation, about whether the bill that is before us today has made the difference that we hope it will, and, if it has not, about what more needs to be done.

I move amendment 3.

Joe FitzPatrick: I support amendments 3 and 4, which were lodged by Lewis Macdonald. I thank him for working with the Scottish Government to ensure that the proposals align with the overall aim of the bill.

Amendment 3 agreed to.

Section 27A—Review and report on operation of Act

Amendment 4 moved—[Lewis Macdonald]—and agreed to.

The Presiding Officer: Members will be delighted to hear that that concludes the consideration of amendments.

As members will be aware, at this point in the proceedings I am required under the standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, it does no such thing; therefore, the bill does not require a supermajority at stage 3.

Human Tissue (Authorisation) (Scotland) Bill

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-17615, in the name of Joe FitzPatrick, on the Human Tissue (Authorisation) (Scotland) Bill at stage 3. I invite all members who wish to speak in the debate to press their request-to-speak buttons as soon as possible.

15:58

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): I welcome the opportunity to open the stage 3 debate on the Human Tissue (Authorisation) (Scotland) Bill. I am proud to have led the bill through the Parliament, but I start by recognising the work of my predecessors in relation to both the bill and wider improvements in the transplantation landscape. Since the early days of the Parliament, there has been much discussion about the pros and cons of moving to an opt-out system. I put on record my thanks to the bill team and other officials who have got us to the stage of having a bill that I am clear will be a positive addition to the work that has delivered so much progress over the past decade.

I also thank the Health and Sport Committee for its consideration of and sensitive approach to scrutiny of the bill. That approach reflects the committee's understanding of the circumstances in which organ and tissue donation must take place as a result of the incredible generosity of donors and their families.

I also thank other members for having taken the time to discuss their concerns with me, particularly Mike Rumbles, Jeremy Balfour and Gordon Lindhurst, who lodged amendments at stage 2 that facilitated further refinement, discussion and clarification of the operation of the bill.

There is no one answer to increasing organ and tissue donation, which is why we must continue to build on the measures that have been put in place over the past 13 years, to which this bill contributes.

The primary aim of the bill is to introduce an opt-out system of organ and tissue donation for deceased donors. The bill amends the Human Tissue (Scotland) Act 2006, the existing Scottish legislation that supports donation, by introducing a new additional form of authorisation called "deemed authorisation". In practice, deemed authorisation means that, when a person who is aged 16 or over is not known to have any objection to donation, donation may proceed. However, the bill contains safeguards for people who do not have the capacity to understand

deemed authorisation or who have resided in Scotland for less than 12 months and may not be aware of the system, who will not be subject to deemed authorisation.

Key to the success of donation are donor families and the way in which they are approached. The bill ensures that the donor's interests and views are safeguarded at all times by including a clear and effective mechanism for that. There is a duty on health workers to make inquiries of families and others who are entitled to provide information that reflects the most recent views of the donor. The committee was given a demonstration by the specialist nurses for organ donation on how the approach is made to families and the sensitive and supportive way in which families are guided through the process at such a difficult time. That approach is a real strength of the current system, and it will continue under the new system.

There is a high awareness of donation in Scotland, and the importance of information and awareness was the subject of a lot of discussion in the committee and during the stage 1 debate. I welcome the strengthening of the duty to promote information and awareness in the bill by amendments that were developed in collaboration with Lewis Macdonald and David Stewart.

I reiterate to members our intention and commitment to fulfil that duty. We are committed to an awareness-raising campaign of at least 12 months during the lead-up to the introduction of the opt-out system. We will take time in that period to work with communications experts and representative groups to ensure that information is accessible to different groups in the population, including hard-to-reach groups, minority groups and those with specific needs. In addition to the multimedia activity that is planned, there will be a direct mailing to all households in Scotland in the lead-up to the system's introduction to explain the change in the law, including, among other things, information about how a person can opt into or out of donation.

The secondary school education pack, which is highly regarded as good practice, will be updated and disseminated, and we are also exploring how information can be provided to young people when they reach 16 years of age, so that they are aware of the opt-out system and can make an informed choice about their donation decision.

We will continue to work with Kidney Research UK to train its volunteer peer educators, who are a valuable resource in raising awareness of donation and transplantation among ethnic minority groups. In that respect, I am delighted that Kidney Research UK has invited officials to speak about the opt-out system at its conference

with imams in July, to raise awareness of donation and transplantation.

The bill makes an important contribution to the development of donation and transplantation, and I thank the experts in the national health service who have guided us through the sensitive and complex issues in the process. They have worked with us to develop a legal framework for authorisation of donations that respects those issues.

As we move towards the introduction of the opt-out system, we will work with the NHS to ensure that NHS systems are developed and that the people who work in donation and transplantation have the necessary guidance and training that will be needed to deliver a new system safely and successfully.

The work to increase donation and transplantation will not stop with the passing of the bill. Less than 1 per cent of the population die in circumstances in which donation is possible, so it is important that we continue to find different ways to make progress.

I want to be clear about what progress means to the lives of those who are awaiting a transplant. Members might not know Gordon Hutchinson by name, but they might recognise him from his scar. Gordon has featured as part of the donation campaign in Scotland for the past six years. Since his transplant as a child, he has gone on to live a full life. He has married and has recently become the proud father of a baby girl. In relation to his transplant, Gordon has said:

“The life I lived before the heart transplant compared to my life now is night and day ... An organ donor saved my life.”

For the many people who are awaiting a life-changing transplantation operation, I move,

That the Parliament agrees that the Human Tissue (Authorisation) (Scotland) Bill be passed.

16:05

Miles Briggs (Lothian) (Con): For many families and campaigners across Scotland, today is an incredibly important day. Every day in the United Kingdom, three people die waiting for a new organ. As has been outlined, more than 500 people in Scotland are waiting for a transplant that could save their lives. Across the UK, Scotland has the highest proportion of people on the organ donor register, but it has the lowest rate of family consent and the lowest rate of organ donation.

Giving the gift of life is an extraordinarily special thing for someone to do following the death of a family member. Like the minister, I pay tribute to those who have already taken the decision to join the organ donor register; I also pay tribute to their

families for the work that they need to undertake to ensure that the person's wishes are met. Making it easier for an individual to express their personal wishes and starting a national conversation on organ donation are at the heart of what we are trying to achieve today.

I pay tribute, too, to those who have worked on the issue in this parliamentary session and in previous sessions, including Anne McTaggart and Mark Griffin.

I thank those who gave evidence to and met the Health and Sport Committee during our inquiries. I think that I speak for all members of the committee when I say that their personal experiences have stayed with us and helped to take forward and shape the committee's suggestions on how the bill could be strengthened and improved. As the minister outlined, key to the success of any organ donation programme is learning from the experiences of a donor's family and friends, because that can help to improve decisions and the experiences of others during the hardest time that anyone can imagine.

The experience in Wales was raised repeatedly during the Parliament's scrutiny of the bill. It is clear that significant and positive progress has been made in Wales, and learning from what has happened there could help us to improve our system in Scotland. In Wales, family consent rates have increased from less than 49 per cent to 70 per cent following the introduction of an opt-out system in 2015. That is welcome progress, and I hope that the same progress will be realised soon in Scotland.

I know that members still believe that the specific issue of the provision of intensive care beds across the country—particularly in the Highlands and the south of Scotland—needs to be addressed further. Scotland has the lowest number of intensive care beds anywhere in the United Kingdom. That was highlighted by the Royal College of Physicians of Edinburgh at stage 2, and my Health and Sport Committee colleague David Stewart raised the issue, too. As the bill progressed, we both thought about lodging amendments to tackle the problem, but I do not think that doing so in this bill would have been useful or appropriate.

However, there needs to be further discussion, and the Scottish Government needs to clarify its commitments and further proposals, as the issue will ultimately affect the potential success of the bill. I welcome the minister's constructive approach to working with the committee, but I would like to see further details and an assessment of future staffing and provision of intensive care beds, along with a commitment to keep the issue under review as the bill's provisions are implemented.

People whom I meet who have received a donation send the clear message that the collaborative approach between the organ donation teams and families has literally had a life-saving impact. Like the minister, I thank them for their work. One donor can save up to nine lives and can transform even more by donating tissues. Thanks to the generosity of donors and their families, and the work of the NHS, great progress on organ donation has been made over the past few years. I hope that the minister will ensure that he provides an innovative and positive public information campaign, which will capture the positive spirit of what it is to be a donor and the points that families have expressed during the committee's work.

We need to work to continue to make progress, increase donor numbers and save the lives of more people in Scotland and the UK. I believe that the bill can and will deliver on its two main aims: further increasing the number of donors; and honouring the decision that a donor has taken during their life.

From speaking to people who have received an organ and their families, I know how incredibly thankful they are to the individual donors and their families. What it means to someone whose son or daughter has been saved by a total stranger genuinely cannot be put into words sometimes. I hope that the passing of the bill will help to take forward a positive national conversation for donors.

I will conclude with the words of Steve Donaldson from Largs in North Ayrshire, who is 57 years old. He had a heart transplant in 2010 after suffering severe heart failure. He waited for nine months on the organ donor transplant list before a suitable donor was found. The briefing that the British Heart Foundation provided for this debate states that he said:

"My message to everyone is please sign the organ donation register and have that conversation with your family about your wishes. It really can make all the difference."

As a Parliament, we are currently debating and passing many pieces of legislation—although maybe not as efficiently as we are today. However, none can be as important and have such a life-changing impact as the Human Tissue (Authorisation) (Scotland) Bill. We should all rightly be proud of passing it.

16:11

David Stewart (Highlands and Islands) (Lab):

This is, of course, crucial legislation. How do we raise the level of organ donation in Scotland to match the needs of those who are desperately awaiting transplantation? The principles of the bill

have been broadly accepted across the political divide, notwithstanding the lodging of a number of amendments that were designed to improve and, indeed, develop it. I acknowledge the help of the minister and his officials with my amendment, which is now in Joe FitzPatrick's name—I stress that no copyright fee is required.

Scottish Labour has long been supportive of a soft opt-out for organ donation, and we are glad that Scotland is finally moving to adopt such a system. Credit should be given to individuals across the political divide who have consistently campaigned for that change. In particular, we owe our thanks to Scottish Labour's Anne McTaggart for her proposed member's bill in the previous session of Parliament. Although it was unsuccessful, it significantly moved the debate forward. I also acknowledge the fantastic contribution of Mark Griffin, who has a big family relationship with the issue.

Wales has led the way on the issue. Although it is still relatively early to assess the impact of the legislation there, there are positive signs of increased levels of family consent and donations. We must learn from the experience of implementation in Wales, including, as the minister said, about the importance of resourcing the public awareness and information campaigns. Scottish Labour's successful amendments at stage 2 have strengthened the awareness-raising elements of the bill by requiring annual campaigns. We have also secured a five-year assessment of the changes so that there will be clear learning on the effectiveness of implementation and improvements in organ transplantation.

However, the bill is not the only change that is needed to increase transplantation rates in Scotland. The Scottish Government must ensure that there is sufficient investment in Scotland's infrastructure to support an increase in organ donations. As we have heard from previous speakers, including the minister, in 2018, 426 patients in the UK died while they were on the transplant list or within one year of removal. As Miles Briggs said, Scotland has the highest percentage of people on the organ donation register in the UK but the lowest actual organ donation rate per million of population. The level of family authorisation is also low in Scotland.

The key issue is the gap between those who wish to donate organs and the number who actually go on to join the organ donation register: 80 per cent of people in Scotland support donation, but only 52 per cent have signed up to the donation register. In simplistic terms, the bill's purpose is to bridge that divide and encourage those who support organ donation but who have not registered on the ODR to have their wishes recorded and respected.

Let me tell you about my friend Gary. He is in his mid-50s and lives in Glenrothes, in Fife. Nearly two years ago, he was given the gift of life by a crucial heart transplant. Prior to that, he was on the transplant list for 12 months and had a pacemaker. He slowly deteriorated and, without the transplant, he would have died. Gary cannot praise enough the dedicated support of the nursing staff at the Golden Jubilee hospital. He told me that

“it was a matter of life or death.”

We must look at international evidence and best practice, which are crucial. We know, from background research by the British Heart Foundation, that people who live in countries with a soft opt-out system are more willing to donate their organs. In general terms, a soft opt-out means that, unless the deceased expressed a wish in life not to be an organ donor, consent is assumed.

Of the top 10 countries for donors per million of population, nine have an opt-out system. That brings us to Spain, which I mentioned at stage 1 and which leads the world league table for organ donations. The Health and Sport Committee took evidence on why Spain is so successful, which I know the minister has a big interest in. The three main reasons are that Spain has a comprehensive network of transplant co-ordinators, it has a donor detection programme and it provides more intensive care beds. In winding up, will the minister comment on that? Given that this is not a zero-sum game, we must concentrate on increasing the number of intensive care beds as well as changing the consent system.

I will be brief, as I am conscious of the time.

In the stage 1 debate, I spoke about two issues that the Law Society of Scotland raised, so the minister has had warning of them. The Law Society asked whether deemed authorisation is consistent with the ruling in *Montgomery v Lanarkshire Health Board*, which was a Supreme Court case about informed consent. It also asked whether the bill is consistent with the European convention on human rights, as dealt with in the case of *Elberte v Latvia* in 2015, when article 8 was found to have been breached. The five-year review will allow considered reflection on those points. What assessment has been made that medical professionals will, in practice, take into account the family's wishes?

The bill is a vital piece of legislation that will be a matter of life and death for many Scots, such as my friend Gary, who desperately need a life-saving organ donation. As Gibran said,

“You give little when you give of your possessions. It is when you give of yourself that you truly give.”

The Presiding Officer: I call Alison Johnstone to close—I mean to open—for the Scottish Green Party.

16:17

Alison Johnstone (Lothian) (Green): I, too, thank all those who have campaigned for many years to change the law. I thank the Royal College of Nursing, the British Medical Association, the British Heart Foundation and the Law Society of Scotland for their briefings, and I express my gratitude to Mark Griffin for his lengthy campaigning and to Anne McTaggart for her work to introduce a bill in 2015. Although that bill did not win support in Parliament, it was a key impetus for change.

The policy memorandum reminds us that

“Organ and tissue donation and transplantation is an incredible development in modern healthcare which continues to save and significantly improve lives.”

The Greens strongly support the intent of this important bill. The policy memorandum also reminds us that

“Organ and tissue donation and transplantation is dependent on the generosity, commitment and skill of a number of ... people.”

I thank them all.

As we have heard again today, Scotland does well on donor registration, with 52 per cent of people in Scotland having signed up to the organ donor register. That is the highest percentage in the UK, but a gap persists—David Stewart spoke strongly about it—between that figure and the approximately 80 per cent of people who support organ donation. The results of a new poll that the British Heart Foundation released today revealed that seven in 10 people in Scotland back the proposed changes to organ donation law. It is clear that the will to donate exists, and I hope that the bill will help to tackle the disparity between people's intentions and the number of donations.

Scotland's family authorisation rate for organ donation is the lowest in the UK, which results in the loss of about 100 potential donors a year. Evidence from elsewhere in the UK suggests that the bill can go some way towards rectifying that. In Wales, the family approval rate for organ donation has increased from 49 to 72 per cent since the opt-out system was introduced, so I am optimistic that a similar pattern will emerge in Scotland and that the number of family consents will rise, which will lead to an increase in donations.

Nevertheless, during the stage 1 debate, I and others highlighted that an opt-out system on its own is not an instant solution, but must be part of a broader strategy to increase donations. Therefore, I am pleased that a duty will be placed

on the Scottish ministers to provide information annually to the public about how to opt in or out of the system. Ultimately, it is preferable to maximise the number of people opting in, as that will remove any ambiguity about the patient's wishes and, I hope, allay family members' concerns about going against their wishes.

Healthcare professionals must be given comprehensive guidance about the changes to organ donation that are proposed in the bill. The Royal College of Nursing has revealed that only 25 per cent of its members feel that they can speak with confidence about organ donation with patients and their families, so much work is still to be done to raise awareness among healthcare professionals.

The RCN has called for an education programme for all healthcare professionals and sufficient resources for the education and training of the wider nursing workforce, to support a shift in the culture of conversations on donations. It is really important that we empower our healthcare professionals to speak confidently to patients about organ donation and to address any concerns or fears that the change in legislation might cause.

I thank the BMA for sharing a number of personal stories about organ donation. I will focus on the words of Gill Hollis:

"The lung transplant I received in 2004 took me from being close to death to living again ... My transplant was the most amazing gift, and I have nothing but gratitude for my donor family and the medical team."

I hope that the bill will lead to more stories like Gill's and enable more people to give the gift of life.

16:21

Alex Cole-Hamilton (Edinburgh Western) (LD): The keeper of organisational memory and parliamentary history, Mike Rumbles, remarked to me just a few moments ago that he thinks the timing of these stage 3 proceedings is a record, given the swift way in which we have dispatched all the amendments. The brevity of the proceedings speaks to the consensus that has been built around the bill. However, as Alison Johnstone said, that has not happened in isolation. I, too, reflect on the contributions of Anne McTaggart in the previous parliamentary session and Mark Griffin, who, it is fair to say, held the feet of the Health and Sport Committee and the Government to the fire in the early days of this session to ensure that we got to this day. I thank him very much for getting us to this point and, indeed, the Government for making good on its commitment to do so.

This is an emotional and joyful day for me. As I said during the stage 1 proceedings, as an aspiring political candidate—which, I am sure, all members were once—I was often asked at hustings what my member's bill would be if I made it to the Scottish Parliament. This is that bill, because I have a lifetime of understanding the need for organ donation and, indeed, because of the paucity of organ donation that has until this day existed in this country. My good friend Anders Gibson suffered from cystic fibrosis, and I grew up with him with the expectation that his life would be cut short. It is to my great sadness that Anders did not live to see this day. Ultimately, when his lung transplant came, it was too late and it did not take properly. I speak in his memory today, and I know that he is looking down on us with great pleasure at what this Parliament is about to do.

Organ donation is vital. There is not enough of it, so I was keen to host a reception and a photo call earlier this year for Give a Kidney, which is a UK philanthropic kidney donation organisation. There are people who give healthy kidneys to complete strangers altruistically—completely out of the will to be philanthropic and to give life to others who might have to suffer protracted periods on dialysis or even limitations to their life. I salute that organisation.

It was in the foothills of our preparation for the legislation that I learned the full extent of what goes into the organ donation process. I am sure that I speak for all committee members when I talk about our experience of meeting the specialist organ donation nurses, who are angels heaven sent and a credit to our national health service. It was a great privilege to meet them. They talked about the onerous bureaucracy of the process, and committee members found it quite shocking to be told how many intimate questions were asked of a soon-to-be-deceased relative in the final hours, literally at their loved one's bedside. They talked about turning that process into the telling of a life story and about finding mirth and merriment in what for everyone concerned would be their darkest hours.

We also met transplant recipients, which is when the idea of organ donation as a gift really struck home and I understood the sheer magnitude of the present that someone can give in the last hours of their life to someone who is unknown to them, who can go on to live a happy and fulfilling existence because of the organs that they receive. We learned about the rollercoaster of emotions that goes with that. Anders experienced that, too. He had a couple of false starts that involved being driven to Newcastle and returning after the transplant fell through. I hope that the minister will address that point in his closing remarks and talk about the mental health support

that we can give to people who are on transplant waiting lists.

We must recognise that what we are doing involves only one aspect of this area and that encouraging people to have conversations about organ donation is also important.

I will finish with a quote from Simon Gillespie, the chief executive of the British Heart Foundation. He said:

“There is a desperate shortage of organ donors. Introducing an opt-out system will better reflect the views of the general public and give hope to those currently waiting for a transplant they so desperately need.”

We support the bill.

The Deputy Presiding Officer (Linda Fabiani): We now move to the open debate. I ask for speeches of four minutes.

16:26

Emma Harper (South Scotland) (SNP): I am pleased to be able to speak in support of the Human Tissue (Authorisation) (Scotland) Bill this afternoon. From the outset, I emphasise that, at any one time, 500 people in Scotland are waiting for a transplant, which shows the need for Parliament to take action and support the bill.

As deputy convener of the Health and Sport Committee, I have had the opportunity to participate in much of the scrutiny of the bill at stage 2, and I thank everyone who provided briefings during the bill's progress through Parliament, including Anne McTaggart, Mark Griffin, who is in the chamber today, the BMA and the other professional organisations.

As I was a nurse and liver transplant team member in Los Angeles, California, I was especially grateful to hear from the people who were either waiting on an organ or those who had received one. I have heard many pre-transplant stories from patients who were about to be recipients of organs. The personal voices of the recipients and people waiting for organs were vital in helping to inform committee members, and I thank all who came to speak to us.

It is useful to again stress that the bill's principal aim, which I am pleased that the Parliament overwhelmingly supported at stage 1, is to bring about a long-term culture change to encourage people to support organ and tissue donation by registering on the organ donation register and by moving to a soft opt-out system.

Just over half of Scotland's population have registered to donate their organs or tissue after death, which reflects their incredible generosity and the progress that has been made in highlighting the need for organ donors, which is

absolutely welcome. However, if we are to achieve the aim of reducing the number of people dying as a result of the unavailability of organs, we need more people to register.

Most organ and tissue donations can occur only in tragic circumstances, and only 1 per cent of people die in situations in which they could be an organ donor. Given the clear need for more organs to save lives, the bill will therefore introduce deemed authorisation for deceased donation where an adult has not clearly opted in or out. That means that when someone dies and has not made their wishes on donation known, their consent to donation would be assumed and conversations regarding the commencement of donation processes could occur.

The committee received evidence and submissions from some people who were concerned that the deemed consent element of the bill meant that people's organs might be donated even though they had not opted out only because, for example, they had never got around to it. I address that argument by assuring people that the bill includes safeguards to ensure that the donation wishes of the deceased are followed. The bill also provides a legal framework for pre-death procedures that facilitate successful donation for transplantation, so that people are educated and encouraged to make their wishes known. The section of the bill that addresses opt-out declarations by an adult can be found on page 16.

The committee received submissions and took oral evidence from people who were concerned about a lack of public awareness of the change in legislation. That was initially a concern for me, too, so I am pleased that the Scottish Government has committed to continuing high-profile awareness-raising activity every year and to promoting a continued national conversation. The Scottish Government's campaign, “We need everybody”, which was launched in July 2016, has been a success and has led to an increase in the number of people who join the organ donor register.

I am probably the only person in this chamber who has held a kidney, a pancreas, a liver and a heart in my hands, for the organ to be placed into another person. I encourage everyone to consider registering to be a tissue and organ donor and to offer that gift to save someone's life. I urge all members to vote in favour of the bill.

16:30

Lewis Macdonald (North East Scotland) (Lab): The bill gives us a fresh opportunity to maximise organ donation and help some of the hundreds of people who are waiting for organ transplants that could save their lives. Instead of

presuming that people do not want to donate their organs after death unless they have opted in, we will presume that people want to donate unless they have opted out.

That change is made within the framework of the law as it stands. The bill amends the Human Tissue (Scotland) Act 2006—it is evolution, not revolution, which I welcome; in this case, not least because I took the current law through the Parliament and I believed then that it laid the foundations for whatever evolution in the law might be needed in the future.

Before 2006, people did not authorise transplantation of their organs after death; they consented to transplantation. The difference between “consent” and “authorisation” is not just the difference between two words. Providing for authorisation makes the law far clearer than it was, in requiring that people’s wishes on these matters be followed.

The 2006 act called for a concerted effort to tell people how authorisation works and to explain the difference that organ donation can make. Successive Governments have delivered on that. As a result, Scotland achieved the highest rates of authorisation in the UK over several years—the level is now half the adult population, although, as members said, that is not the whole story.

The 2006 act was designed to enable the further development of the transplantation infrastructure in Scotland. As members said, the Health and Sport Committee heard impressive evidence from specialist nurses in organ donation about how the system works.

Despite all that progress and our high rate of opting in, Scotland has the highest rate of bereaved relatives saying no to organ donation. Health professionals are understandably reluctant to challenge a family’s right to do that at what is already a very sad and stressful time. The law should not seek to reduce the family’s right to be heard, nor should it compromise the duty of care that doctors and nurses owe to the bereaved at the time of death.

Instead, the bill seeks to widen the pool of people from whom organ donation might come. We are following the lead that Wales took in 2015, and a similar change will happen in England in 2020. Rates of donation in Wales have now overtaken rates in Scotland. The coming into force, in 2015, of the Human Transplantation (Wales) Act 2013 was the trigger for increased public awareness. It took some time for that to result in increasing rates of organ donation, but that is now happening, and the time is right to follow Wales’s lead.

As other members have done, I thank my colleague Mark Griffin and my former colleague

Anne McTaggart for their efforts to introduce the principle of opting out, in place of opting in. The Scottish Government has now enabled that principle within the framework of the existing law, and with broad cross-party support, as has been evident today.

Our passing this bill can help to increase rates of donation and save lives, but changing the law will not in itself be enough. Amendments that we agreed to today mandate ministers to use the bill to raise awareness and encourage people to authorise donation, even though deemed authorisation will be in place, and to strengthen the transplantation infrastructure in Scotland.

We also agreed that ministers should review the legislation, including the way in which the new approach has been communicated, in five years’ time.

We should renew the promise that the Parliament made in 2006. We will give the measures every support, to achieve the change that we want to see, but if the Parliament needs to return to this topic in the future, it should not hesitate to do so.

16:34

Kenneth Gibson (Cunninghame North) (SNP): It is a pleasure to speak in the debate knowing that at decision time the Parliament will, I believe, vote for a bill that MSPs past and present, third sector organisations such as the British Heart Foundation, healthcare professionals and, indeed, patients themselves have long been calling for.

The Human Tissue (Authorisation) (Scotland) Bill, like Anne McTaggart’s member’s bill—the Transplantation (Authorisation of Removal of Organs etc) (Scotland) Bill that was introduced in the previous session—is intended to increase the availability of organs and tissue for transplantation and therefore reduce the number of people who are waiting for a transplant. At stage 1, members shared moving stories of loved ones or constituents who waited too long for an organ and the grave consequences that that can have. Indeed, almost 600 people in Scotland are waiting for a potentially life-saving organ. If the bill can achieve any reduction in that number, all of us can and should get behind it.

The bill contains three key provisions: as well as giving people the ability to opt in by explicitly stating their authorisation for donation and to opt out by explicitly removing authorisation, it provides for deemed authorisation, which will be the default option if someone has not recorded their wishes.

The development of that soft opt-out system will enable us to more easily capture the estimated 80 to 90 per cent of Scots who support organ

donation, while closing the gap between the number of people who state that they would wish to donate and the number who actually sign up to the organ donor register. Given that an overwhelming majority of people would wish their organs to be donated, it can be surmised that many of the 48 per cent of Scots who are not registered donors have simply not got round to opting in. The bill will help to capture those folk, who have the potential to save lives by donating their organs and tissue.

Of course, individual choice must be protected. That is why the bill introduces a soft opt-out that incorporates safeguards and conditions that might include seeking authorisation from a person's nearest relative in cases involving certain groups of people or specific circumstances. Deemed authorisation will not apply to under-16s, people who have been resident in Scotland for less than 12 months and those without capacity. It will not be a case of asking the family for their views or overriding the wishes of donors; the family will be asked what they believe were the views of their deceased relative.

Unfortunately, at just 57 per cent in 2017-18, Scotland has the lowest level of family authorisation in the UK. I am glad, therefore, that the Scottish Government has taken an evidence-based approach to resolving the situation. There is strong evidence to suggest that such legislation will improve levels of family authorisation by encouraging frank conversations between relatives about their wishes. Indeed, people who live in countries with opt-out systems are between 27 and 56 per cent more likely to authorise donation of their relatives' organs. That has absolutely been the case in Wales, where consent rates have risen from 49 per cent in 2014-15 to 72 per cent, and I hope to see a similar uplift in Scotland.

I am grateful to the Health and Sport Committee for its excellent work in scrutinising the bill and strengthening it at stage 2. I am particularly grateful for the amendment to place a duty on the Scottish ministers to promote an annual awareness-raising and information campaign that will give people regular opportunities to make or review their decision about whether to donate. The amendments that were agreed to earlier this afternoon will also help. We know about the power that such awareness raising can have—the duty on the Scottish ministers to promote awareness of donation in the Human Tissue (Scotland) Act 2006 resulted in year-on-year increases in the number of people recording their decisions on the organ donation register. The Human Tissue (Authorisation) (Scotland) Bill will have an even greater impact.

I am certain that deemed authorisation will drive a long-term increase in support for organ and tissue donation. Perhaps it is even the case that the bill's progress through Parliament has inspired more people to discuss donation with loved ones, which can only be a good thing.

Of course, the ability to transplant is always reliant on the medical viability of organs, which the bill cannot legislate for. At stage 1, the minister highlighted other work that the Government is undertaking to increase the number of viable organs, such as providing funding for new technology to improve the outcomes of patients who receive liver transplants and to increase the proportion that are suitable for transplantation. That work is to be commended and should be built on.

I pay tribute to everyone who has donated and every family that has supported and facilitated those donations; in doing so, they have saved and improved lives. That is truly a gift, and it is one that the bill will help to bestow on untold numbers of lives in the future.

16:38

Mike Rumbles (North East Scotland) (LD): I am convinced that if we pass the bill at decision time, there will be a greater chance of saving lives, so why was I the only MSP to vote against the bill at stage 1? Let me explain.

I have been on the organ donation register for the past 20 years. It is heartening to see that a majority of Scots are now on the register, too. That has come about through many measures, not least of which is the Human Tissue (Scotland) Act 2006, which Lewis Macdonald mentioned, in which we focused on the wishes of the deceased rather than on the wishes of his or her nearest relative. When I first saw the bill after publication, I was perturbed that the safeguards in it were not sufficient in respect of the wishes of the potential donor. By that I mean that it seemed to me that there was a danger that the wishes of the potential donor might, in some cases, be ignored.

There was one phrase in the bill which I thought could undermine the success of the legislation. The bill originally said in section 7 that deemed authorisation would not apply if

“a person provides evidence to a health worker that would convince a reasonable person that ... the adult was unwilling”

for transplantation to take place. The evidential bar for the family of the deceased to confirm the wishes of the deceased was being raised unnecessarily. The legislation in England and in Wales does not do that; in my view, there was no need for our legislation to raise the evidential bar in that way. I was concerned that if that was not

changed at stage 2, and if in even one case the nearest relative of the donor could not provide evidence that would “convince”, and a donation went ahead against what the relatives believed were the wishes of the deceased, the legislation could be undermined.

I am very pleased that Joe FitzPatrick, the Minister for Public Health, Sport and Wellbeing, took on board my point and lodged Government amendments to alter the bill which have had the same effect as my amendments would have had, so I was happy to withdraw them. The bill now states that if

“a person provides evidence to a health worker that would lead a reasonable person to conclude that ... the adult’s most recent view was that”

he or she was unwilling for donation to take place, that would be acted upon.

Keith Brown (Clackmannanshire and Dunblane) (SNP): Will the member give way?

Mike Rumbles: I only have 40 seconds left.

With that safeguard now in place, I will be more than happy to support the bill at decision time.

Joe FitzPatrick was willing to take my concerns on board and to change the wording of the bill. With only my vote against it at stage 1, he was not under any real pressure to change the bill, but he took the time and made the effort to get this right. Presiding Officer, I want to put on the record my thanks to Joe FitzPatrick, and I want to thank you for providing me with the opportunity to do so in the debate.

16:42

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I say to Mike Rumbles that I abstained at stage 1. I support organ donation and carry a donor card. I encourage others to go on the register, and much in the bill is commendable.

However, three words do not appear in the bill—“donation” and “presumed consent”. These have been displaced by “transplantation” and “deemed authorisation” respectively. I ask myself why.

I suggest that the terms are used to assuage any concerns that members might have, because “donation” requires the owner of something to transfer it voluntarily to someone else: it is a gift. A person cannot make a gift if they are dead and have not registered as a donor. “Presumed consent” is a prime example of an oxymoron: consent cannot be presumed, but must be indicated in some form or other, no matter how minute it is: the blink of an eye in response to, “One blink for yes, two blinks for no,” would do.

In my view, that is why “organ donation” and “presumed consent” have been rebadged as “transplantation” and “deemed authorisation”. The greater deceit is to say that “deemed authorisation” is somehow different from “presumed consent”, although Emma Harper transposed the two—and she is quite right. My consenting to someone hitting me with a brick will have the same result as my authorising them to do it: I will still have been hit by a brick. Consent and authorisation are one and the same. Neither authorisation nor consent can be “presumed” or “deemed” in the vital absence of an indication either way. In my view, it is wrong for the state to do so on behalf of a silent deceased person.

Although I fully support the intention of the bill, I regret that I cannot support it as it is worded. I understand that it is well intended, and I want people to have access to organs, but I cannot support the bill as it stands. Accordingly, I will not support it at decision time.

16:44

David Stewart: This has been an excellent debate with well-informed and thoughtful contributions from across the chamber. I believe that the key point that has been echoed by several members is that the bill is crucial legislation because we need to raise the level of organ donation in Scotland to match the number of people who are desperately awaiting transplants.

Miles Briggs, who is currently absent from the chamber, paid tribute to people who are on the organ donation register and their families. He is right that we need to start a national conversation. He was also right to thank all those who gave evidence to the Health and Sport Committee. I believe that it is important that we analyse the experience in Wales, albeit that the system there is still relatively new. I summarise his point on that by saying that he said that where Wales walks, we follow. He was also correct that we should look at provision of intensive care beds.

Alison Johnstone made the important point that organ transplantation is a vital development of scientific healthcare. As she said, there is a will to donate in Scotland, as has been clearly evidenced in polling. I agree that the number of family consents will rise, and that it is important to have the wider strategy of annually analysing opt-ins and opt-outs.

Alex Cole-Hamilton made the genuine point that, before he was elected, his wish for a member’s bill would have been to have one on organ donation. He also made the vital point that the gift of giving has always been there, and we should always remember that. I agree with him that it is important to praise organ donation

nurses, some of whom members of the Health and Sport Committee met. We should never forget the need to tell donors' life stories.

Emma Harper, who is a former nurse, obviously has tremendous experience in the area. She talked about the safeguards in the bill, the pre-death procedures and the need to raise awareness. I am glad that the minister introduced an amendment on that. I congratulate the Government on the work that it has done through the "We need everybody" campaign.

Lewis Macdonald talked about the opportunity to launch the organ donation campaign afresh. Of course, we should never compromise families' rights, but we need to widen the pool of organ donation. He said that awareness raising needs to be highlighted, as has been done through amendments to the bill, and he pointed out that the amended legislation will be reviewed.

The stakes are high, so we need the legislation to be a success. More than one in 10 people on the waiting list will die before they get the transplant that they need. As BMA Scotland has suggested, the bill will change the culture and philosophy in society, so that donation becomes the norm. We need to aim for societal change so that organ donation becomes accepted and is part of the fabric of our national life. The greatest gift that a person can ever give is the gift of life itself.

16:47

Brian Whittle (South Scotland) (Con): I am delighted to close the stage 3 debate on behalf of the Conservative Party. Given the topic, the debate has been consensual. As has been said, the bill's swift passage is testament to the work that was done previously by Anne McTaggart and Mark Griffin, who is in the chamber today.

Many members, including the minister, have highlighted the incredible work that specialist nurses do in dealing with bereaved families in their time of grief. That also became clear during the Health and Sport Committee's investigation. I know that my fellow committee members were moved by the demonstration of a conversation between nurses and a deceased person's next of kin. As Alex Cole-Hamilton alluded to, we were all surprised by the number of questions that are asked. It is certainly a lot of questions to tackle at a time of grief, but the delicate and empathetic way in which the nurses deal with organ donation with bereaved families is testament to their skill and dedication. I know that we all want to give them our thanks.

During the passage of the bill through its committee stages, although not many people spoke against it, there was much discussion and debate about the nuances and the potential

implications. Far be it from me normally to praise Keith Brown in any way, but I think that I might do so now, to see whether I can ruin his reputation. I was taken by how he consistently pressed for the rights of the donor and said that their wishes should be paramount. However, there is a need for next of kin to answer the complex questions about the deceased prior to donation, and there will always be the final veto for the family. Mike Rumbles spoke about that issue, too. I am not sure that there is any way round it, but Keith Brown certainly got committee members to think about the issue in depth. No healthcare professional will go against the wishes of a family, irrespective of the donor's wishes, either expressed or presumed.

As has been said, nine out of the 10 top countries in terms of transplant have a form of opt-out system. However, implementation of an opt-out system will not of itself necessarily increase the number of donors. David Stewart, among others, mentioned Spain, where every hospital has capacity for and expertise in organ transplant. What plans does the Scottish Government have to ensure that increased organ donation here will be matched by an increase in capacity? In these days of multiple shortages in staff across many disciplines in the NHS, is the Scottish Government confident that it can recruit the requisite specialist nurses in our hospitals and ensure that they are equipped with the necessary acute specialist facilities? I join David Stewart in asking the minister to address that in his closing remarks.

I have also spoken about my reservation that having the bill deal with both presumed and expressed consent could lead to confusion. Scotland has the highest level of card-carrying donors in the UK, but it also has the highest level of families overruling donors' wishes. As Alison Johnstone, David Stewart and Miles Briggs highlighted, 40 per cent of the population would donate, but have not yet expressed their consent. Until recently, I was one of them. Only when I had to change the address on my driving licence online was I prompted to express my consent, which took little more than a minute. I advocate there being more opportunities for people to express their consent because, to my mind, that is a much more powerful declaration of intent than any presumption.

However, the bill offers the opportunity to bring the topic to the nation's attention. This morning, I caught part of a BBC Radio Scotland discussion on it, so mentioning the proposed change in the law does work. That in itself must be a good thing. As Kenny Gibson said, instigation of a conversation in families about how their thoughts and wishes might be expressed has to be positive.

In supporting the bill, the Scottish Conservatives ask the Scottish Government to run a consistent marketing campaign alongside implementation, in order to ensure maximum understanding of the idea of expressed consent. Finally, we also ask that an audit of the current number of intensive care beds and specialist staff be undertaken, and that a plan be put in place for the increase in donors that might result from the legislation.

Donation of organs is an incredible legacy to leave. The passing of the Human Tissue (Authorisation) (Scotland) Bill will mean the culmination of many years of work by campaigners. Let us hope that, if it is passed, it will have the impact that we all believe it can have.

The Deputy Presiding Officer: I call Joe FitzPatrick to wind up the debate. You have six minutes, minister.

15:52

Joe FitzPatrick: I thank members for what has been a good debate on a very complex and sensitive subject. I especially thank members from across the chamber for reading out the names and statements of people who have benefited from organ transplant. It is so important that we hear such stories, and I hope to have time to talk about some that I have heard and the people whom I have met.

Of course, organ donation can be a very personal issue. Although there are differences in our views on moving to an opt-out system, I am sure that we would all agree that it is important that we do all that we can to support initiatives that aim to increase donation. Moving to such a system, which the bill provides for, will add to the initiatives that have been driving improvements over the past decade, leading to the progress that I spoke of earlier. I hope that that change will contribute further to on-going positive developments. Those are underpinned by a commitment from the Scottish Government to support and promote donation, but they have been driven forward by those who work in the system. I put on record my thanks and admiration for their dedication.

In overseeing progress, the Scottish donation and transplant group has played a key role in ensuring that opportunities to improve donation and transplantation are maximised. The group has also provided valuable insight on the bill to ensure that it provides for a system that will work in practice. I am grateful for that input and know that the group will continue to play an important role as the new system is implemented and monitored.

Miles Briggs, David Stewart and Brian Whittle asked about infrastructure and capacity. The Scottish Government has an on-going

commitment to ensure that the infrastructure supports donation, that performance is continuously monitored and that potential improvements are considered via the Scottish donation and transplant group. The group oversees the delivery of the current plan for donation and transplantation for Scotland, which runs from 2013 to 2020. As part of the plan to increase organ and tissue donation and transplantation in Scotland from 2020 onwards, we will discuss with stakeholders whether further initiatives should be progressed to improve infrastructure for organ and tissue donation in the future, which is an important issue.

David Stewart raised the issue of human rights legislation. I assure members that we have worked with people who work in organ donation and transplantation to ensure that we have a system that will work in practice and which clearly takes account of a person's rights, particularly under the European convention on human rights. Mr Stewart mentioned the Montgomery case. The bill is in line with that decision, although that case was more concerned with medical treatment, whereas the bill is about authorisation of donation.

David Stewart: Will the minister take an intervention?

Joe FitzPatrick: I want to cover another point that David Stewart raised. He asked specifically about the Latvian case of Elberte. The outcome of that case turned on its particular facts and circumstances, with the issue being the quality of Latvian organ donation legislation. That legislation gave family members a right to object to donation, but provided no mechanism for the right to be given effect in practice. The judgment does not suggest that a right to be consulted is a necessary feature of an opt-out system; it simply illustrates that if a right is provided for, it must be capable of being exercised. That was where the Latvian law fell short.

David Stewart: Will the minister take an intervention now?

Joe FitzPatrick: Very briefly; I have lots of other points to cover.

David Stewart: I am grateful. In raising the 2015 case of Elberte v Latvia, my point was that a breach of article 8 of the European convention on human rights was proved. If we have a five-year review, it will be the courts that decide whether there is a breach. Does the minister agree that, in the long term, that is the best way to human rights-proof the bill?

The Deputy Presiding Officer: Could members quieten down, please?

Joe FitzPatrick: David Stewart is absolutely right. From looking at the case law, particularly the

Elberte case, we are content that the bill is solid in that area, but he is right that the five-year review allows that further examination.

Alison Johnstone asked about the very important issues of staff training, education and awareness. Training for people involved in the donation and transplantation process will be a crucial part of the successful implementation of the new system.

Alex Cole-Hamilton asked about psychological support for patients and donor families—a point that he has raised before. NHS National Services Scotland is responsible for commissioning all psychological support in the pre-transplant and immediate post-transplant phase, and it is currently reviewing the provision of psychological support across all nationally commissioned specialist services, including organ transplantation, to ensure that appropriate provision is in place. We understand that the review will be completed later this year.

Mr Cole-Hamilton also mentioned support for families. We recognise the selfless decisions that donor families have made. Specialist nurses direct families to bereavement services, where appropriate. However, it is important to note that, for many donor families, donation is seen as a positive outcome from a tragic situation. It is a legacy for their loved ones and can be a valuable part of their bereavement journey.

Kenneth Gibson mentioned a range of other work that is improving donation, and he was absolutely right to do so. I have made it clear that the opt-out will deliver the increases in donation that we all want to see only if it is part of a package of measures. He also talked about the frank conversations that people should have with their loved ones. Having those discussions about donation will make it so much easier for families to make the decision comfortably and to have those conversations with the specialist nurses, should someone die in tragic circumstances that mean that their organs could save a life. A message from today's debate is that I encourage everyone to have those conversations and speak to their family about their wishes.

Christine Grahame talked about consent versus authorisation. Lewis Macdonald answered that point when he talked about how the wording in the bill relates back to 2006.

I go back to why we are doing this. This morning, I was at the Royal infirmary of Edinburgh, where I saw at first hand the difference that donation can make when I met two organ recipients, Jamie and Clare. They spoke of the life-changing gift that they had received and the difference that it had made to their lives.

Of her transplant, Clare said:

“Waking up, I was like a different person. It is impossible to explain. Even though there have been some ups and downs with my recovery, my life is better than I could have expected.”

Jamie was equally grateful. He said:

“It's an amazing gift; it's the gift of life. I will never be able to meet the person who did this for me and I am not sure I'd know what to say to them if I did. It's so completely changed my life.”

We need to remember that that is why we are doing this. I am so proud to commend the bill to members in the chamber today. Like the 2006 act, it will provide the basis for further progress.

Standing Orders (Rules Changes)

The Presiding Officer (Ken Macintosh): The next item of business is a Standards, Procedures and Public Appointments Committee debate on motion S5M-17529, in the name of Bill Kidd, on standing order rule changes.

17:01

Bill Kidd (Glasgow Anniesland) (SNP): The commission on parliamentary reform was established to look at how the Scottish Parliament can better engage with the people of Scotland and how our work here can be improved to deliver better scrutiny.

The SPPA Committee and the Parliamentary Bureau have both been responsible for implementing some of the commission's recommendations. The committee has now identified some changes to standing orders that are required. They are set out in our committee report, but I will give a quick outline of them.

First, we propose that the concept of urgent questions should be formalised in standing orders, by replacing the term "emergency questions" with "urgent questions" throughout the rules. We are also proposing to permanently remove the requirement for party leaders to ask diary questions at First Minister's question time—that change is already happening on a temporary basis.

Secondly, we recommend that the current procedures for committee announcements, which appear to have worked well, should be formalised in standing orders.

Thirdly, we propose some improvements to the rules on members' bills. In particular, we propose to reduce the timescale in which the Scottish Government must legislate, should it decide to block a final proposal for a members' bill.

Another proposed change is that standing orders should allow any member to speak on the business programme on Wednesday, at the discretion of the Presiding Officer. That would provide a mechanism for non-bureau members to make comments or raise points on the business programme.

As well as the rule changes that relate to parliamentary reform, we are proposing some adjustments to the rules about the membership of the SPPA Committee. We propose that if a member of the committee has made a complaint against another member, or is the subject of a complaint, they should not be allowed to participate in the consideration of that complaint.

Finally, we are taking the opportunity to propose some other minor changes to standing orders, to bring parliamentary rules into line with current practice in areas such as the deadlines for lodging questions.

Taken as a whole, the package of rule changes implements a number of the recommendations of the commission on parliamentary reform and makes several other improvements to the Parliament's standing orders.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 12th Report 2019 (Session 5), *Standing Order Rule Changes* (SP Paper 532), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 3 September 2019.

Decision Time

17:03

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-17566, in the name of Kevin Stewart, on the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill, be agreed to. As the question is on passing a bill, there will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 121, Against 0, Abstentions 0.

That is agreed to, and the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill is passed. [*Applause.*]

Motion agreed to,

That the Parliament agrees that the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S5M-17615, in the name of Joe FitzPatrick, on the Human Tissue Authorisation (Scotland) Bill, be agreed to.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)

Abstentions

Ballantyne, Michelle (South Scotland) (Con)
Harris, Alison (Central Scotland) (Con)

The Presiding Officer: The result of the vote is: For 116, Against 3, Abstentions 2.

That is agreed to, and the Human Tissue (Authorisation) (Scotland) Bill is passed. [Applause.]

Motion agreed to,

That the Parliament agrees that the Human Tissue (Authorisation) (Scotland) Bill be passed.

The Presiding Officer: The final question is, that motion S5M-17529, in the name of Bill Kidd, on standing order rule changes, be agreed to.

Motion agreed to,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 12th Report 2019 (Session 5), *Standing Order Rule Changes* (SP Paper 532), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 3 September 2019.

The Way of St Andrews

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-16595, in the name of Murdo Fraser, on the way of St Andrews. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the Way of St Andrews on being included by VisitScotland in the brochure, *Walk in Scotland 2019*; understands that this and other pilgrimage sites, including St Columba's Way, St Duthac's Way, St Margaret's Elbow, St Margaret's Loop, the Rosslyn Chapel Way, the Ladywell Way, St Ninian's Way and St Wilfrid's Way, are attracting increasing numbers of visitors, bringing an annual expenditure of almost £170 million per year, and wishes the Way of St Andrews and all of the country's pilgrimage sites continued success.

17:08

Murdo Fraser (Mid Scotland and Fife) (Con): I thank all the members who signed my motion to allow the debate to take place this evening, and I thank members in advance for their contributions.

My motion acknowledges the way of St Andrews, and the wider importance of pilgrimage in Scotland, which is now included in VisitScotland's "Walk in Scotland" brochure for 2019. This is also an opportunity to acknowledge the wider role of pilgrimage in our society, and its important economic and social aspects across the country.

At this stage, I must confess that I have never actually been on a pilgrimage, unless we count the occasional visit to Ibrox. However, pilgrimage has long been an aspect of Christian life and devotion. In western Europe, it enjoyed a golden age of 500 years from the early 11th century to the 16th century, when thousands made their way from all over Europe to places associated with saints, and in particular to key centres such as Rome, Santiago and St Andrews.

With the reformation, pilgrimage went out of fashion, particularly in Scotland, but in recent times there has been a revival of interest in pilgrimage, and that has been coupled with the development of long-distance walks or pilgrim trails during the past 20 years. For example, the John Muir way—not itself a pilgrim route, but a long-distance route—opened in 2014 and now attracts more than 300,000 users a year. The Way of St Andrews is a lay Roman Catholic organisation that is committed to reviving the ancient tradition of pilgrimage to St Andrews, which was once one of the three largest pilgrimage destinations in Christendom.

Joan McAlpine (South Scotland) (SNP): I thank Murdo Fraser for taking my intervention and congratulate him on securing the debate. Does he agree that the Whithorn way, which spans from Glasgow to the ancient historic Whithorn chapel in south Scotland, is also a welcome addition to Scotland's rich network of pilgrim walking routes?

Murdo Fraser: Yes, indeed—I am very happy to agree with Joan McAlpine on that point. I will be amazed if other members do not talk about the pilgrim routes in their parts of Scotland in the course of the debate.

To return to St Andrews, however, there are now six long-distance pilgrim ways to it: the St Margaret's way, which starts in Edinburgh; the St Duthac's way, which starts in Aberdeen; the St Columba's way from Iona; the St Wilfrid's way from Hexham; the St Ninian's way from Carlisle; and the Ladywell way from Motherwell. I pay tribute to the secretary of the Way of St Andrews organisation, Hugh Lockhart—who joins us in the public gallery tonight—for all the work that he has done in promoting those routes.

The estimated total benefit from those pilgrim routes to St Andrews is due to rise from approximately £1.5 million today to around £2.5 million in five years' time; those are annual figures. When Fife Council commissioned a feasibility study for the creation of a Fife pilgrim way in 2014, average daily expenditure was assessed at £12 per head, with total economic impact being assessed at £1.8 million annually. Those figures are not just plucked from the air. We have seen the importance of pilgrimage elsewhere in Europe, in particular in relation to Santiago de Compostela in Spain—also known as the Camino—which now registers more than 300,000 pilgrims a year. Some members might have seen the recent television series that covered a group of travellers on that historic route. One of their experiences was the warm Mediterranean climate, which might be less of an issue for those who travel to St Andrews.

Across Europe, pilgrimage is gaining recognition and encouragement from religious and secular authorities, not just for its benefit to private individuals but for the economic benefit that it can bring to rural and undervisited areas.

Nick Cooke, the secretary of the Scottish pilgrim routes forum—which is based in Doune—tells me that the original manifesto, "Pilgrimage Routes across Scotland", was launched in early 2011 here at the Scottish Parliament by Action of Churches Together in Scotland. The Scottish pilgrim routes forum was established a year later. Scotland now has more than 1,000 miles of pilgrim walking routes, either established or under development in accordance with the best practice that is promoted by the Scottish outdoor access code. I am sure that we will hear from other members in the course

of the debate about different routes in different parts of the country.

The Fife pilgrim way, which will be officially launched in Dunfermline on 5 July, will help to raise public awareness of achievements to date and serve as a major boost for the local economy in Fife. A new book by Ian Bradley, entitled "The Fife Pilgrim Way", has just been launched, and will help to promote that initiative.

It is not just across different parts of Scotland that we see a revival in pilgrimage routes; English Heritage is working with the British Pilgrimage Trust to revive some of the ancient routes to Canterbury, to Walsingham, and to Hailes abbey in Gloucestershire. The Church of England has started a research project on pilgrimage and England's cathedrals to identify and analyse the core dynamics of pilgrimage and sacred sites in England from the 11th century to the 21st century. Although tonight's debate is mostly about pilgrimage in the Christian tradition, it is worth acknowledging that other religions have similar traditions—in Islam, there is, of course, the tradition of pilgrimage to Mecca. I am not aware of any non-Christian pilgrimage routes in Scotland, but we can perhaps consider developing that in the future.

The benefits of pilgrimage are clear. For many, it is a spiritual experience. For others, it is about companionship, as walking with a shared aim to an historic sacred destination is likely to bring people together. People see real mental health benefits from walking as a company in a shared endeavour. Pilgrimage is an old metaphor for the spiritual journey through life, and involves good fellowship. There is also a fitness benefit, as it encourages activity at a time when we all have lifestyles that are too sedentary.

The benefits of promoting long-distance walking trails and pilgrimage are clear. It is good to see the ancient tradition being revived and exciting to hear about the economic benefits to Fife and other areas of Scotland that are going down that route.

I thank again all the members who supported my motion and I am sure that, in the course of the debate, we will hear members talking about routes in different parts of Scotland and their importance to their areas. Finally, I thank again Hugh Lockhart, the secretary of the Way of St Andrews organisation, for the information that he provided for the debate and for the work that he and his group are doing to promote pilgrimages to St Andrews.

17:15

Bruce Crawford (Stirling) (SNP): Many thanks to Murdo Fraser for bringing this very interesting debate to the chamber. Scotland has seen a

significant rise in pilgrimage in this century. That is due in part to a renewed interest in Celtic saints and the early Christian church, and to organisers being inspired by the work that has been carried out in Santiago de Compostela in Spain to revive the Camino de Santiago, which is now an internationally renowned pilgrim way, to which Murdo Fraser alluded.

An exciting attempt is being made to replicate here in Scotland the success of the Camino. The first modern pilgrim route was St Margaret's way, which was formally inaugurated in 2012. It starts in Edinburgh and travels through South Queensferry and over to the Fife coastal path up to St Andrews.

The abbey on the Isle of Iona is the starting point for St Columba's way, which runs eastwards from Iona to St Andrews—some 200 miles. It is a diverse and often hilly track, where pilgrims have the opportunity to see Scotland at its very best: vast mountain ranges, stunning lochs and spectacular glens. People on the route are able to visit the many villages and settlements that are scattered along the southern Highlands.

It will be no surprise to Murdo Fraser that one such village is Killin, in my constituency. Situated on the banks of Loch Tay, Killin is a small village that is nestled in the shadow of the Tarmachan ridge and Ben Lawers. Pilgrims and other visitors to this beautiful village have the chance to see the world-famous Falls of Dochart, which are in the heart of the village. As a tourist village, it is somewhat ironic that the worse the weather gets, the more dramatic the main tourist attraction becomes.

Killin's history is of great interest to many who visit, and the history of the village has great character that endures to this day, as I can testify. The Killin incident of 1749, in the aftermath of the Jacobite uprising, gives a flavour of the type of community that Killin is. Two men who were causing mischief were captured by the British Army, not for crimes that they had committed, such as the stealing of goods, but because they were in full Highland dress, which the British Government's Dress Act 1746 had outlawed. I bet members did not think that they would hear about that in a debate about pilgrim ways. They were captive until a large mob of the good folk of Killin secured their release. I can testify that, to this day, the good people of Killin will not stand for injustice.

Killin was once home to the Macnab clan, whose seat was Kinnell house in the village. A prehistoric stone circle can still be found in the grounds of the house—a scheduled monument consisting of six upright slabs that is a truly spectacular sight.

Why is it important to talk about the history of Killin? It is because the St Andrews ways are built

as a tribute to our nation's history. This commemoration of the legends of St Andrew, St Margaret and St Columba is a recognition of the important role that religion has played in shaping our history. It is therefore fitting that, along those pilgrimage routes, people take whatever opportunity they can to soak up as much local history as possible. The ways are Scotland's Caminos and their importance to our country—not just the promotion of our history and culture but the economic benefit from the impact of increased tourism—could be significant.

I am pleased that, along those routes, pilgrims will have the chance to visit places like Killin and to learn from and experience the special nature of those communities. It is early days in their inception, but I hope that the interest in those routes will continue for many years to come.

Again, I thank Murdo Fraser for bringing the debate to the chamber. He referred to Ibrox. I have never been on a pilgrimage to Ibrox, but I have visited many times, and it has always been an utterly miserable experience for me. I am a Dunfermline Athletic supporter and I do not think that we have ever beaten Rangers at Ibrox, so I cannot share his joy.

17:20

Liz Smith (Mid Scotland and Fife) (Con): I thank my colleague Murdo Fraser for securing this members' business debate. I very much enjoyed Bruce Crawford's speech, particularly his comments about Killin, which is a place that I know very well, not least because it is close to some of Scotland's best scenery and great Munros.

As a keen walker and one of the members who represents the town of St Andrews in this Parliament, I very much look forward to enjoying the way of St Andrews in exactly the same way as I have enjoyed the John Muir way and—some 30 years ago—Santiago de Compostela, although I was there mainly for tourist and scenery reasons, rather than for an official pilgrimage.

St Andrews was, of course, a very popular pilgrimage site more than a thousand years ago, given that some of Scotland's patron saint's relics were kept in the town's cathedral. Pilgrims would come from far and wide to pray at the shrine for forgiveness for their sins, and that practice continued for hundreds of years until the dawn of the reformation.

The original pilgrimage was popularised and patronised by St Margaret, who was queen of Scotland at the time. Indeed, it is her we have to thank for the most ancient ferry across the River Forth, which enabled worshippers to take their pilgrimages further. Therefore, it is fitting that one

of the routes of the way of St Andrews—the St Margaret’s way, which begins outside St Margaret’s chapel in Edinburgh—is named in her honour. Of course, we now have the brand-new Queensferry crossing to help modern-day pilgrims to get across the Forth—a bit different from how it was in St Margaret’s day.

Another route that pilgrims can take is St Columba’s way, which links one of Scotland’s holiest sites, St Andrews, with another, the holy isle of Iona. The route crosses some of the most breathtaking and scenic parts of my Mid Scotland and Fife region. It crosses over many mountain passes and lochsides and takes in Mull, Oban, Bridge of Orchy, Loch Tay and Perth. It is the most wonderful route—exhausting yet exhilarating for any keen walker.

Other routes that can be undertaken as part of the way of St Andrews include St Margaret’s elbow, which takes in some of the most picturesque coastal villages of the east neuk of Fife, such as Crail, Anstruther and Elie; the Rosslyn chapel way, which begins at another of Scotland’s finest pilgrimage sites; St Ninian’s way, which takes the long way round most of south-west Scotland; and the St Andrews loop, which is only 6km long, so it might suit pilgrims who perhaps have slightly less fitness, mobility or time, but it is of extraordinary historical interest, given that it goes through the centre of St Andrews.

As with many similar initiatives in Scotland, such as the north coast 500, the new heart 200 route in Perthshire and the west Highland way, such scenic routes can bring excellent sources of tourist revenue to rural areas that are desperately in need of it. A 2017 study by the University of Glasgow found that the north coast 500 succeeded in drawing in an extra 29,000 visitors—I think that Mr Fraser was one of them—to the Highlands, and in raising an extra £9 million in revenue for the local area in its first year of operation alone, so I hope that we will be able to look forward to similar results in Fife as a result of the new initiative.

Almost every major religion in the world recognises the spirituality of travel. Pilgrimages can provide great sources of inspiration for those of all religious faiths and none, and they can prove to be deeply spiritual and life-changing experiences for those who undertake them, as they offer the opportunity for reflection and contemplation. If the way of St Andrews continues to attract an increasing number of pilgrims in the years ahead, I hope that it will become as renowned as many of the world’s other sites, such as the Camino de Santiago, Mecca, the Vatican and the Golden temple in Amritsar.

I pay tribute to those who have been involved in reviving the way of St Andrews, including members of the Roman Catholic dioceses of

Edinburgh and St Andrews and the students at the University of Edinburgh who helped to design the website for the new pilgrimage.

17:24

Elaine Smith (Central Scotland) (Lab): I, too, thank Murdo Fraser for bringing the debate to Parliament, and I join other members in congratulating the way of St Andrews—or the little Camino, as it is being called—on being included by VisitScotland in the “Walk in Scotland 2019” brochure. I hope that that recognition will encourage support and participation and ensure that more pilgrims will want to join in.

The way of St Andrews was revived earlier in the decade, but I understand that its history goes back over 1,000 years to when kings and princes made regular pilgrimages to pray where the relics of St Andrew were held. Indeed, the large cathedral complex at St Andrews was built as the town struggled to cope with visitors. As a point of interest—at least, I hope that it is interesting—the relics of St Andrew were in the Parliament last November for a Catholic Church bishops conference event in the garden lobby, which I had the honour of hosting. The pilgrimage declined through wars and ended during the reformation, as Murdo Fraser mentioned. Its revival in 2012 involved 50 pilgrims, including a group of Catholic women from North Lanarkshire. Since then, it has continued to attract many more participants.

The revival of the way of St Andrews brings with it many benefits for Scotland, including, as we know, increased tourism and investment in communities that the routes pass through. The businesses that are helped most are small ones such as pubs, cafes and bed and breakfasts along the way. Although those benefits are welcome, it is also important to remember the benefits for the participants themselves—and not only the spiritual ones. As well as the obvious benefits of seeing fantastic landscapes—colleagues have mentioned those—excellent views and historic places of interest along the way, there is undoubtedly a health benefit from participating in the pilgrimage.

Recently, a number of members, including me, attended an event in the Parliament that was hosted by David Stewart on behalf of Cancer Research UK in support of its scale down cancer campaign. That event shone a light on the dangers of obesity as the number 1 cause of cancers in Scotland. Scotland now has among the heaviest populations in Europe, with 64 per cent of adults and 22 per cent of children considered to be either overweight or obese. Tackling the obesity epidemic that we face in Scotland involves ensuring that healthy and nutritious food is affordable and available for everyone and that businesses are discouraged from incentivising the

unhealthiest food with multi-pack offers, for example. However, tackling obesity must also involve encouraging positive lifestyle choices such as walking. Obviously, going on pilgrimages comes under that heading.

As we have heard, the way of St Andrews draws inspiration from the Camino, or way of St James, which is the famous pilgrimage route across Europe that ends at the tomb of St James in Santiago de Compostela, in Spain. There are hundreds of thousands of participants in that pilgrimage each year. The majority of them walk, but more than a quarter cycle, and apparently 50 per cent are under the age of 25. That should encourage young people to walk.

The way of St Andrews is a great opportunity for people across Scotland—especially young people—to get some exercise while they take in the scenery and history that the routes have to offer. As we have heard, it starts in different places, including in Motherwell, in central Scotland, with the Ladywell way. I do not think that it has been mentioned yet, although perhaps Murdo Fraser mentioned it in his opening speech; I apologise if he did.

There are many reasons why a person would go on a pilgrimage. Around 50 per cent of participants in the Camino pilgrimage said that they belonged to a religious denomination, and they gave that as a reason. However, many others participate in order to get exercise, to see different places and scenery on the route, to take in history, or simply to escape from the stresses of everyday life. People can, of course, raise funds for a charity while they walk.

It is important that we make it clear that the pilgrimage routes are accessible to everyone of all faiths or none. I have been in Vigo, in Spain, on a couple of occasions but, sadly, I have not managed to do part of the way of St James. My health disabilities can make exercise difficult. However, even doing part of those pilgrimages results in benefits, and I intend to do at least a part of both routes at some point. I have been to Iona, which Bruce Crawford mentioned, and going there is a very spiritual experience.

I wish all the organisers and volunteers who have been involved continued success, and I encourage everyone who can to get involved and experience some of the great sights and opportunities that long-distance walking in Scotland offers by participating in the little Camino.

Once again, I thank Murdo Fraser for bringing the debate to the chamber.

17:29

Finlay Carson (Galloway and West Dumfries)

(Con): I am extremely pleased to speak in the debate, which I thank my colleague Murdo Fraser for bringing to the chamber. I was delighted to meet Hugh Lockhart, the secretary of the Way of St Andrews organisation, in the Parliament last year, when we held a fascinating discussion about the growing popularity of pilgrimage and, in particular, about how the St Ninian's way pilgrimage route can be promoted. Hugh Lockhart's St Ninian's route, in effect, goes from Carlisle via Whithorn to the north and St Andrews, but I will focus on the Whithorn way, which is not quite the same as St Ninian's way. As members know from my regular demands for a Galloway national park, I like to take every opportunity to attract visitors to the heart of my wonderful constituency.

The Whithorn way is our very own 149-mile walking and cycling route from Glasgow cathedral to Whithorn. The route has 13 segments, each with a very doable distance of about 15 miles. Each section ends in a village or other settlement, to maximise the route's usability and its economic benefit. Local communities support it because they can see the potential benefits in areas where tourism needs a boost.

Commendably, the route has been mapped and walked by volunteers from the Whithorn way steering group. The Whithorn Trust got involved to promote the route on social media with clips that were filmed from a drone. The trust involved young people by asking them to design pilgrim stamps for schools that are situated along the route. It is a hands-on group that even helped to create part of the footpath from Whithorn to St Ninian's cave.

To bring things up to date, this year, a grant has been obtained from the Kilgallioch wind farm fund to create a smartphone app for walkers to use, which will allow businesses to register details for people to obtain accommodation, food, walking supplies and even—for those who are fed up or have sore feet—taxis. Those involved are publishing 13 maps, printing a passport and installing signage in areas that deviate from the main paths, where, unfortunately, mobile phone signals often fail.

I do not want to get into tit for tat by saying, "My pilgrimage is better than yours," but it is not often recognised that St Ninian was the most popular saint in medieval Scotland. In popular piety, he outdid Columba and St Andrew and, by the reformation, he had cults in England, Ireland and Scotland, and even abroad.

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Can I—
[*Interruption.*]

The Deputy Presiding Officer: Excuse me.

Fiona Hyslop: I add my support for St Ninian. I do not think that the Conservatives will be anywhere near St Andrew's house in governmental terms, but, if Finlay Carson ever visits the building, he will notice that the bronze doors show St Ninian on one side and St Andrew on the other. That is a fitting reflection of St Ninian's importance to Scotland.

The Deputy Presiding Officer: I can allow an extra few minutes if the member would like to continue the argument.

Finlay Carson: I thank Fiona Hyslop for her fascinating intervention.

The length of the Christian settlement at Whithorn is unparalleled. Evidence of pilgrimages dates back to at least the eighth century, when a poem from Whithorn documented the throngs of pilgrims who visited for miracles. The Whithorn Trust is carrying out scientific tests on human bones from Whithorn, which are expected to reveal a Christian settlement there from the fifth century—about 100 years before the settlement on Iona. The excavations and research are being led by National Museums Scotland and the University of Bradford, and they should shine a light on Whithorn from the fifth to the 11th century. The exciting results are much awaited by the academic community, the media and the tourism industry.

The research into Whithorn's early origins, added to the history of pilgrimage from the 12th to the 16th century, will undoubtedly create a route that is capable of supporting the regeneration of Whithorn and the surrounding areas through heritage and faith tourism. It is encouraging that interest has already been reported from groups in south-east England in a new St Ninian's tour for 2020.

I thank Julia Muir Watt of the Whithorn Trust for her briefing. In return, I take the opportunity to bring members' attention to her fantastic companion guide to pilgrim heritage along the route, which is called "Walk the Whithorn Way". I should say that other guides are available, but maybe not for the Whithorn way.

It has been an immense privilege to speak in the debate. It is vital to remember our Christian heritage while boosting tourism, which is a vital industry for Galloway and Scotland. I am delighted to do my bit to promote St Ninian's way and the Whithorn way and to encourage visitors to experience the fantastic natural environment along the routes, which will further support historic

discoveries relating to the foundations of Christianity in Scotland that were built in Whithorn.

The Deputy Presiding Officer: I apologise to members for the distraction. I knocked over my water glass—I am sorry about that.

17:34

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): I am very pleased to respond on behalf of the Government to what has been a very interesting debate. I hope that it has publicised an aspect of tourism that might not always be at the front of our minds when we think about Scotland's unique offer, but which is an important one that has clearly shaped the Scotland that we know today. I congratulate Murdo Fraser on securing the debate on the way of St Andrews, which is one of many pilgrimage walks in Scotland.

When we think of pilgrimages, we often think of medieval journeys on foot to the shrines of saints, at which people seek help for affliction or ask for penance. Such pilgrimages are not as common today. Walking the same path that faithful believers walked long ago allows us to tread in their footsteps, and imagine and experience what Scotland was like almost 1,000 years ago.

A person need not be religious or belong to any particular denomination to walk the routes. In fact, when we look at similar pilgrim routes internationally, such as at Santiago de Compostela, we see that only 50 per cent of those who travel on the route identify themselves as belonging to a religious denomination. It is clear, therefore, that people travel for other reasons, including to experience the landscape and heritage, for their wellbeing or just to enjoy being in the outdoors.

Increasingly, it is recognised that the key role of tourism is its almost unique reach across our economy, our country and, now, our society. Our links with Europe are growing stronger, and we continue to have growing numbers of visitors from the European Union. What we are debating is a different side of tourism—one that is already experienced by our European neighbours and one that allows us to connect with our own sense of place and time.

Our pilgrim ways give us the chance to connect not only with our heritage, history and Scotland's stories—Bruce Crawford mentioned the history of Killin in his constituency—but our fantastic landscapes. They also give us the chance to switch off from our busy lives and to immerse ourselves in the best of Scotland. Wellbeing is increasingly a key driver for tourism.

Long-distance walking, which allows for contemplation, is also becoming increasingly popular as a form of escape from the pressures of everyday life. The appetite for long-distance walking, including pilgrimage routes, is growing, and St Andrews has all the features that make a modern site of pilgrimage.

I have mentioned Santiago de Compostela. Pilgrimage to that famous site in northern Spain was revived recently, as we have heard, and now well over 200,000 people a year make the trip there from all over the world. About 50 per cent of the pilgrims are under 25, and 77 per cent make the journey on foot. Motives for going on pilgrimage vary, of course, but they seem mostly to include a desire to discover something new, and many pilgrims come back year after year.

It is clear that Scotland is well positioned to cater for our pilgrims, and for long-distance walking and cycling enthusiasts. We have many saints, including St Columbus, St Margaret, St Ninian and, of course, St Andrew. I was very interested in Liz Smith's contribution and her reference to the importance to Scotland of St Margaret. Each saint has a pilgrimage route connected with them.

By connecting people with our heritage, we are able to provide them with an authentic and interesting narrative, as they experience Scotland's fantastic landscape. Those are two of Scotland's key strengths, so it is important that we build on them and continue to provide such authentic experiences for our visitors. Even if our visitors do not have an interest in faith tourism specifically, it is likely that they will visit at least one heritage attraction while they are here.

I am very pleased that we have good cross-party support for faith tourism and our long-distance routes. Long-distance faith routes are very much in the heart of my colleague Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform. She has championed the three saints way long-distance route, through the heart of Strathearn, which is part of an even longer aspirational route—the pilgrim way—which stretches from Iona to St Andrews.

As I am sure Murdo Fraser is aware, we will soon see a new route: the Fife pilgrim way will be officially launched on 5 July, and I am sure that VisitScotland will do what it can to support and promote the route.

Elaine Smith and Murdo Fraser referenced the recent impetus from faith groups for pilgrim ways. I pay tribute to them, too. Scotland has a long history of welcoming diverse communities from across the world. We have a growing reputation for developing new and innovative ways to engage

local, multicultural, lesbian, gay, bisexual, transgender, intersex, faith and other communities in all the unique attractions that our country has to offer.

Today's debate has given us a welcome opportunity to discuss other aspects of our tourism offer: pilgrim ways are an important part of that. I am particularly looking forward to hearing the latest news about the developments around St Ninian's shrine and the Whithorn way. Some years ago, I visited it and heard about the ambition for the way, so it is great to see the progress that has been made.

We also need to look afresh at the benefits that a vibrant and resilient visitor economy can bring. Progress has already been significant, and we continue to build momentum as we face the many challenges ahead. As we look towards the future, all that I can do is encourage our industries and agencies to bring new and authentic experiences to our many visitors. Of course, that authentic experience is not always new and, as we have heard, pilgrimages go back thousands of years, so perhaps all that we are doing is rediscovering and reinventing what was set out by our forebears.

We need to reach into the past to celebrate our heritage and history, and we need to tell our stories, but we must also embrace our shared future in a confident and inclusive Scotland. I am delighted that we have had the opportunity to discuss that today, so I again thank Murdo Fraser for bringing the debate to Parliament.

Meeting closed at 17:41.

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

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