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Scottish Parliament

Thursday 23 June 2022

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

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. The first item of business is general question time. In order to get in as many members as possible, I would appreciate short and succinct questions and responses.

Population Decline (Argyll and Bute)

1. **Jenni Minto (Argyll and Bute) (SNP):** To ask the Scottish Government what it is doing to tackle population decline in the Argyll and Bute constituency and other rural areas. (S6O-01276)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): There is no quick fix for the challenges that lead to depopulation. We must work with regional, local and community partners to ensure that we collectively deliver a sustainable solution to the challenges facing our rural and island populations.

Many such challenges have been exacerbated by Brexit. Increased barriers to the migration that has helped to offset an ageing population and keep services running will leave a particularly damaging gap in our rural communities. The Scottish Government continues to call upon the United Kingdom Government to make vital reforms to the immigration system to meet Scotland's needs.

Jenni Minto: Scotland's rural communities often face social and economic challenges for a range of reasons. However, as the cabinet secretary has highlighted, they all have one thing in common: they have all been impacted by an ideologically motivated Tory Brexit. There can be little doubt that many of those often fragile communities have had their populations impacted in some way by that act of social and economic vandalism.

What is the cabinet secretary's latest assessment of the impact of Brexit on the population of rural Scotland? How is the Scottish Government seeking to repair the damage that that has caused?

Angus Robertson: The detrimental impact of Brexit on our rural and island communities has been profound, especially where reliance on tourism, accommodation and hospitality-related employment is acute. Such jobs help to sustain rural and island economies. However, we know

that those sectors are particularly vulnerable to Brexit impacts including labour shortages, with which 57 per cent of island businesses reported difficulties in 2021.

The Scottish Government is clear that we need practical, deliverable and evidence-based migration solutions that meet Scotland's needs. One example of our work in that space is the development of a proposal on a rural visa pilot that is to be submitted to the UK Government.

Beatrice Wishart (Shetland Islands) (LD): Does the cabinet secretary agree that reliable transport is essential to preventing depopulation, and that infrastructure such as interisland fixed links would benefit island populations and economies in places like Shetland?

Angus Robertson: Beatrice Wishart is absolutely right to ask such questions. Great lessons can be learned from other island groups in northern Europe—for example, the Faroe Islands, where the various island communities have been successfully integrated.

I am open to suggestions on the issue, and to hearing about best practice. We need to understand what can be done to ensure that our island communities—in Orkney, Shetland or the Western Isles—have the best infrastructure that is available. I would be happy to discuss the issue further with the member.

In-patient Births (Galloway Community Hospital)

2. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what discussions it has had with NHS Dumfries and Galloway regarding the reinstatement of in-patient births at the community maternity unit within the Galloway community hospital. (S6O-01277)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): Officials and the chief midwifery officer met the head of midwifery at NHS Dumfries and Galloway in May 2022. The Scottish Government is aware of the potential issues, and we continue to engage with the health board to explore ways forward.

Colin Smyth: It is four years—long before the pandemic—since in-patient births at the Galloway were halted because poor workforce planning meant that we had a chronic shortage of midwives. The minister will know that, in rural areas, not being able to fill even a couple of vacancies can mean that a service does not exist at all.

Does the minister agree that it is utterly unacceptable that women in Wigtownshire face the real fear of having to give birth in a lay-by en route to hospital in Dumfries, which is two hours

away, because the community maternity unit on their doorstep is closed? More importantly, will he say what specific action the Scottish Government is taking to ensure that we have the midwives who are needed in rural communities? Women in Galloway should not be treated differently just because they live in a rural area.

Kevin Stewart: The Scottish Government expects all boards to provide maternity services that are delivered as close to home as possible, including the option of home birth services. However, that has to be balanced with ensuring the safety of mothers and babies when they need access to hospital maternity and neonatal services.

Under this Government, the number of nurses and midwives has grown. I recognise that there are difficulties in recruitment in certain parts of the country. My colleague Maree Todd is working on that. She is taking a close interest in the situation, and I am sure that she will be willing to speak further with Mr Smyth to ensure that progress is made.

Finlay Carson (Galloway and West Dumfries) (Con): Although I understand that the NHS Scotland resource allocation committee is the regularly and independently reviewed system of working out funding allocations to health boards across Scotland, and that health boards are free to make decisions on where their priorities lie, we have already heard that the midwife-led community maternity unit in Stranraer, which was once the eighth busiest of Scotland's 22 such units, is closed for births, whereas other similar CMUs are still in place. If the formula is fit for purpose for rural areas, it should address the health inequities that pregnant women in Wigtownshire face in having to travel for two hours to get to a maternity hospital. Will the minister look at that shocking situation and commit to a reassessment of NRAC, specifically for rural and island communities?

Kevin Stewart: I am sure that the cabinet secretary would be willing to look at any proposal that Mr Carson has on NRAC. However, that is the formula that is in place. If Mr Carson is calling for a review, he should write to the cabinet secretary. That might be popular in some areas but not in others. From my time in local government, I know about the arguments on the local government funding formula.

I repeat to Mr Carson exactly what I said to Mr Smyth—

The Presiding Officer: Briefly, minister, please.

Kevin Stewart: The Government expects all boards to provide maternity services that are delivered as close to home as possible, in a safe manner.

Industrial Action by Rail Workers (Impact on Night-time Economy)

3. Sharon Dowey (South Scotland) (Con): To ask the Scottish Government what measures it is putting in place to mitigate the impact of industrial action by rail workers, including on the night-time economy. (S6O-01278)

The Minister for Transport (Jenny Gilruth): The National Union of Rail, Maritime and Transport Workers Network Rail strikes began on Tuesday this week, with today and Saturday presently earmarked as days for strike action. Noting that the dispute is a reserved matter for Network Rail and the relevant train operating companies to resolve, I have written to both Network Rail and the United Kingdom Secretary of State for Transport outlining this Government's position on no compulsory redundancies, and urging all parties to resume talks to ensure a quick and timely resolution.

Sharon Dowey: Arts and theatre venues have expressed their concerns about reduced rail timetables and their impact on the re-emergence of live performances and culture in Scotland. What steps is the Scottish Government taking to provide certainty to the Scottish culture sector, and what forms of compensation for theatres, if any, is it considering to mitigate the impacts of restricted timetables?

Jenny Gilruth: Sharon Dowey seems to be conflating industrial action, which is happening today and happened earlier this week, with the legitimate action of the train drivers' union in refusing to work on rest days. It is important to say that the Associated Society of Locomotive Engineers and Firemen—the train drivers' union—has said that that is not formal industrial action. I accept that—as I had thought the Conservatives did, although maybe we should seek some clarity on that.

ScotRail is running a reduced timetable. I am hopeful that we will be able to reintroduce the previous full timetable in the coming weeks.

When it comes to cultural impacts, Sharon Dowey will recall that I have previously served in Government as a culture minister. I recognise that this has been a deeply challenging time for our theatres and for the culture sector more broadly, which had to contend with the imposition of pandemic restrictions until quite far into last year. The Government sought to support the culture sector and provided additional funding, which the United Kingdom Government did not provide.

When it comes to the work that will have been undertaken by the relevant minister, I defer to Neil Gray to answer the specifics of the member's question, but I am sure that he will have been meeting regularly with the event industry advisory

group, as I did throughout the pandemic, to ensure that we put in place the additional support that is required to help the culture sector in what is a really challenging time.

Siobhian Brown (Ayr) (SNP): The dispute between the United Kingdom Government's Network Rail and RMT is having an enormous impact on Scotland, and the Tories are clearly continuing the dispute for political and ideological purposes. Mick Hogg recently told "The Nine":

"Perhaps the UK Government should take a feather out of the Scottish Government's hat and ... propose 5 per cent, along with a five-year no compulsory redundancy agreement".

In Scotland, we recognise the valuable role that trade unions play in our industrial relations, but it is clear that the Tories would use the dispute to weaken the role of the unions.

The Presiding Officer: Question, please.

Siobhian Brown: What discussions have taken place with the UK Government regarding the impact on Scotland of its ideological dispute?

Jenny Gilruth: I fully agree with Siobhian Brown. On engagement with the UK Government, meetings were scheduled to take place between the devolved Governments and the UK Government on Monday, but they were cancelled at short notice. I was meant to meet Wendy Morton, the minister who is responsible for rail, on Wednesday, but that meeting was also cancelled at short notice. Despite repeated representations from me to Grant Shapps, there has been limited consultation between the UK Government and this Government, which is deeply regrettable because, of course, at this moment in time, Network Rail remains reserved. This situation is yet another reason why we need full devolution of Scotland's rail services back to Scotland.

Care at Home (Recruitment and Retention)

4. Alex Rowley (Mid Scotland and Fife) (Lab): To ask the Scottish Government what progress it is making to address the reported recruitment and retention problems in the delivery of care at home. (S6O-01279)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): I thank Mr Rowley for raising this important issue. The social care workforce has experienced unprecedented challenge during the pandemic. The Scottish Government is committed to supporting social care providers to recruit and retain a skilled and fulfilled workforce.

My officials are working with local Department for Work and Pensions jobcentres to host a number of jobs fairs across Scotland. We have also approved funding to extend the

myjobscotland recruitment website until September 2022.

Our most recent recruitment campaign, which ran during the winter, targeted a younger audience using social media. The data that we have received following evaluation of the campaign indicates that there were increased rates of young people entering the sector, which we will continue to encourage through work to improve career pathways.

I reiterate that we are fully committed to improving the experience of the social care workforce, including by improving pay and conditions. From April this year, we have provided funding to deliver a £10.50 minimum wage for adult social care staff in commissioned services.

Alex Rowley: When the Government launched its National Care Service (Scotland) Bill on Tuesday, Fiona Collie of Carers Scotland said:

"There need to be actions in the interim to actually make the changes that are needed. For example, investment in social care, investment in breaks for carers, investment in the people who deliver social care. There are huge pressures on health and social care and those pressures are falling on carers, and unless we do something now, we cannot wait five years for the bill to go through."

Does the minister accept that the unequal treatment of care workers is a key reason for the recruitment and retention problems that we have, and that the only way that we will address that is by putting in resources now and starting to treat care workers properly? Otherwise, this problem will just get worse and worse.

Kevin Stewart: I agree with Fiona Collie and Mr Rowley that we cannot wait until we have the national care service to resolve some of the issues that are in play at this moment. That is why the Government has paid for three pay rises in the past year—an increase of 12.9 per cent. In his question, Mr Rowley mentioned the right to breaks. That is built in to the NCS, but we cannot wait for that, which is why, in this financial year, we have put additional money into breaks for unpaid carers. That is the right thing to do.

We will continue to co-operate with partners, including the Convention of Scottish Local Authorities, to ensure that we get this right as we move forward. We will not wait until NCS comes into play.

Hydrogen Action Plan

5. Fiona Hyslop (Linlithgow) (SNP): To ask the Scottish Government whether it will provide an update on its hydrogen action plan. (S6O-01280)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): We will publish our updated hydrogen action plan later this year. Following the publication of the draft

hydrogen action plan in November 2021, we undertook a 10-week consultation process to allow comments. That feedback has been reviewed and is informing work that is currently under way to review and update the hydrogen action plan.

Fiona Hyslop: The Government's draft hydrogen plan has good intentions. With the energy market making green hydrogen potentially more attractive and other countries now investing in deploying hydrogen electrolyzers, what Scottish companies is the Government supporting to create the step change that will be needed to grow the industrial base and to develop the hydrogen production that we will need for domestic use and for exports as part of the energy mix, in order to deliver net zero?

Michael Matheson: We have a strong track record of supporting a range of hydrogen demonstration projects across the country, from the £7 million that we are investing in the SGN H100 hydrogen heat network in Fife, the hydrogen bus fleet in Aberdeen, and the surf 'n' turf programme, which is being taken forward by the European Marine Energy Centre—EMEC—in Orkney. Alongside that, we have also committed to investing £100 million as part of our hydrogen action plan.

I assure the member that we have on-going discussions with a range of companies that are engaged in the hydrogen sector and are interested in developing hydrogen production facilities in Scotland. Later this year, we will host a hydrogen supply chain event in Edinburgh in order to bring together companies in Scotland that are interested or are working in the hydrogen sector.

Electric Vehicle Charging Network

6. Jim Fairlie (Perthshire South and Kinross-shire) (SNP): To ask the Scottish Government what work it is undertaking to ensure that there is a suitable and sustainable electric vehicle charging network in place across Scotland. (S6O-01281)

The Minister for Transport (Jenny Gilruth): Scotland has the most comprehensive public charging network in the United Kingdom outside London, with close to 3,000 public charge points, of which at least 740 are rapid chargers. Our focus is on growing that network so that it works seamlessly wherever you live or need to get to.

Our priorities are threefold: to encourage commercial investment through our new £60 million electric vehicle infrastructure programme; to introduce regulations on charge point installation in new buildings and developments; and to work with communities and designers to make charging as simple and reliable as visiting your local filling station.

Jim Fairlie: One of the key things that I am hearing from electric vehicle users in my constituency is that we need more EV charging points, and that we need to make sure that the existing ones are reliable. Can the minister explain how the electric vehicle infrastructure fund will help to increase the number of charging points in my constituency?

Jenny Gilruth: Our new fund will at least double the number of charge points over the next few years. For constituencies such as Perthshire South and Kinross-shire, our focus is on working with commercial providers so that investment will target gaps in the network, and not just areas of high traffic.

In that regard, it is true to say that we will require to leverage private investment to support some of that work, but we will also need to work with our local authority partners in order to make sure that that works. Funding is, of course, available to all 32 councils, including the council in Mr Fairlie's constituency.

In relation to developing the EV charging strategy and the infrastructure plans, as Mr Fairlie has correctly pointed out, reliability is front and centre in people's minds when they are considering the switch to an electric car or van. Although the reliability of the ChargePlace Scotland network is typically high, I know that any unavailable charge point is a source of frustration and that that can also be an inconvenience. As we roll out our new fund, we will work with providers to deliver a network that works for everyone, whenever they need it.

Nurses (Rural Areas)

7. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government how it will address the reported shortage of nurses in rural areas. (S6O-01282)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): Although Scotland's nursing and midwifery staffing is at a record high, the Government understands that health boards that are operating in primarily remote or rural communities face distinct recruitment challenges. That is why we will develop a remote and rural recruitment strategy by the end of 2024, and a national centre for remote and rural health and social care, which is expected to be operational by spring 2023. That will support employers to ensure that the health and social care needs of people who live in remote and rural communities are met.

Finlay Carson: The latest figures show that the number of unfilled nursing posts continues to grow, which puts pressure on already overworked and exhausted staff members. In Dumfries and Galloway, we have a 14 per cent vacancy rate in

paediatrics; a 14 per cent vacancy rate in school nursing; and a 10 per cent vacancy rate, which is more than the national figure, for mental health nursing.

Is the minister aware of the huge impact that that is having on Dumfries and Galloway royal infirmary, which is currently cancelling more operations than those that are going ahead because of staff shortages? Families of patients in one specialist ward have been asked to help out with basic care, such as feeding the patients. There is also a situation where one registered nurse has been left alone in charge of an entire adult mental health ward. Can the minister tell me what urgent action he will take to address those issues?

Kevin Stewart: The Government will continue to invest in the recruitment and retention of healthcare staff, including nurses in remote and rural locations. That includes a record £11 million in the lifetime of this parliamentary session to support further international recruitment. We have also doubled the number of funded training places in nursing and midwifery over the past 10 years.

If we take NHS Dumfries and Galloway in Mr Carson's area, since this Government came to power, staff levels are up 19.1 per cent, or 633.3 whole-time equivalent posts, and the number of qualified nurses and midwives in Dumfries and Galloway is up by 11.3 per cent, or 131.9 WTE posts—much greater than south of the border, where the Tories are in power.

The Presiding Officer: That concludes general questions. Before we move on to First Minister's question time, I invite members to join me in welcoming to the gallery the Honourable Nathan Cooper MLA, who is the Speaker of the Legislative Assembly of Alberta. [*Applause.*]

First Minister's Question Time

12:01

Sexual Harassment (Support for Victims)

1. **Douglas Ross (Highlands and Islands (Con):** Does the First Minister agree that every victim of sexual harassment should be fully supported?

The First Minister (Nicola Sturgeon): Yes, I do. I believe that very strongly. When a victim of sexual harassment considers that that has not been the case, whatever organisation is involved should reflect very seriously on that and make any necessary changes. That is how I intend to proceed regarding issues relating to the Scottish National Party.

Douglas Ross: If everything that the First Minister has just said is true and she really believes that victims of sexual harassment should be fully supported, why has Patrick Grady, who is one of her members of the United Kingdom Parliament, and who has been found guilty of sexual harassment, still got the backing of the First Minister?

The First Minister: I have already been clear about that issue and I am certainly very willing to be so again today.

Patrick Grady's behaviour was wrong. I have said it before and I will repeat it: I am very sorry that a member of the Westminster SNP group staff was subjected to an unwanted sexual advance. It should not have happened. It is important to be very clear about that.

Patrick Grady's behaviour was investigated by an independent process—an independent process that all parties in the House of Commons are signed up to. The findings of that independent process were, of course, published, as is right and proper, and a sanction was imposed—a sanction that was recommended by that independent process and replicated by the SNP Westminster group.

In this situation, there is also a victim who clearly feels that they were not properly supported in that process. Indeed, the victim in the case believes that the process exacerbated the trauma that they experienced. It is absolutely incumbent on any organisation that is in that position to take views of that nature very seriously. As I have said before, and as I have said again today, that is a matter that the SNP must and will reflect on.

Ian Blackford, who is the leader of our group at Westminster, has already confirmed that there will be an external review of the Westminster group

processes. I think that that, too, is right and proper.

The last thing that I will say, Presiding Officer, is this: I take these issues very seriously. It is incumbent on me to do so. However, the issues are not unique to the SNP. All parties have faced such issues and all parties have, at times, been criticised for their handling of them. We all have lessons to learn. Obviously, I am only responsible—in a party-political sense—for the SNP, but all of us, in the society that we live in, have lessons to learn and it is incumbent on all of us to do so. For my part, I am determined that that will be the case.

Douglas Ross: There was a ruling and a sanction from the independent complaints and grievance system within the United Kingdom Parliament, but the same sanction does not have to be adopted by the SNP parliamentary party at Westminster. Patrick Grady has served just two days of suspension from the SNP at Westminster. Two days is an insult.

Throughout the process, the victim has been disregarded. I hope that the First Minister listened to what he had to say this morning. The victim feels betrayed. He said that Patrick Grady and Ian Blackford tried to take

“advantage of me being young and inexperienced”,

and that the party

“did the bare minimum of investigation.”

He described his life as a result of the ordeal as “torture” and “a living hell”. Most depressingly of all, he said that the SNP is

“punishing any victim of this sort of behaviour and ... punishing anyone that has come forward with a similar complaint to mine.”

This morning, the victim also said that there are lots of questions for the First Minister to answer and he made it clear that those questions are not being answered. He said:

“I would like to see Nicola say more on the subject.”

Will the First Minister now tell the victim what her reaction was when she heard the leaked recording in which Ian Blackford encouraged SNP MPs to support the guilty party instead of the victim?

The First Minister: Some days ago, in a written message, I said sorry directly to the victim in the case. I have also confirmed my willingness to meet the victim directly and personally. When—as I hope it will—that interaction takes place, I will say that I am sorry in person. It is not my behaviour that was investigated, but I am the leader of the SNP and I take that responsibility very seriously.

The recording of the Westminster group meeting reveals part of what was wrong in that case.

Indeed, some of the individuals who were recorded at that meeting have already said that themselves. I was not at the meeting, so I cannot comment on whether it is an accurate overall reflection of the discussion, but what I have heard suggests that more concern was shown for the perpetrator of the behaviour than for its victim. That is utterly unacceptable and I will be very clear about that.

I will repeat the point that I made earlier. Thankfully, we now live in a society in which behaviour of that nature is not accepted and, rightly, is not brushed under the carpet, as it used to be. I am sure that everybody in the chamber remembers the two years—I think that it was two years, in total—during which I was subjected to pretty gruelling investigations about separate instances. I would argue that that came about because I refused to brush certain things under the carpet.

It is important that there is transparency and that any organisation that is facing such issues reflects on and fully faces up to them. I will ensure that that happens for the SNP.

I will make this my final point: all parties have faced such situations. Two Westminster by-elections are happening today because of behaviour by Conservative MPs. All parties have faced that and all parties have been criticised, including in those cases, for their handling of matters.

It is important for all of us, but I will speak only for myself. A person who is in my position should not sit in a glass house throwing stones about such things. We should sort such things out when they arise in our parties. That is what I intend to do for the SNP, and that is what all leaders should do when the issue arises in their parties.

Douglas Ross: I know that the First Minister wants to make this about other parties and other parts of the country—[*Interruption.*]

The Presiding Officer (Alison Johnstone): Members!

Douglas Ross: However, we have two by-elections today because Conservative MPs have been suspended and have resigned from Parliament. Patrick Grady has been suspended for 48 hours. The First Minister called the recording of the SNP group meeting “utterly unacceptable”. The recording has been public for almost a week, but this is the first that we are hearing from the First Minister about it.

The First Minister’s apology will be welcome, but this morning the victim rejected Ian Blackford’s apology. He called it “a cop-out” and “a publicity stunt”. The victim said that Ian Blackford has

apologised only to protect his own position. He said:

“It seems like the SNP under Ian Blackford at Westminster hasn’t learned a thing and they’re still trying to close ranks and discredit the victim by not really addressing any of the issues.”

He added that nobody can really seriously believe that the SNP will make improvements to the procedure as long as Ian Blackford is still in post. The First Minister has to answer that charge. It is a deep systemic problem in the governing party here in Scotland, and it is an all-too-familiar tale.

Last year, in similar circumstances, Nicola Sturgeon stood up and said in this chamber:

“It will be a priority for me, for as long as I am First Minister, to ensure that lessons are learned and that trust is re-established so that anyone who considers in the future that they have suffered sexual harassment has the confidence to come forward and knows that their concerns will be listened to and addressed.”—[*Official Report*, 23 March 2021; c 34.]

I ask the First Minister, having listened to her words from a year ago and to the victim’s words today, is it not the case that no lessons have been learned?

The First Minister: No, that is not the case, and I stand by every single word that has just been quoted. The particular issue that we are discussing today is not a Scottish Government issue—it is an SNP issue—but in the Scottish Government, we have a new complaints process that was put in place after very elaborate consultation of trade unions to ensure that we have a process that people have confidence in and feel able to use. It is important that we reflect on the situation to ensure that if changes need to be made to the process, those changes are made.

On sanctions, as I said, an independent process investigated the matter in detail and recommended the sanction that it considered was appropriate in this case. It is an independent process that all parties are signed up to, and that all parties should respect.

My final point is that Douglas Ross will characterise whatever I say in whatever way he chooses—that is up to him—but I think that people who are listening will hear that I take the issues extremely seriously. I do not think that they will have heard me try to make it all about other parties; they will have heard me say something on which we should all reflect. If I was standing here saying that the SNP has no issues, and it is all about the Conservatives or Labour, I would be showing that I do not understand the systemic nature of the issues.

Douglas Ross is rightly raising issues with me when they arise with the SNP, but if he is really saying that it is somehow a problem that is unique

to the SNP, I would argue that he is demonstrating that he does not understand the systemic society-wide nature of the issues.

I will take the issues very seriously whenever the Scottish Government or the SNP is accused of having people who have behaved inappropriately. As I said a moment ago, I went through some of the most difficult times of my whole time in politics because I was not prepared to have simply swept under the carpet allegations that had been made against somebody who had been very close to me.

It is really important that we all face up to this. For my part, I will do so, and I encourage everybody else to do likewise.

Investigation of Complaints (Publication)

2. **Anas Sarwar (Glasgow) (Lab):** Last week, an investigation in the United Kingdom Parliament was made public, and it concluded that a senior Scottish National Party MP was guilty of making an unwanted sexual advance to a teenage member of staff. In response to Douglas Ross, the First Minister has just said that it was right and proper that those investigations were published.

More than a month ago, I asked the First Minister to make public the outcome of investigations against ministers in her own Government. She refused, instead claiming that it could not be revealed due to the general data protection regulation. That was despite the SNP rightly demanding the publication of investigations into Priti Patel. Those investigations were made public, and the outcome of the investigation into Patrick Grady was made public by the UK Parliament. Why will the First Minister not make public the outcomes of investigations by the Scottish Government into the conduct of Scottish ministers? Do the Scottish people not deserve the same transparency?

The First Minister (Nicola Sturgeon): I do think that people deserve transparency, and I am grateful to Anas Sarwar for raising the matter, because it gives me the opportunity to update members on what I said when he last raised the issue with me.

What I said in the chamber then is true: it is absolutely the case that we are limited in what we can publish by legal requirements on data protection and confidentiality issues. That is not a situation that I am comfortable with. I was not comfortable with it—as people could probably see—when I answered questions the last time that I was asked about it.

As a result of that, I sought further advice. I asked for advice on whether, in the future, there would be ways of making it possible for us to report publicly the outcome of complaints involving

ministers and whether there was a way of doing that without breaching the legal requirements that I have referred to. The advice that I have now, which I have only very recently had, is that, although we cannot apply this retrospectively, there is a way to do that in relation to future complaints. I can confirm to the chamber that that will involve changes to the ministerial code and probably also to the complaints procedure that is in place. Work is now under way to make the necessary changes to facilitate that happening in the future.

Anas Sarwar: I welcome that response from the First Minister, but it is convenient that the response talks about future investigations and not previous ones.

Let us take the advice of Nick McKerrell, a law lecturer at the University of Glasgow, who said in response to this issue:

“As public officials ministers would expect all their activity and decisions to be open to scrutiny. Even in the realm of employment law, this would be the case”.

Clearly, legal experts believe—and, as the First Minister has a law degree and used to be a solicitor, she should know—that there is no case for hiding behind GDPR here. No one is asking her to publish personal details of the victim. It is perfectly reasonable to ask the Scottish Government to make clear the outcome of investigations of Scottish ministers.

A pattern has emerged when it comes to the SNP: close ranks, do as little as you can and hope that the difficult questions go away. On Sunday, Angus Robertson described an SNP member of Parliament making unwanted sexual advances towards a teenager as not “career ending”. We heard a leaked recording in which SNP MPs were cheering and applauding Ian Blackford’s call for them to rally round Patrick Grady. The SNP chief whip then threatened legal action against whistleblowers. There is support for the perpetrator and no support for the victim.

First Minister, do you agree with Ian Blackford and your SNP MPs? Do you agree with the words of Angus Robertson? Do you agree with your SNP chief whip that it is more important to protect the SNP than it is to protect the victim?

The First Minister: Nobody has said that it is more important to protect the SNP than it is to protect the victim. I think that, today, I have made my view very clear that support for victims of sexual harassment must come first. If that does not happen, and if a victim feels that they have not been supported, the obligation is on the organisation—in this case, that is the SNP—to reflect on that and not somehow to suggest that it is the victim who is at fault. I could not be clearer about that.

I want to have the conversation directly with the victim in this case, to make sure that I have as deep an understanding as possible of the exact experience in this case, so that I can reflect on what changes are needed. I do not in any way shy away from that.

In relation to the wider issue, yes, I do have a law degree. Not only that, Nick McKerrell and I were in the same class at Glasgow university when we studied law. He obviously has a wealth of expertise, but I have to rely on the advice that I get as the First Minister, and that advice is clear about retrospective situations. However, I was not prepared to accept that for the future without challenge, which is why I sought further advice. It is why I asked for advice on the ways in which we could be consistent with our legal obligations but also with what I believe is the important obligation of transparency. That is why we will move forward now to make necessary changes to the ministerial code and to the procedure, to allow information to be published in the future.

I think that it is important in any situation like this that somebody in my position takes these things seriously. I am doing that, and I will make whatever changes are necessary to get to a position for my party and my Government whereby we live up to the standards that all of us expect. I think that every organisation, including all political parties, has an obligation to do likewise.

Anas Sarwar: I can only imagine Nicola Sturgeon’s response if the Tories were making the same defence of Priti Patel, in terms of her allegations, as she is making of the Scottish ministers in this Parliament.

The Patrick Grady incident happened six years ago and only now is there talk of change. In those six years, Patrick Grady has been an SNP candidate twice, he has been promoted to chief whip and he actually led a debate on harassment while being investigated for harassment.

It has taken the victim going to the press for the First Minister to talk about taking action—an all-too-familiar story when it comes to the SNP. After 15 years in government, there is a culture of secrecy and cover-up at the heart of this Government. This is a First Minister who is unforgiving when it comes to her opponents or anyone who disagrees with her, but who expects forgiveness from everyone else.

In 2002, Nicola Sturgeon said of the then Government that it had been in power for so long that it no longer thought that it was accountable to anybody. There could be no better description of this Government. Why does Nicola Sturgeon believe that there is one standard for her and another standard for everyone else?

The First Minister: The reality is that I do not. Of course, how long any party remains in government in Scotland, the UK or any country—well, most other countries—in the world is entirely down to the electorate. That will be true of my Government, just as it is true of any other Government in the UK.

I just do not think that what Anas Sarwar describes as a pattern is in any way substantiated. I have answered questions in the chamber in relation to other cases, and I have been absolutely clear that I would not brush things under the carpet or be defensive when it came to reflecting on and facing up to changes.

I refused to brush things under the carpet when allegations were made about somebody who was closer to me in politics than anybody else had been. I was subjected to rigorous investigations. Many members in the chamber talked about it being career ending for me. Would I do anything differently? Obviously, I would learn lessons from that process, based on everything that we know about it, but would I change the judgment that I made that it is important not to brush these things under the carpet but to face up to them? No, I would not.

Perhaps this is what distinguishes me from some other politicians in some other places, but I am not going to stand here and defend the indefensible. If things are wrong and represent failures in processes, I will take the action to put them right, just as the Scottish Government did when the issues were raised about the Scottish Government. I will make sure that that happens with the SNP as well.

Cabinet (Meetings)

3. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the First Minister when the Cabinet will next meet. (S6F-01248)

The First Minister (Nicola Sturgeon): On Tuesday.

Alex Cole-Hamilton: I am very grateful for that reply.

The crisis in our national health service is directly linked to what is going on right now in social care. Top doctors are saying that delayed discharges are the worst that they have ever seen. There are currently 1,800 patients who are well enough to leave hospital but who cannot, in large part because there is no care package to help them home. That is the equivalent of all the patients in Caithness general hospital, Borders general hospital, the sick kids hospital, Dumfries and Galloway royal infirmary and Edinburgh royal infirmary put together.

The Government's solution to that is a ministerial takeover of social care, which my party has opposed from the start. Let us remember that it was Scottish National Party ministers who discharged Covid-positive patients into our care homes. We cannot afford to wait four years for the wrong solution. The crisis is at our gates right now. Why will the First Minister not meet that crisis now with proper pay, fair conditions and local reform?

The First Minister: I think that it is right to move towards a national care service. Of course, the Parliament will scrutinise and debate the legislation that has been put forward, which is about improving the quality and consistency of services and—yes—improving the terms and conditions of those who work in our social care sector.

However, we are not waiting to establish a national care service in order to make those improvements now. We are already increasing the wages of people who work in the adult social care sector. In April this year, the minimum hourly rate increased. That represents a 12.9 per cent increase for those workers in just over a year and, for a full-time adult social care worker, an uplift of more than £1,600 over the course of the financial year. Those are minimum rates of pay, of course; many employers will pay more than those minimums. We are taking action on that now.

In the overall funding of social care, we are taking action. We are in the process of increasing funding for social care by 25 per cent—or in the region of £800 million—over this session of Parliament.

Parliament will scrutinise the legislation for the national care service. Let me read out the views of some people this week on the publication of that legislation. Carers Scotland's director said:

"We welcome the publication of this new bill ... not least that it sets out in legislation"

rights

"for carers".

Tommy Whitelaw, who is the national lead on caring for the Alliance Scotland, said that he is

"Really looking forward to the co-design of the national care service".

The coalition of carers in Scotland said that the introduction of the

"right to short breaks ... is very welcome",

and carer voices had similar comments.

There is a broad base of support for the bill, but it is important that we get the detail right. That is what the parliamentary process is for and what the co-design process is intended to deliver.

The Presiding Officer: We move to constituency and general supplementaries.

Uig Harbour Closure

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Essential infrastructure works are due to start at Uig harbour this October. The interim arrangements that CalMac put forward would see the removal of all ferry services to Tarbert and the loss of a third of the capacity to Lochmaddy during the six-month closure period. Given that there are still a great many unknowns and unresolved issues, what consideration has the Scottish Government given to the option of postponing the works until viable interim arrangements can be put in place?

The First Minister (Nicola Sturgeon): I know that the Minister for Transport is very aware of the concerns that communities have in relation to the planned Uig harbour closure. That project is ultimately led by Highland Council, but I understand that the Transport Minister has agreed to meet with Alasdair Allan, in addition to meeting with the community board, to discuss what further mitigations we might be able to support. The suggestion of postponing the port closure and delaying the completion of works is an option that continues to be considered, but it comes with considerable risks.

The clear focus of the project remains the safe and efficient replacement of infrastructure that is “life-expired”—to use the technical term—and improvement of the capacity, reliability and resilience of the port at Uig for the longer-term benefits of routes to the Western Isles.

Transvaginal Mesh Care

Sue Webber (Lothian) (Con): My constituent Samantha received a letter from the Cabinet Secretary for Health and Social Care on 20 June, stating his reassurance that

“Both the Scottish Government and NHS Scotland remain committed to ensuring women who have experienced complications as a result of transvaginal mesh have access to the best possible care.”

That letter left Samantha upset and lost for words. She told me:

“I was heartbroken when I tried to access this care, only for my hospital gynaecology department to tell me the NHS would not honour most of the measures. They were unwilling to refer me to the Glasgow unit, and scared me half to death by saying people like me will never be 100 per cent mesh-free. It’s as if they are trying to put us off mesh removal surgery.”

The First Minister has stated:

“we will do everything possible to get these women the treatment and the care that they need.”

Where is the evidence that that is happening?

The First Minister (Nicola Sturgeon): A wealth of measures have been taken to improve the experience of women who have suffered because of mesh, including, for example, a complex pelvic mesh removal service. We continue to take forward changes to improve that experience to ensure that women have access to the treatment that they need.

I met with groups of women with the then chief medical officer and the then health secretary, and I continue to be committed to taking forward all those changes.

I am obviously not aware of Samantha’s particular circumstances, nor have I seen the letter that she received from the health secretary. However, I am happy to look at that correspondence. If we can provide further information that would be of assistance to Samantha, I am happy to ensure that that is done.

Uig Harbour Closure (Freight Capacity)

Rhoda Grant (Highlands and Islands) (Lab): The First Minister must agree that it is totally unacceptable for freight capacity to Uist to be cut by a third during the six months when Uig harbour will be closed for re-development. There is a solution—it is possible to put in place a temporary link span during that time. Will she commit to that today to ensure that ferries can operate to their normal timetable while the harbour is being redeveloped?

The First Minister (Nicola Sturgeon): I will not repeat everything that I have said to Alasdair Allan, except to say that I understand the importance of the issue and the concerns that communities have.

I will not commit today to a particular solution without the proper consideration that that would require and merit. As I said in my answer to Alasdair Allan, any options and solutions that are put forward will be properly considered, which is why the transport minister has agreed to meet not just Alasdair Allan but the ferries community board.

Any possible mitigations that the Government might be able to support will be properly considered. When consideration of the specific suggestion that Rhoda Grant put forward has taken place, I am happy to ask the transport minister to feed back directly to her.

Railway Dispute

Fiona Hyslop (Linlithgow) (SNP): British railways are in chaos and, referring to the Westminster Tory Government’s intransigence, an RMT representative has said:

“Perhaps the UK Government should take a feather out of the Scottish Government’s hat and propose 5 per cent, along with a five-year no-compulsory-redundancy agreement”.

Does the First Minister recall that, some weeks ago at First Minister’s question time, I warned of the United Kingdom Government’s deeply damaging approach to industrial relations? Now we learn that it proposes to legislate to allow the use of agency workers during legally balloted strike action. Does the First Minister share my view that that is dangerous Tory ideology that is designed to inflame rather than resolve this extremely damaging dispute?

The First Minister (Nicola Sturgeon): I recall very well Fiona Hyslop’s warning about the danger of the dispute escalating if it was not resolved; of course, people across the UK are paying the price for that now. They are paying the price for Tory anti-trade union rhetoric—in fact, Tory anti-trade unionism, which I completely deprecate. We should respect workers across our economy; we should respect public sector workers; and we should seek to negotiate fair resolutions to disputes, particularly at a time of soaring inflation—inflation being so exacerbated in the UK by the folly of Brexit.

The rail strike that is crippling the UK right now is not the result of a dispute with ScotRail; it is a dispute with Network Rail and English train operating companies. Therefore, it is entirely a reserved matter.

Another thing that I remember from a few weeks’ ago in the chamber, when there was the potential for a ScotRail dispute, is Tory MSPs getting up and demanding intervention by this Government to resolve it.

I repeat the call for the UK Government to start doing its job: it must get around the table to bring a resolution to the dispute, and it must drop its anti-trade unionism and show some respect for workers across the economy.

Scottish Justice System (Parole)

Liam Kerr (North East Scotland) (Con): Last week, *The Courier’s* headline, “Dundee killer Robbie McIntosh to get parole hearing this summer”, related to a murderer who, in 2017, while on home leave from serving a life sentence, carried out a brutal attempt to murder a random, lone, female dog walker in Templeton woods in Dundee. In October 2017, he was sentenced to a lifelong restriction order, with a minimum of five years before being considered for release on licence. We now learn that that dangerous individual will be given a parole hearing on or around 8 August, which is the day after the anniversary of the attack and less than five years from sentencing. What message does that send to

women such as the victim of that shocking attack, other than that this Government’s justice system will not protect them?

The First Minister (Nicola Sturgeon): Before responding to the question, I acknowledge again Mrs McDonald’s bravery in continuing to raise the issues. I know that she wants to ensure that all parties learn from the case; that is certainly what I want and what I am determined will happen.

There was a significant case review of the matter, and the Scottish Government and the Scottish Prison Service accepted all the review’s recommendations for them. The SPS has already taken a range of actions to respond to those recommendations.

Home leave for prisoners—I am not talking about this particular case at the moment; I am talking about the situation in general—is a necessary and accepted part of the rehabilitation process. Rightly, prisoners are subject to assessment and review, and when a situation arises that shows that that has not gone in the way that it should have done, it is absolutely vital that lessons are learned.

On parole hearings, the sentence imposed following conviction in any case is a matter for a court. In turn, that determines when someone who is sentenced to an order for lifelong restriction may be considered for parole under licence conditions. It is then a matter for the independent parole board to consider when and whether an individual can be released.

Covid-19 (Spring Booster Vaccination)

4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the First Minister, in light of the increase in Covid-19 cases, what measures the Scottish Government is taking to ensure that everyone eligible for the spring booster vaccine receives it. (S6F-01272)

The First Minister (Nicola Sturgeon): As at 20 June, 91 per cent of those aged 75 and over, and 86 per cent of elderly care home residents, have received a fourth dose of the Covid vaccine, the majority of which have been administered as part of the spring booster programme. Again, I express my gratitude to all NHS staff and partners who helped to achieve that uptake.

We have been working closely with health boards to encourage uptake, and have introduced a range of outreach activities to build trust or remove barriers for people who might not otherwise take up the vaccination offer. Those include using mobile outreach units that have been provided by the Scottish Ambulance Service, creating “Covid sense” posters in multiple languages and formats, and developing a culturally sensitive vaccine explainer video that is

informed by insights from organisations that represent various communities.

Given the high number of cases that we are seeing right now, I take this opportunity to urge all those who are eligible for the vaccine, including the spring booster, to come forward and get that protection.

Christine Grahame: I thank the First Minister for her detailed answer. As someone who has had her spring booster, I endorse the statement that she has made, especially as we are now seeing cases rising.

Further to that, with cases reportedly being at one in 30—undoubtedly, that is an underestimate—and the number of hospital admissions rising, we can all see where we might be heading if we throw caution to the winds. I am as sick of restrictions as the next person, but what should we be doing, as individuals and in commercial situations, to try to nip this in the bud and prevent ourselves from heading towards a restricted winter?

The First Minister: We are seeing a rising trend in cases at the moment. We consider that it is being driven by the BA.4 and BA.5 subvariants of omicron. It is important that we continue to monitor that, so the Scottish Government will continue to monitor it very closely. None of us wants a return to restrictions of any nature.

At this stage, we are not seeing the translation into hospital cases that we saw at earlier stages of the pandemic, particularly before there were vaccinations, but that does not mean that the illness is mild for everyone. Having recently had Covid, I know that it is a nasty virus and that it can affect people seriously. Christine Grahame is therefore right to remind us that it is important to continue to take precautions in order to try to limit potential transmission of the virus. Above all, it is important that people who are eligible for any dose of the vaccine but have not had yet had that dose get it, because it provides significant protection against serious illness.

Jackie Baillie (Dumbarton) (Lab): Covid cases have been rising, hospital admissions are rising and long Covid cases are going up. It is more than six months since many people had their third vaccination, including people who are in the shielding category because of health conditions. Protection through vaccination is, therefore, now waning.

Will the First Minister bring forward the autumn vaccination programme to the summer, given that we are facing another wave of Covid infection? In the light of the press conference that was held by Long Covid Scotland today, what urgent action will she take to improve services for and research into the condition?

The First Minister: We continue to monitor very carefully the effects of vaccination, informed by expert scientific and clinical opinion. It is important to be responsible about the terminology and the language that we use about the impact of vaccinations.

On the timing and coverage of a vaccination programme, or phase of a vaccination programme—this applies to the autumn campaign—we will continue to be guided by the advice and recommendations of the Joint Committee on Vaccination and Immunisation. That is the responsible thing to do. The Government has acted quickly to ensure that recommended vaccinations get to all eligible people as quickly as possible, and we will continue to do that.

On long Covid, we are investing this year to support NHS boards and partners to improve the care and support that is available for people with long Covid. The investment that we are making will, for example, enable boards to introduce care co-ordinator roles so that there is a single point of contact for people with long Covid. It will provide extra resource to support person-centred thorough assessments of the needs of people with long Covid to ensure that they can be supported to access the most appropriate support for them. It will also provide additional capacity for community rehabilitation services to support people who are suffering from long Covid with the issues that affect their day-to-day lives.

NHS Scotland (Bullying)

5. Tess White (North East Scotland) (Con): To ask the First Minister what assessment the Scottish Government has made of reports that incidents of bullying in NHS Scotland have risen by nearly 50 per cent in five years. (S6F-01255)

The First Minister (Nicola Sturgeon): Bullying is always unacceptable. We want people to have available in health boards avenues to raise any experiences or concerns that they have.

In 2020, a new bullying policy was introduced to ensure that more support was available. The Government also commissioned John Sturrock QC to review the culture in NHS Highland, in particular. One outcome of that was the establishment of a ministerial working group to examine the issues of culture more broadly. That work was impacted by Covid.

However, I can confirm that we are now developing a new national leadership development programme so that the health, social work and social care sectors can carry that work on, and to help to foster an open, welcoming and supportive culture in the national health service, whereby all staff are valued and treated with dignity and respect.

Tess White: The picture is particularly alarming in the north-east, with reported cases having tripled in NHS Tayside and doubled in NHS Grampian. Those cases will have had a deeply damaging effect on the mental health of staff at a time when recruitment and retention are endemic issues in our NHS.

The First Minister mentioned the Sturrock review. What assessment has been made of whether lessons from the Sturrock review of bullying in NHS Highland have been implemented by health boards? What urgent steps is the Scottish Government taking to ensure that health boards foster an open and tolerant workplace culture in the future?

The First Minister: Before I come back to the very serious issue that has been raised, I acknowledge that recruitment is a challenge in the NHS, as it is in many parts of our public services and, indeed, our economy more generally. One of the reasons why recruitment is such a challenge—it is appropriate to say this, because it is six years to the day since the Brexit referendum—is Brexit and the ending of free movement, for example. The issues that we are discussing should remind us all of that folly. I hope that Conservatives, in particular, are reminded of it.

On bullying in the national health service, we should all be very clear that bullying is unacceptable. It has no place anywhere, and it certainly has no place in the NHS. As politicians, we should unite to send that message loudly and clearly.

On the specific question that was asked about John Sturrock's review of cultural issues in NHS Highland, the Cabinet Secretary for Health and Social Care asked all health boards to consider the recommendations, to review their internal assurance mechanisms and to advise the Government of actions that they had taken. We will continue to monitor progress on that closely. As I said in my original answer, we are also developing a new national leadership development programme, which we will launch later this year.

Edward Mountain (Highlands and Islands) (Con): In the previous session of the Parliament, the First Minister's Government agreed to debate the Sturrock report. In fact, it also agreed to do so in the current session of the Parliament. Does the First Minister think that the fact that the Government has not debated the Sturrock report has not helped to tackle bullying in the NHS, and that she should now fulfil her promise and provide time for the report to be debated, as she has undertaken to do twice before?

The First Minister: I am certainly happy to consider giving Government time for that. Of

course, Opposition parties can choose to debate any issue that they want to debate in their time.

It is important that we have vigorous and robust debate on such issues in the Parliament, but it is as important that we ensure that the recommendations from John Sturrock's review are actually implemented. That is why the work that I referred to in my earlier answer is so important.

Such issues matter. It is vital for everybody who works in our NHS that it has a culture that supports them—not one that in any way allows them to be bullied or intimidated. John Sturrock's recommendations will certainly help to ensure that that is the case.

Women's Health Champion

6. Carol Mochan (South Scotland) (Lab): To ask the First Minister when the Scottish Government plans to appoint a women's health champion, in light of the appointment of a women's health ambassador for England. (S6F-01264)

The First Minister (Nicola Sturgeon): We will appoint a women's health champion or ambassador this summer, which will be an important step in the delivery of our "Women's Health Plan—A plan for 2021-2024", which was, of course, the first women's health plan to be published by a Government in the United Kingdom. I understand that the UK Government is still developing its women's health strategy for England, and the Welsh Government has committed to drafting a women's health plan, but that has not yet been done.

Through the Scottish plan, we have prioritised improving services and information for women, including initiating new research on endometriosis, launching a new women's health platform on NHS Inform and increasing the choices that women have to access contraception at community pharmacies.

Carol Mochan: Women across Scotland face the significant challenges of health inequalities on a daily basis. For many women, those inequalities can define their lives—in some cases, simply because they are women, and in others, because they are women who live in areas where there are higher levels of deprivation. It is clear that women need many of the short-term and medium-term actions in "Women's Health Plan".

I thank the First Minister for confirming that the appointment will be made. If the First Minister truly recognises the urgency of the matter, will she give women across Scotland the answer that they not only want but need, and ensure that the appointment will be meaningful and will take forward the important short-term actions in

“Women’s Health Plan” that have not been forthcoming so far?

The First Minister: Yes—the appointment will be meaningful. I am not entirely sure what was intended by that question: of course it will be meaningful. Whoever is appointed to the role will have the required expertise.

It is important that we take forward all the action points and recommendations in “Women’s Health Plan”. As I said, we were the first Government in the UK to produce a plan for women’s health. Since the launch of the plan, progress has been made on a range of actions. The development of the women’s health platform on NHS Inform is an important source of information, and the research call, which is jointly funded with Wellbeing of Women, on endometriosis is also important.

We have established a menopause specialist network, which meets regularly to provide peer support and support for primary care teams, which is really important. We have made progress on access to contraception in pharmacies and on action on menstrual health. Menopause is now included in the Scottish curriculum.

A range of things have already happened, but it is important that we drive forward all the recommendations in “Women’s Health Plan”, which is why the appointment of a women’s health champion is such a key part of the plan. As I said in my original answer, that appointment will be made this summer.

The Presiding Officer: I will return briefly to general and constituency supplementary questions and take a final question from Maggie Chapman.

British Bill of Rights

Maggie Chapman (North East Scotland) (Green): Yesterday in the House of Commons, the Deputy Prime Minister laid out his plans for a so-called British bill of rights. In reality, it is a rights-removal bill that would rip the European Court on Human Rights from domestic law and rewrite the Scotland Act 1998. In their place, we are supposed to rely on Mr Raab’s common sense.

It becomes clearer every day that only by becoming independent can we build a fairer and more equal Scotland. Will the First Minister join me in opposing those dangerous plans, and can she outline what impact they might have on our plans to introduce a Scottish human rights bill during this parliamentary session?

The First Minister (Nicola Sturgeon): I could hear the discomfort of Conservative members as Maggie Chapman spoke. I am not surprised that they are so deeply uncomfortable. Our having a UK Government that Scotland did not elect, which

has taken us out of the European Union against our will and is now ripping up, removing or at the very least diluting human rights, is absolutely yet another argument for Scotland becoming independent.

The bill will impact on devolved responsibilities. It is therefore important that the UK Government properly consults us, but I do not hold much hope that that will happen in reality. We have plans for a human rights bill, and we remain committed to taking them forward over the course of this parliamentary session.

The Presiding Officer: That concludes First Minister’s question time. There will be a brief pause before we move to members’ business.

Celebrating Success of Rugby

The Deputy Presiding Officer (Annabelle Ewing): I ask those members of the public who are not remaining for the next item of business to leave the public gallery quickly and quietly.

The next item of business is a members' business debate on motion S6M-04871, in the name of Douglas Lumsden, on celebrating the success of rugby in Scotland. The debate will be concluded without any question being put. I invite members who wish to speak in the debate to press their request-to-speak button now.

Motion debated,

That the Parliament recognises the fantastic achievements of all of those involved in Scottish rugby in 2021-22; congratulates the women's team for reaching the Rugby World Cup in New Zealand in 2022, and the men's team for winning the Calcutta Cup and Cuttitta Cup; notes the rise in popularity of Clan rugby and the work that is currently ongoing to encourage the playing of rugby with minority ethnic communities throughout Scotland; welcomes the return of the Rugby Sevens tournaments in 2022; believes that this has brought economic benefit to towns and villages, and enjoyment to all; commends the work of School of Hard Knocks, which is a charity that works with vulnerable children and adults to build self-confidence and self-respect through playing rugby, and supports the work that is being done with young people, boys and girls, in schools and communities up and down the country, including in North East Scotland, through an army of volunteers, coaches and supporters, without whom, it believes, community sports would cease to exist.

12:52

Douglas Lumsden (North East Scotland) (Con): I have never cleared a venue so quickly.

It gives me great pleasure to be able to bring this debate to the Parliament this afternoon to celebrate all that is Scottish rugby. I thank all the members who supported my motion and helped me to secure the debate.

As a Scottish rugby fan, I acknowledge that we have our fair share of highs and lows. Our national team brings us tears of happiness and—yes—frustration, but we live every minute of those matches with the players and we feel every up and every down. Losses do not affect our passion for the game and we always believe that this is the year that we can win that grand slam—I do anyway.

When it comes to rugby, we can set our political differences aside and admire the skill, commitment and passion of our national teams. I am sure that the minister will agree about that.

I was delighted to host a reception in Parliament recently to celebrate those successes. I thank all my colleagues, especially the Presiding Officer, the Cabinet Secretary for Health and Social Care

and the Minister for Public Health, Women's Health and Sport, who were able to make it along that night. I also thank Sharon and Roger Hill, the parents of our former colleague and friend David Hill, who were able to attend while we also remembered David on the night. It was great to have a reception like that after two years of lockdown; it felt like old times, but it was sad that David was not there to enjoy it with us. I also thank Scottish Rugby and the players and coaches from both the men's and women's teams who came along.

Scottish rugby has such a rich history, with many of the past greats, such as Doddie Weir—who I was thinking about during the members' business debate on motor neurone disease this week—John Jeffrey and Finlay Calder coming swiftly to mind. We all have our favourite players and moments of the past. However, Scottish rugby also has such a bright future, and that is what I want to focus on today.

Scottish Rugby recently launched its new strategy for encouraging more women and girls to enter the sport and find a career in rugby. Post-pandemic, we have seen a rise in the number of women and girls taking part in rugby, which is fantastic to see. However, we are ambitious for the future. There are currently more than 6,000 woman and girl players in clubs throughout Scotland, but the aim of the strategy is to increase that substantially by 2025.

The strategy will grow participation and visibility of women's rugby nationwide and is based on four Ps: participation, pathway, pipeline and performance.

Scottish Rugby has committed to more than doubling its spend on women's rugby and will invest an additional £2.5 million next year. That is welcome news in developing rugby for all throughout Scotland. At the reception a couple of weeks ago, Jackie Dunbar raised the point that both of our daughters played football, but there was no option for them to play rugby. I hope that that situation will improve.

We all know how sport can enhance every aspect of our lives, including physical and mental health. I know that, as a Parliament, we would welcome initiatives that encourage more women and girls to pick up a ball and play sport at every level. Whether it is a casual game in the park or playground, getting involved in a club or playing for Scotland, participation at any level is key, and anything that we can do to encourage it has to be welcomed. It would be good to hear from the minister what the Scottish Government can do to help with the level of participation.

We also want to see more parity with the men's game in terms of rugby as a career. At present,

there are only five women on contracts in Scotland, but the aim is to grow that to 30 following the world cup this year, which of course our amazing women's team have qualified for. I wish the team the very best in the competition in New Zealand. *[Applause.]*

Scotland has one of the top referees in the world—the groundbreaking Hollie Davidson, who takes charge of not just top women's games but men's test matches. Hollie will also be heading to the world cup.

I want to mention an exciting initiative in my area of North East Scotland that will build more participation and make rugby accessible to more people. In May, Scottish Rugby launched a new partnership with Aberdeenshire Council and the University of the Highlands and Islands to deliver increased rugby and physical activity for secondary school pupils and adults in further and higher education in the north of Scotland. Aberdeenshire Council education team will have added to it four rugby development officers and three community coaches, who will operate for local rugby clubs. They will deliver a 16-week rugby programme as part of the curriculum for pupils in secondary 1 to S4 across 17 schools.

That is the first time that a specially designed rugby programme will be delivered as an on-going part of the curriculum in the local authority. The initiative will provide enhanced opportunities for young people to focus on their health and wellbeing and to enjoy outdoor learning, working in partnership with local communities.

Brian Whittle (South Scotland) (Con): Will the member take an intervention on that point?

Douglas Lumsden: It is hoped that it will reach 10,000 pupils across Aberdeenshire.

I will take an intervention.

Brian Whittle: I thought for a moment that the member was going to deny me.

Does my esteemed colleague agree with me that rugby is showing the way and that, to be able to do it, you have to see it? There is the shop window of performance sport—our ladies who are going to New Zealand are showing us that—but there is also the pathway that the member has just referred to. It is important that both those elements are put together, and rugby should be commended for what it is doing in that regard.

Douglas Lumsden: I completely agree with Brian Whittle. Rugby really is showing the way.

As a boy, I was lucky that, at the local comprehensive school that I attended, rugby was part of the core curriculum but, sadly, that is not the case for many and is really quite unusual.

Scottish Rugby is also working on widening its engagement with Scotland's ethnic and religious minority communities. It is looking to make rugby more diverse, and I hope that the Scottish Government will join it in making the game more representative of our country as a whole.

Given all that good work, I was pleased to see that the contract of Scottish Rugby's chief executive officer, Mark Dodson, has been extended to 2025.

I must also mention the work of the School of Hard Knocks charity, which delivers life-changing programmes for children and adults across the United Kingdom. Using rugby as a medium, it works with adults to find and sustain employment and with schoolchildren who are at risk of exclusion to help them to re-engage with education. The charity is now in its 10th year and is doing great work in Edinburgh and Glasgow.

Last but certainly not least, I want to mention the amazing work that is being done around clan rugby. A couple of months ago, I had the pleasure of attending the match between the Holyrood Parliament team and the Edinburgh Clan. What a fantastic game it was, with smiling faces, fun and inclusion—it was brilliant to see. Clan rugby brings together able-bodied players and those with a physical or learning disability to compete in one unified game. Clan rugby demonstrates what a fully inclusive sport rugby can be, with people of all abilities playing together and having an incredible time.

It has been great to speak to the Parliament today in celebration of Scottish rugby, and I look forward to hearing the contributions of other members with their stories of how rugby has impacted them and their local areas. Rugby is growing in our nation, and we can all be incredibly proud of our teams, players, coaches and amateurs who love the game, love playing the game and just love getting involved. We must thank all the coaches, volunteers and parents up and down the country who give up their time for the love of the game. Scotland has rugby at its heart and, as a Parliament, it is our privilege to acknowledge that today.

12:59

Jackie Dunbar (Aberdeen Donside) (SNP): As deputy convener of the cross-party group on rugby development in Scotland, I welcome the opportunity to speak in this debate. I congratulate the convener of the group, Douglas Lumsden, on securing it and on sponsoring the recent parliamentary reception, where we met Scotland's manager, Gregor Townsend, and some of the fantastic players in Scotland's women's and men's teams. The reception was a great event, which

provided an invaluable opportunity to hear about the importance of rugby to Scotland—to our economy and our young folk, as well as to the health of Scotland.

There are few more stirring sights than that of the Scottish team striding out on to the turf in front of almost 70,000 spectators at Murrayfield ahead of an international game. With around 250 member clubs in every part of the country, there are ample opportunities to both watch and play the game. According to World Rugby, around 100,000 Scots regularly take part, which includes 25,000 women players—that point is worth emphasising. There is a type of rugby and a level of competition that is right for everyone, whether that is 15-a-side, casual touch or even walking rugby. I think that walking rugby would be mine, if I had to choose.

Rugby is a fantastic way to keep fit, improve mental wellbeing and develop transferable skills. On health and wellbeing, I read an interesting study from the University of Edinburgh that shows that playing rugby, at all ages, can reduce the risk of type 2 diabetes, cancer, stroke, heart disease and depression, as well as improving muscle function, bone health and balance. There really is no reason not to play rugby. The question is how we can support more folk into the sport and ensure that it is supported for our amateur and professional players of the future. In particular, I am interested in how we can support more women and quines into the sport.

I welcome the fact that driving up participation levels of women and quines will be an important part of a £100 million push that will double Scotland's sport and active living budget by the end of the current session of Parliament. I note that preparations are also under way for a Scottish sport media summit that will aim to explore ways to increase visibility and coverage of women's sport across all platforms.

That welcome additional investment, which will benefit the wider sporting system, will be delivered in partnership with sportscotland and it will help to rebuild capacity in the sector as we continue to recover from the pandemic. It will also, rightly, focus on breaking down barriers to participation and ensure that more folk, including women and girls, can enjoy active lives, while improving physical, mental and social health.

I ask the minister for a commitment that sportscotland will work with rugby clubs the length and breadth of the country to ensure that they are supported and promoted. I also ask her to give an update on the sport summit and how it will be taken forward.

My final point is that touch rugby is being used to support older folk and those with early-onset

dementia and other health conditions to socialise. Touch rugby is a minimal contact sport that is played on a 50m by 70m playing field. It emphasises running or walking, passing, catching, and communication. It can be played by anyone, and the dynamics allow for all ages and abilities. It is a great opportunity for our older folk, and I encourage onybidy interested to take a look.

In closing, I again welcome this debate, I note the vital importance of rugby and I reiterate my asks of the minister.

13:04

Finlay Carson (Galloway and West Dumfries) (Con): I was not intending to speak in this debate but, unfortunately, my colleague Jamie Halcro Johnston cannot be here. He is the prop for the Scottish Parliament rugby team and he is in a far better place to deliver a speech on rugby than I am.

I congratulate my colleague and fellow athlete Douglas Lumsden on bringing this debate to the chamber.

I want to speak about my home club, Stewartry rugby club, which is based at Greenlaw outside Castle Douglas and was founded in 1970. Two weeks ago, we celebrated our 50th anniversary. The celebration was delayed by two years because of Covid, but the dinner saw more than 450 supporters come together to enjoy the friendships, fellowship and camaraderie that has been built up over half a century. We should not forget that the Stewartry sevens will also celebrate its 50th anniversary in the coming month.

The club has a remarkable seven youth teams that feed into a first 15 men's team, which plays in west division 1, and the women's 15—the Stewartry Sirens—which plays in the national 1 division and has a fantastic track record, having won the nationally played competition on three occasions.

Over the years, Stewartry has had some of its players go on to perform at national level, with Stafford McDowall, who plays for the Glasgow Warriors, Alex Craig, who plays for Scotland, and Joe Ansbro, who was a multiple Scottish cap winner; and we cannot forget Alice King, who is captain of Watsonians, and Suzy McKerlie-Hex, who attained 13 caps for Scotland's women during her career.

The club also supports the local community with a full-time development officer and a number of programmes for children and young people in the area. Not only does it nurture young rugby players for the future, it takes the mental health of everyone in the club very seriously, having sadly lost two young players through suicide during the

past few years. The club has introduced some innovative ideas on how to help and support their young—and not so young—players and has worked with Glasgow Warriors on looking at how to best support the mental health of the team and the wider community. It was one of the initial groups that founded the Stewartry mental health forum, which shares experiences and good practice across a range of rural communities.

Rugby really does bring us together, and I am proud to say that I played my part in the Parliament rugby team along with other MSPs and staff, and I think that the minister, Maree Todd, and I might still be joint honorary presidents of the club. We follow the six nations team each year, playing our parliamentary colleagues from Westminster, the Welsh Parliament, the French Parliament and the Irish Parliament—I am actually wearing the Irish Parliament's club tie today—and we have formed strong friendships across the parliamentary and political divide. That was seen when we sadly lost David Hill, who was a great friend to all of us, and a large number of Irish players and politicians came over to support David and his family. Indeed, David's family recognises the support that Scottish and Irish rugby gave during the sad events that took place in Dublin.

Rugby bringing the political divide together was never better portrayed than when we were in Dublin a few years ago, in the British embassy, and the British ambassador recognised that that rugby reception was the first time that the embassy had hosted every single party from across the island of Ireland, so rugby really does bring us back together. We have already heard about the work that the School of Hard Knocks and clan rugby do, and the parliamentary team supports that work.

My playing days at an international level may have been brought to an end by a severe lack of ability, but my experiences and the friendships that I have built through rugby mean that I will never regret getting involved with it, and I know it is the same for my friends, colleagues and family. If they do not do so already, I encourage everyone to follow the national team and the Scottish Parliament team, because it is one of the best things that I have ever done.

13:08

Carol Mochan (South Scotland) (Lab): I thank Douglas Lumsden for bringing another important sports debate to the chamber. I echo the comments of colleagues and, on behalf of Scottish Labour, I pay tribute to all of those involved in Scottish Rugby for their efforts and successes during the past year, particularly given the adverse impact that the pandemic had on team sport in

Scotland. It is great to see that rugby in Scotland is looking as strong as ever.

I will begin my speech by focusing on the successes of the Scottish women's rugby team, which qualified for the women's rugby world cup that will take place in New Zealand later this year. That is a significant success for a multitude of reasons. First and foremost, it is the first time that the team has qualified for 12 years, which is a magnificent feat, and I know from this debate that the whole Parliament wishes the team well in its group stage fixtures against host nation New Zealand, Australia and Wales.

Qualification also has significance for the future of women's rugby and women's sport more generally. Like other sports, rugby has been a male-dominated scene for years, but by playing in the most prestigious of competitions and representing our nation, its elite female athletes will be role models to many young women and girls who might have an interest in sport. It is crucial that we show support through increasing public awareness and other means when the tournament arrives later in the year. Brian Whittle's points about it being seen and visible in order to encourage people to take part were well made.

Given that we are marking success, I will mention another south of Scotland team, Ayrshire Bulls men's rugby side, which had national success in the Scottish premiership in 2021 and before the pandemic. It is important to have strong voices for rugby in our own areas, and I am proud that we have that in Ayrshire. I am sure that it encourages local young people who aspire to be rugby players to take that on and be successful.

That said, as with other sports, we know that not everyone plays rugby in order to become a professional and play at the highest of levels; it can also be about enjoying outdoor activity with friends, learning new skills and keeping fit. It is therefore absolutely right that the motion highlights the value of the players, supporters, coaches and volunteers who, more widely, make community rugby and sport what it is. Without those coaches and volunteers, many weekly training sessions and matches across the country would not go ahead. It is therefore really important that we recognise them. I have a football referee in the team that I work with, and he said that I should also mention how tough the referee's job is and say that we support referees as well.

Many contributing factors make community sport work to the benefit of our physical and mental health, and it is right that we pay tribute to everybody who gives their own time. That said, we must not lose sight of the fact that sport is inaccessible for many and that rugby, football and tennis clubs might be unaffordable for many. I hope that the minister will take that point on board.

Jackie Dunbar's point was also well made—it is important that sport is accessible and affordable for all.

It is right that we have today's debate to recognise the progress and success of Scottish rugby at the highest level, but also to recognise the importance and influence of rugby at the grass-roots level. As the motion states, admirable organisations such as the School of Hard Knocks use sport to overcome some of the challenges that are faced by the most vulnerable in our communities. However, we need more from the Government and more intervention to focus our efforts on making sport affordable and accessible. I take the opportunity, once again, to pay tribute to the Scottish rugby teams and wish them well for 2022-23.

13:13

The Minister for Public Health, Women's Health and Sport (Maree Todd): I thank Douglas Lumsden for lodging the motion in Parliament and everyone across the chamber who contributed to the debate. As members will all know, I am a huge rugby fan and, indeed, a player on our Parliament team—player president, I think, Mr Carson.

I am absolutely delighted to close this members' business debate on behalf of the Scottish Government. Members across the chamber will know that increasing the participation and visibility of girls and women in sport is a passion of mine and a priority for the Scottish Government. I am therefore thrilled to congratulate the women's team on reaching the rugby world cup, which will take place in New Zealand later this year. It is an absolutely fantastic achievement, and I know that it is the culmination of a lot of hard work from all those involved in the team, not least the players themselves. I cannot wait to cheer them on, although the time difference will obviously be a challenge—I might just stay up all night. Scottish Rugby's announcement that it is committing to a minimum of 30 contracted rugby players following the rugby world cup is very welcome. That will be transformative for those players, and it will, I hope, make the path easier for those following in their footsteps.

As many in the chamber highlighted, it was fantastic to see the launch last week of the four-year strategy for women's and girls' rugby, which is aimed at developing and growing the game at every level. We know that there are significant physical, mental and—I emphasise this—social benefits to physical activity. As minister, I want everyone to be able to benefit from sport and physical activity in the way that I have been able to.

Members have mentioned a couple of daughters who play rugby. I know that Fin Carson's daughter has played rugby in the Parliament team, as has my daughter, who plays rugby far better than I do. If we want to get everybody playing and benefiting, we must, as Carol Mochan said, remove the barriers that still exist to being physically active. Increasing participation and creating a pathway for every level in the sport are key to achieving that.

Of course, the men's international team has also had a successful year. It impressed in the six nations, with the highlight being that memorable victory over England in the first game. Also of note was the men's performance in the autumn nations series matches, in which they posted victories over Tonga and Japan and retained the Hopetoun cup with victory over Australia.

The rugby sevens calendar is in full swing, and I have very fond memories of sociable summer tournaments that I attended in my younger playing days. I am sure that the men's and women's sevens teams will look forward to the competition at the Birmingham Commonwealth games. I am also hopeful that I will get to watch some of the action when I am there.

We have heard about lots of local domestic achievements from members around the chamber. Congratulations go to any individual or team that has had success at any level.

To answer Jackie Dunbar's question about sportscotland, I inform her that its investments support a wide range of Scottish rugby activity that encourages and supports people to participate in the sport, including club and coach development. Since 2014-15, sportscotland has invested more than £5 million across 36 rugby projects through its sports facilities fund. With partner contributions, the total invested in rugby facility infrastructure is more than £24.5 million.

Sportscotland promotes rugby through the active schools programme, and there is also direct club investment, which supports club development over two to four years. Through that programme, sportscotland has invested more than £553,000 into 19 rugby clubs since 2013.

Jackie Dunbar asked about the media summit on women in sport. I am keen that that event should progress. We are in early planning stages at the moment. Many members have talked about the importance of the visibility of women in sport, and I am determined that that summit should bring a focus to that and improve the visibility of women in all aspects of sport.

I am delighted by the rise in popularity of clan rugby and the opportunity for people to play in the same team irrespective of their disability. I was really pleased to hear about the success of Edinburgh Rugby's inclusive team, which

competed earlier this month in the international mixed-ability world championships in Cork and finished a highly creditable 10th out of 28 teams. I was not playing on the day in question, but I know that our Parliament team loved playing clan rugby so much a couple of months ago that it hopes to make it an annual fixture.

As I noted, the key to creating a healthier nation is breaking down the barriers that exist to being more physically active and engaged in sport. Scottish Rugby's work with the Council of Ethnic Minority Voluntary Sector Organisations Scotland—CEMVO Scotland—to welcome more people from Scottish minority ethnic communities to the game of rugby is, therefore, very welcome. I understand that those sessions incorporate contact, non-contact and walking rugby to allow people to enjoy the game in a way that they are comfortable and able to do.

Time and again, we see that sport really changes lives. The charity School of Hard Knocks demonstrates that through its use of rugby as a vehicle to tackle unemployment, crime and ill health. It works with people who would not usually have the opportunity to participate. Participants gain skills to become physically active and, therefore, boost their confidence and, ultimately, their employability. Our Parliament team and many of our women parliamentarians have played against women who have graduated from that programme. We thoroughly enjoyed it, and I am, as ever, desperately keen to encourage more of my colleagues to join in. I can promise a completely inspiring time.

I am glad that the motion refers to volunteers, because rugby, like all sports, could not operate without a dedicated army of volunteers. I place on record my sincere thanks to everyone who volunteers, which enables everyone else to enjoy the sport that they love.

Although it has been a successful year on the pitch, we have seen tragedy off it. I pay tribute to two particular players. Back in November, we tragically lost Scotland's women's international Siobhan Cattigan, at the age of only 26. That was a terrible loss of someone so young, who was playing at the top of her game. In March, the Scottish Parliament lost one of our own, with the sad passing of David Hill. He was highly regarded throughout the Parliament and was described as loving rugby more than politics. I am sure that everyone in the chamber and in the global rugby family joins me in passing our thoughts and condolences to the families of Siobhan and David.

I am delighted that rugby continues to provide opportunities for people of all ages and backgrounds to participate in a form of the game that allows them to be physically active and to enjoy meeting people who share their love of the

sport. At every level—from grass roots to elite—the increase in the number of people playing and watching rugby continues. As the minister responsible for sport, I will continue to offer my support to Scottish rugby, and I wish everyone, at all levels, good luck for the summer and next season.

The Deputy Presiding Officer: That concludes the debate. I suspend the meeting until 1.30, which is only eight minutes away.

13:22

Meeting suspended.

13:30

On resuming—

Portfolio Question Time

Education and Skills

The Presiding Officer (Alison Johnstone):

The next item of business is portfolio question time. In order to get in as many questions as possible, I would be grateful for short and succinct questions and responses. We move to questions on education and skills.

Discussions with COSLA and Unison (Pay Ballot)

1. **Katy Clark (West Scotland) (Lab):** To ask the Scottish Government what discussions it has had with the Convention of Scottish Local Authorities and Unison following the balloting of thousands of the trade union's members working in schools and nurseries over pay. (S6O-01268)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): The local government pay negotiations are a matter for COSLA, on behalf of the 32 councils and the trade unions, to resolve via the Scottish Negotiating Committee for Teachers. Any intervention from the Scottish Government at this point would undermine that process. I encourage the local government trade unions and COSLA to continue having open, constructive dialogue to find a resolution that would avoid any potential industrial action.

Katy Clark: Does the cabinet secretary believe that handing the education staff who kept schools running during the pandemic what is effectively a pay cut is helping to build a Scotland that is, in the words of the First Minister,

“wealthier, fairer and more resilient and better”?

Shirley-Anne Somerville: Of course, the Scottish Government recognises the strength of feeling right across the public sector, including among many in the local government workforce, and recognises their desire to see their efforts recognised by way of a pay rise.

As I said in my original answer, we are not party to the national local government pay negotiations. We have not participated in those in the past, and our intervention at this point would undermine that process. However, it is important that the Scottish Government continues to meet COSLA and the unions to discuss matters of mutual interest, including, for example, local government funding. Of course, we will continue to have such discussions.

Willie Rennie (North East Fife) (LD): The cabinet secretary will be aware of the admission by COSLA that private and voluntary sector nurseries providing 1,140 hours of childcare receive a significantly lower—[*Inaudible.*]—than council nurseries. That means that staff in one part of the sector receive thousands of pounds less each year for doing exactly the same job. That is discrimination by design. How has that been allowed to happen, and when will it be fixed?

The Presiding Officer: Can I just check that the cabinet secretary heard enough of Mr Rennie's question? Would she prefer that he repeated it?

Shirley-Anne Somerville: Between us, Ms Haughey and I were trying to piece together what Mr Rennie said. My apologies if I have not understood his question, in which case I am sure that he will follow it up in writing.

The Scottish Government works with COSLA to ensure that we have a fully funded package for the 1,140 hours of childcare programme. There is an expectation within the Government that we make it clear to COSLA, and that it should recognise, the importance of our private providers to the programme. If there are particular details that I have not managed to pick up because of Mr Rennie's poor connection, I will be happy to follow those up with him in due course.

Baby Box Programme

2. **Kaukab Stewart (Glasgow Kelvin) (SNP):** To ask the Scottish Government whether it will provide an update on the implementation of the baby box programme. (S6O-01269)

The Minister for Children and Young People (Clare Haughey): The latest data available on take-up in 2020 shows that 98 per cent of expectant parents took up the opportunity of receiving a baby box. As of Friday 10 June 2022, we had distributed 220,788 baby boxes to families across Scotland. The independent evaluation of Scotland's baby box programme, which was published in August 2021, highlighted the positive impact of the scheme on families, particularly first-time, younger and low-income parents. It showed 97 per cent satisfaction with the baby box and its contents, and 91 per cent of families reported financial savings as a result of receiving a box.

Kaukab Stewart: Will the minister join me in welcoming Ireland's pilot project, dubbed “the little baby bundle”, which will see 500 newborn babies receive a baby box in a policy initiative that is similar to Scotland's? Does she agree that universality is an essential aspect of Scotland's scheme, which promotes an equal start for all children in Scotland, reducing stigma and conveying benefits beyond the purely financial?

Clare Haughey: I agree with the member. It is fantastic that Ireland has decided to pilot its own version of the baby box, which has been informed by our approach in Scotland, and I wish the project every success.

Scotland's baby box strongly signals our determination that every child, regardless of the circumstances, should get the best start in life by ensuring that every family with a newborn has access to the essential items and support that are needed in the first six months of a child's life. I believe that universality is a crucial aspect of the success of the scheme in Scotland. As I said previously, there has been a 98 per cent take-up of the scheme, which helps to underpin our ambition that every child should have the best start in life.

Neurodevelopmental Support (Children in Schools)

3. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Government whether it will provide an update on its work to provide access to neurodevelopmental support for all children in schools. (S6O-01270)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): We want all children and young people, including those with neurodiverse conditions, to get the support that they need to reach their full potential.

In November 2021, we published our updated additional support for learning action plan and progress report, to deliver the Morgan review recommendations. We will publish a further update in the autumn. Last year, we also published our progress report on the autism in schools action plan. Although the majority of actions are complete, we acknowledge that there is more to do to improve the support that is offered to neurodiverse learners. We continue to engage with partners to take that forward.

Mark Ruskell: The cabinet secretary will recall our joint visit to Touch primary school in Dunfermline, which is trialling an exciting neurodevelopmental pilot project. It has clearly been transformative for the whole school community, and especially for those children who have previously struggled to find the right school environment to learn in.

Getting it right for every child means that all children in all schools deserve access to that type of support—I know that the cabinet secretary knows that. Beyond pilots and evaluations, will the cabinet secretary outline what the long-term plan is to cement that kind of best practice in every school in Scotland?

Shirley-Anne Somerville: It was a pleasure to join the member and Kevin Stewart on a visit to

Touch primary school, in my constituency. It was a fantastic visit that enabled us to see the real difference that can be made by a project—I acknowledge that it is a pilot project—that enables lessons to be learned about how the school can work with families as well as the young person.

Kevin Stewart and I are determined to see what we can learn from that pilot project and others to ensure that what we saw in Touch can be built on and adapted. Mark Ruskell makes an important point about the fact that the type of support that we saw in that environment should be applied in all schools. It may not be applied in the same way in all schools, but we certainly have a responsibility to ensure that the sort of support that we saw being made available to pupils in Touch is replicated across the country. I will be happy to continue to work with Mr Ruskell on the issue in the future.

Fiona Hyslop (Linlithgow) (SNP): Having recently visited the Donaldson Trust—the leading charity in Scotland for neurodiversity, which is based in my constituency and which I encourage the cabinet secretary to visit—I am aware of the complexity of the neurodiversity issue and of the importance of early identification.

I acknowledge the Scottish Government's intentions and actions in its autism in schools action plan, but what assurances can be given to my constituents regarding timescales for early identification of individual needs in neurodiverse pupils, when will mainstream schools make full adaptations to meet the needs of neurodiverse students and how will the real-life impact of the Scottish Government's action plan be assessed?

Shirley-Anne Somerville: Education authorities already have a duty to identify, provide for and review the additional support needs of their pupils, including those with neurodiversities. Fiona Hyslop is quite right to point out the importance of early identification and ensuring that support is there for the child and their family. It is important that we look carefully at that. There are responsibilities in that regard on the Scottish Government and on local authorities. All local authorities have in place a staged intervention and assessment process, which should enable practitioners to assess and meet their learners' needs.

I thank Fiona Hyslop for bringing the work of the Donaldson Trust to my attention once again. I would be happy to visit the trust should it wish me to do so.

Oliver Mundell (Dumfriesshire) (Con): Identification is important. Will the Scottish Government therefore reconsider the introduction of a more robust national neurodevelopmental screening programme in our primary schools?

Shirley-Anne Somerville: As I mentioned in my response to Mark Ruskell, a number of pilot projects are currently in progress, and we will see what we can learn from those to ensure that there is better and earlier identification, and then support, in place.

There is no formal diagnosis needed in order for a child or young person to receive support; that is an important aspect of the national project that is currently in place. However, there will be lessons for us to learn from the pilots, and we will do so.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): I very much welcome the Scottish Government's commitment to appointing a learning disability, autism and neurodiversity commissioner. What plans does the Scottish Government have to gather the views of autistic people, their families and support organisations to ensure that lived experience informs and shapes the role and powers of the commissioner?

Shirley-Anne Somerville: The Scottish Government has adopted a human rights-based approach to ensure that the learning disability, autism and neurodiversity bill is fully co-designed with people who have lived experience, including autistic people. The process will involve disabled people-led organisations and charities that represent the views of a wide range of people who come under the learning disability, autism and neurodiversity umbrella. It is very important that we continue that work.

Scoping work on the bill is under way as part of which the Scottish Government is currently running a series of events with existing stakeholders to allow us to work alongside people with lived experience to design the public consultation and the initial policy options that will be included.

Skills Priorities (Withdrawal from European Union)

4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government whether its priorities for the skills required to support the economy have changed as a result of any consequences of withdrawal from the European Union. (S6O-01271)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): The national strategy for economic transformation, "Delivering Economic Prosperity", recognises that

"A skilled population is fundamental to ... productivity and .. prosperity."

The NSET skilled workforce programme sets out priority actions to ensure that people have the

skills that they need at every stage of life and that employers invest in the skill set of their workforce.

NSET highlights that

"Brexit will inflict greater damage on the economy than even the pandemic",

and says that

"This is becoming increasingly apparent",

with almost all sectors reporting labour and skills shortages.

To help to mitigate those consequences, the Scottish Government will implement a programme of work to attract talent from the rest of the UK. In addition, it has committed to, and will launch, a migration service for Scotland.

Christine Grahame: First, Presiding Officer, I thank you for allowing me to leave immediately after my supplementary in order to comply with a long-standing engagement, which was obviously arranged before today's truncated lunch.

Notwithstanding that education has a role in providing society with a relevant workforce, does the minister agree that the strength of Scottish education is its broad base, with flexibility built in? As pupils progress through secondary school and at senior level, they may very well change their mind about what they want to do later in life.

Jamie Hepburn: In general terms, yes—I very much agree with that. We see that the nature of our society and our economy is constantly changing, and in that sense our education system must adapt and must ensure that people can be resilient and adapt in the face of those changes.

I very much agree with the point that Christine Grahame makes. It is true not only for the school environment, but for people's education and skills development across the entirety of their lives. She can be assured that I will take that approach in my area of activity.

Violence in Schools

5. Meghan Gallacher (Central Scotland) (Con): To ask the Scottish Government how it plans to address the reported increase in incidents of violence in schools. (S6O-01272)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): All forms of violence are unacceptable and have no place in our schools or in society. We, and partners across the education sector, advocate an approach for schools and local authorities to work with pupils on the underlying reasons behind inappropriate behaviour. We want all pupils to respect their peers and staff, and we are supporting a number of programmes to promote positive relationships and tackle indiscipline, abuse and violence. That

includes good behaviour management, restorative approaches and programmes to help develop social, emotional and behavioural skills.

Meghan Gallacher: Teaching unions such as the NASUWT and the Educational Institute of Scotland have raised serious concerns about the soaring levels of violence and aggression in classrooms. The unions have warned that the reduction in classroom assistants, combined with the Scottish National Party Government's refusal to commission research into poor behaviour, are contributing factors. One union representative has even claimed that it is

"as if they don't really want to know"

the scale of the problem.

That is happening under the SNP's watch. Will the cabinet secretary listen to the concerns that are being raised about the increased level of violence in our schools, and will the Scottish Government admit that cuts to council and education budgets are putting teachers at risk?

Shona Robison: We now have 2,000 additional teaching staff in comparison to pre-pandemic numbers, and we have invested an additional £45 million since 2019-20 in order to enhance the provision of support staff in schools.

The latest edition of the "Behaviour in Scottish Schools Research" is an important part of our work. The most recent iteration of that research was due to be undertaken in 2020, but—as I hope the chamber will appreciate, given what was happening in schools at the time—the decision was taken to cancel that research because of Covid.

Arrangements are currently under way for the next wave of that research to be developed, and we are progressing that. It will provide an important research angle. In the meantime, we will work carefully with local authorities and our trade union partners to ensure that the policies and support are in place to help our teachers and young people ensure that there is no violence or misbehaviour in schools, if that can be avoided.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Can the cabinet secretary provide an update on the work that is being done to educate young people on gender-based violence in schools, in order to combat sexual harassment and intimate partner abuse among young people?

Shona Robison: The Scottish Government wants all children and young people to develop mutually respectful, responsible and confident relationships. There are a number of targeted programmes to support positive behaviour in relationships and that help to address gender-based harassment in schools. One example of that is the mentors in violence prevention

programme, which tackles gender stereotyping and attitudes. Equally Safe at School is another project, and the Fearless project educates and supports pupils to speak up about crime.

Those are important parts of the work that is being done, and the gender-based violence in schools working group is developing a national framework to ensure that there is consistent messaging on gender-based harassment for everyone who is working with young people.

The Presiding Officer: Question 6 has been withdrawn.

STEM Learning

7. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the Scottish Government whether it will provide an update on the future of science, technology, engineering and mathematics learning in Scotland. (S6O-01274)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): The latest annual report on the Government's STEM education and training strategy was published on 26 May. The report demonstrates that, despite the restrictions that were required as a consequence of the Covid-19 pandemic, the majority of STEM education partners were able to continue to deliver programmes of professional learning and related activity.

As the next step, we plan to improve the strategy, governance, and performance monitoring arrangements in the coming months. The aim is to focus on priority areas such as upskilling computing teachers, which will help to ensure that inequalities in access to STEM continue to be addressed and that STEM education effectively contributes to the Government's net zero ambitions for Scotland.

Clare Adamson: This week, Equate Scotland's annual conference discussed STEM through an intersectional lens. Understanding existing power structures and the contribution that they make to inequality is key to intersectionality. Does the minister agree that we have to continue to improve diversity in STEM, in order to ensure that we benefit from the vast potential in the sector?

Jamie Hepburn: Yes, I agree with that. I place on record my thanks to Equate Scotland for all the work that it does; it plays a tremendously important role in highlighting those issues. We cannot fulfil our potential as a country if we do not allow everyone to make the best use of their talents—STEM is no different in that regard.

Since 2019, Education Scotland's improving gender balance equalities team has been working with schools and local authorities to effect culture

change in schools and to tackle stereotypes and unconscious bias. That work continues to be supported. Since the team was established, it has engaged with more than 1,100 educational establishments. This is an important area, and that work will continue.

Pam Gosal (West Scotland) (Con): More than one in 10 jobs in Scotland are now in the digital sector, with an average salary of more than £52,000. However, the number of STEM secondary school teachers has declined since 2008, and there is a downturn in the number of pupils who are choosing STEM subjects. What is the Scottish Government doing to ensure that pupils are leaving school with skill sets that are aligned with high-growth sectors?

Jamie Hepburn: Ms Gosal speaks simultaneously to the opportunity and the challenge—the challenge being that we require to ensure the steady supply of such individuals to take up the opportunities that are in place. Where we have that lack of supply, there are many opportunities for people to take up other jobs in the sector, which can cause challenges in recruiting people for teaching.

That is why we have our £20,000 bursary for career changers, to try to support those who are qualified in STEM areas to come into the teaching profession, why we are continuing to take forward the recommendations that Mark Logan made in his Scottish technology ecosystem review. That includes supporting the teacher-led Scottish teachers advancing computing science project at Glasgow university, along with the provision of additional resources of £1.3 million in the last financial year for schools to transform the teaching of computing science.

Skills Development Scotland (Economic Recovery)

8. Richard Leonard (Central Scotland) (Lab): To ask the Scottish Government whether it will outline the role of Skills Development Scotland in delivering its economic recovery plans. (S6O-01275)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): As outlined in the ministerial letter of guidance issued to the agency for 2022-23, Skills Development Scotland—working with other agencies and partners—will support the delivery of key actions in the national strategy for economic transformation, particularly within the skilled workforce programme. The actions in the skilled workforce programme are designed to ensure that people have the skills that they need at every stage of life to have rewarding careers and that employers invest in the skilled employees they need to grow their businesses.

Richard Leonard: Back in January this year, the Auditor General for Scotland reported to this Parliament that the Scottish Government, for almost five years, had presided over a complete and utter failure to agree a plan for skills for Scotland's workers. The Scottish Government was rebuked for not giving the “necessary leadership or oversight” or clarity to deliver that. Urgent action was called for.

Instead, it is six months later and the Government still has no credible skills plan. Workers, employers, trade unions and people who are out of work are still in the dark and Skills Development Scotland is now facing a budget cut of £5.8 million. When is the minister finally going to deliver what he was told that he needed to deliver back in January?

Jamie Hepburn: Of course, Mr Leonard refers to the report that the Public Audit Committee has considered. He knows full well that I am engaged in responding to the report. We have welcomed the recommendations and we are taking them forward.

I would reject the assertion that we have no plan in relation to a programme of delivering skills interventions for the people of Scotland. Through the national strategy for economic transformation, we have a range of commitments to support the provision of skills interventions across a person's life. We also have the future skills action plan, which we are working towards.

Skills Development Scotland is funded to deliver the core services that it provides. Some services were provided as a one-off intervention and are not being funded now, but SDS has the funding that it requires to get on with the task, as demonstrated by the fact that we saw, for example, a 42 per cent uplift in the number of modern apprenticeship starts last year in comparison to the year before. That says to me that we have a skills system that is delivering.

The Presiding Officer: That concludes portfolio questions. I will allow a moment for members to get themselves into place for the next item of business.

Provisional Outturn 2021-22

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by Tom Arthur, the Minister for Public Finance, Planning and Community Wealth, on the provisional outturn for 2021-22. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

13:54

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): I welcome the opportunity to update Parliament on the provisional outturn against the budget for the financial year 2021-22.

The provisional outturn demonstrates once again that this Government has prudently and competently managed Scotland's finances. This has been another exceptionally challenging year. The Scottish Government has had to respond quickly and decisively to significant challenges: in particular, the on-going impact of the Covid-19 pandemic, the cost of living crisis and the tragic, illegal war in Ukraine. However, our effective and prudent financial management has meant that every penny received by the Scottish Government has been channelled to where it was most needed.

In 2021-22, we spent more than £5.7 billion in relation to Covid. That includes just over £2.6 billion to support health and wider public health initiatives, and around £1.5 billion in business support and self-isolation grants. Part of that business support was a £375 million package that was announced to support firms impacted by the unexpected spread of omicron. Proportionately, that was significantly more than the chancellor announced for the United Kingdom as a whole. We also continued to roll out a highly successful Covid-19 vaccination programme, including those vital third booster doses to combat the unexpected omicron variant.

We spent more than £3.5 billion on social security benefits, including £57 million as we started the game-changing Scottish child payment.

We also committed an additional £4 million of Scottish Government humanitarian aid as the first part of a contribution to support the Ukraine crisis. That supports those in Ukraine affected by the conflict; it also supports vulnerable people while in transit as they are displaced from Ukraine

Looking forward, the Scottish Government remains committed to ensuring that we as a country continue to effectively manage the on-going recovery from Covid and provide stability

and support against the impact of the cost of living crisis.

Responding to the pandemic, sharply rising inflation and the cost of living crisis has, once again, put a spotlight on the challenges that we face in managing such volatility within the narrow, restricted fiscal powers that we have. We face the same interrelated challenges as other Governments across the world, but we currently do so without the tools and levers that other Governments have at their disposal.

The current fiscal framework is inadequate and leaves us with an imbalance between the risks to which the Scottish budget is exposed and the levers that we have to manage those risks.

We have uncertainty over our UK Government funding. The UK Government did not confirm our final funding envelope until six weeks before the end of the financial year, and materially changed it, with no prior warning up to that point. That limits our ability to do long-term, optimal planning, and makes efficient and effective deployment of late funding changes extremely challenging.

That is an important point and links directly to the management of the budget and spending well. The total resource funding that was confirmed so late in the year was more than £1.1 billion. Some of that was expected but large elements of it were not. We want to make the most of that funding, and doing so requires managing programmes of spending across our year-end cut-off. That is not underspending; it is maximising the effective use of our budget.

The challenge of managing the volatility in our funding envelope is compounded by a funding model that means that our carry-forward budget between financial years is tightly restricted. Our priorities need to be managed using a multiyear model because, unfortunately, those challenges do not stop at the end of a financial year.

Within strict limits, we also have to manage how much, and for what purpose, the Scottish Government can borrow, which leads us to be overly dependent on UK Government policy. That has been compounded by the UK Government's decision to remove necessary Covid consequential funding at a time when we undeniably need to continue to provide additional support to our public services.

That is why, until such time as the people of Scotland choose a different constitutional path, we will also continue to make the case to the UK Government for more proportionate financial powers to help manage pressures and volatility in Scotland's financial position and allow the Scottish Government to respond fully to its priorities. The forthcoming fiscal framework review must take place in that context. A narrow, technical review of

the framework will not deliver what the people of Scotland need or want.

I turn to the 2021-22 provisional outturn. Under the current devolution settlement, the Scottish Government is not permitted to overspend its budget. At the same time, the carry-forward of budget between financial years is very limited, meaning that phasing of expenditure between financial years is extremely restricted. The UK Government does not constrain its economy and businesses to manage its finances to one single year, so why does it expect a devolved nation to do so? That is the situation that we currently face in Scotland.

Therefore, a balance needs to be struck to ensure that we maintain spend within our budget limits but do not generate high carry-forwards between financial years that would risk breaching our reserve cap and result in the loss of funding. However, we have, once again, managed to maintain that balance under those strict fiscal constraints. I can report that the provisional fiscal outturn for 2021-22 is £47 billion, against a total fiscal budget of £47.6 billion.

The remaining budget of £650 million, which represents just over 1 per cent of our total budget, has been carried forward in full through the Scotland reserve. It is made up of £421 million of fiscal resource, £183 million of capital and £46 million of finance transactions, which, of course, can be used only for loans or equity investment in entities outside of the public sector.

It is important to note that there is no loss of spending power to the Scottish Government as a result of that carry-forward. As I have said, every penny has been allocated in full, which allows us to implement measures at the most optimal time, rather than being constrained to a single financial year. That is evidenced by the fact that the majority of the carry-forward has already been proactively anticipated in the 2022-23 spending plans that have been approved by the Parliament, including the £324 million that was anticipated in the 2022-23 budget, which was published on 9 December 2021, and the £120 million to support local government costs that was announced by the Cabinet Secretary for Finance and the Economy on 27 January during stage 1 of the budget bill process. Of that funding, £265 million is directly linked to late UK Government consequentials, which were finally confirmed only six weeks before the end of the financial year. The remainder represents just 0.4 per cent of our budget, and it is already built into our 2022-23 plans to fund expenditure in 2022-23, with the full budget allocations being disclosed to Parliament as part of our autumn budget revision process.

I highlight that the outturn figures for 2021-22 remain provisional because they are subject to the

on-going audit process. Finalised figures will be reported as usual in the annual Scottish Government consolidated accounts, and a statement of total outturn for the financial year 2021-22 will come later this year.

To conclude, the provisional outturn demonstrates that the Scottish Government has maintained a firm grip on Scotland's public finances in the context of a year with significant challenges. We have delivered on our priorities, maintained the balance of not breaching our fixed budgetary limits and ensured that we have sufficient balances to fund our 2022-23 spending commitments. That is despite the challenges and fiscal restrictions that the UK Government places on us.

I commend today's figures to Parliament.

The Presiding Officer: The minister will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business. I would be grateful if members who wish to ask a question could press their request-to-speak button now.

Liz Smith (Mid Scotland and Fife) (Con): I thank the minister for prior sight of his statement. There is absolutely no doubt that this remains a very challenging fiscal environment, in which many factors are combining to make the path to recovery uncertain.

It is perfectly true, as the minister said, that the Scottish Government cannot overspend on its budget, but the whole of Scotland wants to know why ministers have not acted on the demands that they themselves have repeatedly made to ensure that both businesses and the public receive financial support as quickly as possible. That is exactly what the cabinet secretary demanded of the UK Government just a few weeks ago, yet, today, we learn that there is a large underspend of £650 million and, yesterday, we learned that the Scottish Government has still not decided, a month on, what to do with the £41 million that it received in Barnett consequentials from the household support fund.

I will ask the minister two questions. First, why, when we have businesses that are collectively struggling with debt, the recruitment crisis and rising costs, and many families are really struggling with the cost of living, is the Scottish National Party not releasing more money now so that it can deal with the current financial constraints?

Secondly, will the minister confirm to Parliament that the Cabinet Secretary for Finance and the Economy will make a statement prior to recess to announce how the Scottish Government will spend the £41 million of Barnett consequentials to help

low-income families, which she has been sitting on for a month?

Tom Arthur: I trust that the member has received the provisional outturn briefing note for MSPs. I am sure that she will have familiarised herself with the annex to it, which details all our spending on Covid in the past financial year, including in business support.

Over the pandemic, we spent £4.7 billion on business support. That is £500 million more than we received in consequentials from the UK Government. As I said in my statement, all the money in the reserve will be disclosed to Parliament through the autumn budget revision process, which is a formal process for parliamentary approval. Ministers, as always, will appear before the committee as part of that process and be subject to scrutiny. As that concerns future parliamentary business, that will, of course, be a matter for the Parliamentary Bureau to determine.

Daniel Johnson (Edinburgh Southern) (Lab): I, too, thank the minister for early sight of his statement.

Covid and the cost of living crisis necessitate that the Government gets the money that it has out the door as quickly as possible. The minister has cited £5.7 billion of Covid spend, but that is £100 million less than was received in consequentials that year. Indeed, the total in consequentials due to Covid was £14.4 billion over the past two financial years.

Will the minister confirm how much of that £14.4 billion cumulatively has been spent over the past financial years? Also, given the issues that have been raised by Audit Scotland, how much of it remains not just in Scottish Government reserves, but in local authorities, non-departmental public bodies, health boards and integration joint boards?

Finally, I ask the minister for clarification: £650 million is very close to the threshold of what is permitted to be held in the Scotland reserve. Given that the outturn numbers are provisional, is there any risk that that threshold will be breached?

Tom Arthur: On Mr Johnson's last question, in terms of our management, we have headroom of £50 million. However, he raises an important point, which is the fact that the reserve limits are now out of date. A key issue that will have to be addressed as part of the fiscal framework review is that they are not indexed and they do not increase with inflation or with Scotland's budget.

As regards the total money in the reserve, I will be happy to confirm it to Daniel Johnson in writing, but there is no carry-forward from any Covid funding into the reserve. The money that was spent in the last financial year has been detailed in

the annex to the briefing note for members. Similar publications are available that detail the Covid funding that has taken place in previous years. That information is available, and I am happy to write to him to direct him to it, if that would be helpful.

John Mason (Glasgow Shettleston) (SNP): I thank the minister for his statement. I thought it was very clear, yet we still have Liz Smith using the words "large underspend", which I would suggest is somewhat misleading for the public. Can the minister confirm that the Government has to underspend because it is not allowed to overspend?

Tom Arthur: Yes. The member makes a really important point. That is the fundamental reality, and it would be faced by any party in government. We cannot overspend our budget. If I were standing here reporting that we had spent above it and breached our cap, I am sure that Opposition politicians would, rightly, be criticising me.

It is also important to look at the context. The actual underspend—the money that was not anticipated—was 0.4 per cent of the budget. I draw members' attention to the fact that the outturn figures that we have for 2020-21 in the other devolved Administrations show that the Northern Irish Government had an underspend of 1.1 per cent and the Welsh Government had an underspend of 0.5 per cent. In England, which also has an underspend for this year, the figure was 6 per cent.

Douglas Lumsden (North East Scotland) (Con): The SNP Government recently claimed in its spending review that tackling climate change was one of its key priorities for the rest of the parliamentary session. However, it has now emerged that in the past year there was a £511 million underspend by the SNP Government in that portfolio area. How on earth can the SNP Government claim to be tackling climate change, when it is not using all the financial resources at its disposal?

Tom Arthur: This Government is absolutely committed to tackling climate change, which is why we have introduced world-leading targets. The reality is that many projects have been impacted by a combination of the pandemic, supply chain issues and workforce issues. If the member cares to receive it, I will give him an itemised breakdown of some of the challenges.

Part of the £123 million underspend in resource is ultimately a reflection across the net zero, energy and transport portfolio of improved rail passenger revenue. There was also underspend in relation to the northern isles ferries, due to lower fuel costs.

On capital, there was a significant underspend in energy. That is ultimately a reflection of the fact that all capital delivery programmes are demand led and have been severely hampered by continuing effects of the Covid-19 pandemic.

On financial transactions, a majority of the underspend within the NZET portfolio is in energy, where loan income was higher than anticipated.

Michelle Thomson (Falkirk East) (SNP): As the minister has outlined, the pandemic caused considerable uncertainty in budgeting, with a need to respond quickly to rapidly changing circumstances. He mentioned the additional uncertainty caused by late notice—or, indeed, lack of engagement—from the UK Government in terms of when funding could be expected.

I note that, despite that uncertainty, Audit Scotland concluded in its recent report, “Scotland’s financial response to Covid-19”, that

“The Scottish Government ... managed its overall budget”

well. That said, can the minister advise what lessons can be taken from the experience of public spending during the crisis and what changes could be made to better manage such uncertainty?

Tom Arthur: The pandemic has brought into sharp focus the existing deficiencies in the fiscal framework. Unlike other countries around the world, we cannot respond quickly to emerging needs by borrowing. That leaves us overly dependent on decisions taken by the UK Government. I think that we can all remember specific moments during the pandemic when that posed very severe challenges. Being reliant on consequentials, with little clarity and certainty over their scale and timing, makes response and recovery planning extremely difficult.

Existing fiscal powers are also being eroded over time by inflation, as I touched on. Key borrowing powers and reserve limits within the fiscal framework are currently set at nominal cash values and hence are not protected in real terms from a growing tax base. As I said earlier, the fiscal framework review must consider the challenges that we face as a result of those fixed nominal limits on current borrowing and reserve powers, as their real-time effectiveness continues to deteriorate over time.

Paul Sweeney (Glasgow) (Lab): The minister knows full well the scale of the cost of living crisis and the misery that millions of people are living through at the moment. The reality is that people need that underspend money in their pockets, not sitting in a Scottish Government reserve being saved for a rainy day. Will the minister tell us why he believes that it is appropriate—or, indeed, fiscally prudent—for the Scottish Government

recently to announce the potential loss of up to 30,000 public sector jobs during this cost of living crisis, while sitting on an excessive £420 million resource underspend? That money could be used right now to alleviate the hardship faced by millions of households across Scotland.

Tom Arthur: It is money that is going to be used. It was anticipated in the budget last December and the full process for disclosing how that money will be allocated to current and on-going commitments will take place, as it always does, as part of the budget process at the budget revisions. That is just how things normally operate in Parliament and that is what we will continue to do.

I want to work collaboratively and constructively on the cost of living crisis. We saw a great example of that in the debate yesterday afternoon, when we sought agreement among parties across the chamber—the agreement of not just one party, but most parties—on taking measures to help people.

The reality is that every penny in the reserve is committed to spending in this financial year. That is exactly the action that we will take, and we will disclose that spending, as we always do, through the budget revision process.

Stuart McMillan (Greenock and Inverclyde) (SNP): I thank the minister for the statement and the clarity regarding the substantial sums that were allocated to business support during the pandemic. It was clearly vital that effective systems were in place to detect and prevent fraud. In comparison, the Westminster’s Public Accounts Committee found that billions of pounds of taxpayers’ money would be lost to fraud and error as a result of the United Kingdom Government’s approach. Can the minister provide any further information about what assessment has been made of the effectiveness of systems that the Scottish Government put in place to detect and prevent fraud in its business support schemes?

Tom Arthur: The risk of fraud was mitigated through a number of control mechanisms that were built into the design and delivery of the business support schemes. For example, local authorities were asked to administer many of the grants that were based on non-domestic rates, given their existing administrative capabilities, including fraud detection and prevention. That meant that local authorities could use an existing, well-established and robust dataset and other information relevant to determining eligibility to enable a large number of businesses to be paid quickly, with appropriate checks in place to mitigate fraud.

In late 2021, the Scottish Government undertook a retrospective fraud risk review on 11

major business support funds that were administered by local authorities and other bodies. The review concluded that there was reasonable assurance in relation to the fraud risk for business support and that appropriate controls were in place. That work is reflected in our unqualified consolidated 2020-21 accounts opinion. The Auditor General for Scotland recognised that the fraud estimate was reasonable and he acknowledged the actions that the Scottish Government had taken to minimise fraud risk.

It is the delivery partners' responsibility to recover payments that have been made fraudulently. The Scottish Government's initial work on consideration of assurance in relation to fraud risk found comprehensive fraud prevention measures in place in local authorities, together with experience of managing fraud risk in areas such as local taxation and the application of exemptions.

There were high numbers of rejected applications in the larger schemes that local authorities delivered, which indicates proper scrutiny at the point of application.

Alex Cole-Hamilton (Edinburgh Western) (LD): With the crisis in our national health service and in social care, the cost of living crisis and businesses struggling to pay the bills, particularly in the aftermath of Covid, every pound needs to be put to work—and fast.

I echo the words of Liz Smith, who said that the Government could not afford to sit on that money: we need to get it out the door as quickly as possible. It is important that the Scottish Government properly account for how the Covid funding was used. We heard something about fraud detection in the previous answer, but lots of money will have been lost to fraud or mistakenly distributed by the Government.

Can the minister provide further analysis to the Parliament and an update on how much the Government has lost to fraud or error? Can he outline the steps that are being taken to reclaim the money and how many people the Government has working on the issue at this time?

Tom Arthur: As I referred to in my response to Mr McMillan, we utilised delivery partners, and recovery will be their responsibility. Based on available data and several other factors, we believe that the estimated level of undetected fraud was around 1 to 2 per cent of overall spend. However, the available data tells us that, of the fraud that was detected, a loss of around £600,000 was realised as of April 2021. The total spend for the largest local authority to deliver schemes at that time was £1.6 billion, so our estimate of 1 to 2 per cent would have put fraud at £16 million to £32 million.

We are currently working with delivery partners and Audit Scotland to improve our estimates based on an improved understanding and management of fraud risk; to improve consistency and quality in the capture of data on fraud and error; and to increase post-delivery testing of control effectiveness. The output of that work will form part of the Scottish Government's 2021-22 consolidated accounts.

Kenneth Gibson (Cunninghame North) (SNP): I understand that the UK lost £12 billion to furlough fraud alone.

The need for a fiscal framework review has been reinforced through the pandemic and now the cost of living crisis. The situation has clearly demonstrated how difficult it is for Scottish ministers to act without sufficient fiscal powers, often with late notice and a lack of engagement regarding Barnett consequentials.

Can the minister provide an update on the Scottish Government's latest engagement with its UK counterparts with regard to the fiscal framework review and the changes that it hopes to see as a result of that review?

Tom Arthur: We are clear that the review should be broad in scope and should consider not only the operation of the framework to date but the balance of risk and whether further levers are required to grow Scotland's tax base and support economic recovery. The review must ensure that the Scottish Government and the Scottish Parliament have the necessary powers to manage the risks that we face within our devolved responsibilities and to support that economic recovery.

I understand that the joint Exchequer committee will meet later this month and the Cabinet Secretary for Finance and the Economy will discuss further arrangements for the review with the Chief Secretary to the Treasury.

Ariane Burgess (Highlands and Islands) (Green): The pandemic and the cost of living crisis have had, and continue to have, extremely harsh impacts on the Scottish public sector and on our economy generally. Those crises show the need for reflexive fiscal powers to deal with the shocks that affect Scotland uniquely.

Does the minister agree that the outturn statement illustrates the increasing extent to which the fiscal framework and devolution settlement generally fail to meet Scotland's needs? How would independence ensure that Scotland has all the fiscal levers and flexibility that it needs to invest in its own vision of a green recovery?

Tom Arthur: There is a really important point in that question. First, we have the upcoming fiscal framework review, as I referred to in my response

to Mr Gibson. I will not repeat what I stated then, but it is clear that we need movement. When the fiscal framework was agreed, it was recognised that there should be a review—that in itself was an admission and an understanding that that would be a process and an event.

There are a number of areas on which, regardless of our constitutional views, we should be able to unite across the chamber, for example on expanding borrowing powers, expanding flexibilities around the reserve and ensuring that limits and caps move with inflation. Those are simple, straightforward measures.

There are further things that we could do to enhance the powers of the Parliament through the fiscal framework review, including full powers over income tax, full devolution of national insurance and devolution of VAT. However, Ariane Burgess is absolutely correct to say that the best option for Scotland, and the option that the people of Scotland will be presented with in the near future, is that of becoming an independent country.

Alexander Stewart (Mid Scotland and Fife) (Con): We understand that the figures are provisional, but it is crucial that we get the detail when it comes to social justice, housing and local government. Will the minister comment further on how the spending will be broken down, given the tight financial difficulties that local government faces?

Tom Arthur: If Alexander Stewart is asking specifically about the outturn figures for local government, he will note that there is a £210 million overspend in resource. That was a reflection of money transferred from the finance and economy portfolio for a range of measures, such as business support and employability.

If Alexander Stewart is asking about the variance on capital spend, which is similar to the case for capital across the board, it is specifically focused on the affordable housing programme and is a reflection of the challenges in supply chains and workforce that have emanated from the pandemic and impacted the construction sector.

I hope that that provides the detail that Alexander Stewart was looking for on that portfolio.

Kaukab Stewart (Glasgow Kelvin) (SNP): Brexit continues to have a substantial economic impact on the UK and Scotland. Will the minister provide further information about the assessment that the Scottish Government has made of the impact of Brexit on Scotland's economy? Will he say more about the steps that the Scottish Government is taking to mitigate the impact of Brexit on Scotland's public finances?

Tom Arthur: It is six years to the day since Scotland voted overwhelmingly to remain in the European Union, and we are closer to rejoining the EU now than we were on the day when we were forced to leave.

We know that Brexit is contributing to the 19th consecutive monthly rise in prices that are charged by businesses in Scotland, and that it is causing UK food prices to increase by more than 6 per cent, hitting the poorest families hardest and contributing to the cost of living crisis.

According to the Organisation for Economic Co-operation and Development, the UK will have the lowest growth among G20 countries, apart from sanctioned Russia, and the Office for Budget Responsibility forecasts that Brexit will hurt our gross domestic product growth twice as much as the pandemic will have done. Brexit has direct implications for public finances through lowering our working-age population and GDP, resulting in lower Government revenues in the long run.

Since 2019, Scotland's goods exports have fallen by 20 per cent, which has been largely driven by a decline in oil and gas exports. It amounts to a falling goods trade with the EU of 16 per cent, whereas trade with non-EU countries has dropped by only 4 per cent.

Even as Scotland tries to cope with the fallout of the reckless hard Brexit, the UK Government is irresponsibly risking a trade war with the EU over the Northern Ireland protocol. That, once again, reinforces the need for this Parliament and country to become independent.

The Presiding Officer: Thank you. That concludes the ministerial statement on the provisional outturn 2021-22. There will be a brief pause before we move on to the next item of business.

Medication Assisted Treatment Standards

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a statement by Angela Constance on medication assisted treatment standards. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:24

The Minister for Drugs Policy (Angela Constance): Every life that is lost to drugs is as tragic as it is unacceptable. I offer my condolences to everyone who has felt such a loss, and I offer my determination to turn the tide of this public health emergency.

Families and people with life experience of drug and alcohol problems tell me that there must be a commitment to change and accountability at the very heart of our national mission, and at all levels from the front line to national leaders. I agree, which is why Public Health Scotland has published today's comprehensive "National benchmarking report on implementation of the Medication Assisted Treatment (MAT) standards 2021/22".

I will spend but little time on the areas in which progress has been made, welcome though that progress is. I want to make it clear to Parliament that the overall pace and scale of change is neither good enough nor quick enough.

The medication assisted treatment standards, which were published in May 2021, are designed to give clear criteria and principles to help care providers, and those who will benefit from services, to understand what must be on offer to support people in their MAT and in recovery. The standards should not just be considered as "nice to have". My view is unequivocal—they must be delivered.

The standards are a demonstration of our commitment to a whole-system approach to care, and are fundamental to our rights-based approach in Scotland.

In recognition of the ambitious challenge that I set local areas through our national mission, we are providing more than £10 million per year in funding for local areas to implement the standards, and we established the MAT implementation support team to provide consistent support across the country. We are providing more practical and financial support than ever before.

The Public Health Scotland report gives us, for the first time, an area-by-area breakdown of where each alcohol and drug partnership is on implementing the standards, with particular in-

depth focus on key standards 1 to 5. They are the standards on same-day treatment, informed choice of treatment, assertive outreach, harm reduction support alongside treatment, and making sure that treatment lasts for as long as people want it.

The report also summarises progress on MAT standards 6 to 10. Less data is available on those standards, which rely more on experiential feedback from people who are in services.

Of the 145 indicators; 26 have not been implemented, 25 have been implemented in full, and 94 are partially implemented. That shows that standards are being embedded and implemented on the ground, particularly in relation to informed choice, proactive identification of those who are at risk, harm reduction and keeping people in treatment. In many cases, the service standards are in place within an area, but are not consistent across the whole area for all people.

I am most concerned about the lack of progress against MAT standard 1. All the standards are crucially important and connected, but access to same-day treatment is life saving. In that regard, the Borders, where I visited recently, stands out as a beacon of what can be achieved, so my challenge to other areas is simple: "If the Borders can do it, why can't you?"

The report includes eight detailed recommendations and some actions that are already being taken. As well as achieving implementation of the original standards themselves, we cannot stand still. The standards will also have to be developed to make them more bespoke for young people, for women and for custodial settings. The recommendations call for immediate improvement plans to set out how each local area will achieve full implementation. Those plans are being developed with ADPs and will be published in August.

I cannot stress enough how vital it is that ADPs fully implement the MAT standards—in particular, standard 1, which is on same-day treatment. We all want people to have the right to treatment, but that right will be for nothing if services are not in place. That is why I am, today, using powers of direction that are available to Scottish ministers under the Public Bodies (Joint Working) (Scotland) Act 2014 to compel local partners to implement the standards.

The ministerial direction has been issued to all health boards, integration authorities and local authorities. It spells out what must be achieved and the oversight arrangements that I am putting in place to hold local leaders to account for implementing the MAT standards fully. The Scottish Government, the Parliament and, most important, communities require a whole-system

response across those three partners, and oversight of that will now be done through the following measures.

Improvement plans for implementing the standards will be required in all areas. We will require that they be signed by all chief executives and chief officers. The plans will be informed by the local assessments that are being published in August to supplement the benchmarking report.

The chief executives and chief officers will have shared and visible responsibility for delivering the MAT standards, and they will identify one senior leader to take responsibility for driving the necessary changes and reporting on progress. Most will be expected to deliver quarterly reports on progress. However, for areas that are of particular concern, where drug death rates are particularly high—today's report shows that MAT standard 1, on same-day treatment, has not been delivered—those reports will be monthly.

The new oversight arrangements that I am putting in place will also strengthen accountability to communities, through the involvement of lived and living experience in the quarterly or monthly reporting that is now required. If necessary, we may also consider further powers to intervene through implementation of the national care service, which will introduce a more formal single framework of accountability. I will provide Parliament with regular updates on progress on implementation of the new arrangements and oversight of implementation.

I do not want to give the impression that no progress has been made. It is clear that some areas are on that journey, including East Ayrshire, South Ayrshire and North Ayrshire. In West Lothian, which I visited today, the Change Grow Live recovery service in Bathgate, which is part of the West Lothian Drug and Alcohol Service, offers same-day treatment, so it has implemented MAT standard 1. I know that that change has made a huge difference to the people who are being supported there. The challenge that lies ahead for West Lothian and other areas is to scale up the level of service across the whole council area.

ADPs and local partnerships are taking forward innovations to help to address drug deaths. One innovation that I know is of interest to Parliament is potential use of safer drug-consumption facilities. I have previously made it clear that we would support work to make such facilities available within the constraints and limits of the law on drugs, which is currently reserved.

Glasgow City Health and Social Care Partnership has been developing such a proposal for some time. It has engaged extensively, and I thank it for its work. Following detailed partnership working between the Scottish Government, the

health and social care partnership, Police Scotland and the Crown Office and Procurator Fiscal Service, details of a new service specification have been developed and shared with the COPFS. The specification, which seeks to meet the parameters that were set out in the Lord Advocate's statement on 3 November, will now be considered by the COPFS. If appropriate, it will then be referred to the Lord Advocate for consideration of any related statement of prosecution policy.

To improve services and embed standards, we need to have the necessary workforce in place. That is why the majority of the £10 million per year funding is targeted at recruiting more than 100 additional staff who will be able to offer services that meet the MAT standards. That increase in staffing is part of our national mission planning for further workforce recruitment and development. I intend to return to Parliament in the autumn to set out our plan to expand and upskill the workforce. Over this summer, we will draw on the experience of people who are at the heart of workforce policy, as part of the expert group, to help to develop and implement the necessary planning.

The standards are not optional extras; they are essential to getting more people into the protection of life-saving treatment more quickly. I pay tribute to local leaders, families, people with lived and living experience, and members of the voluntary sector, who have worked together to deliver demonstrable change on the ground, where it matters most. I thank the MAT standards implementation team for its continuing hands-on support, which it works alongside local areas to provide, and I thank Public Health Scotland for its vital report.

MAT standards are about delivering faster and more responsive services, but they are also about changing hearts and minds, and tackling stigma and discrimination. MAT standards are empowering people to demand the treatment that they deserve. There is no going back—we can now only go forward.

We all need to dig deep to do the hard miles ahead. All senior leaders within and outside Government must pick up the pace and deliver a public health response to this public health emergency, and they must do it now.

The Deputy Presiding Officer: The minister will now take questions on issues that were raised in her statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business. It would be helpful if members who wish to ask a question would press their request-to-speak buttons now.

Sue Webber (Lothian) (Con): I thank the minister for advance sight of her statement, and I

acknowledge the challenging comments that she has made today about progress on the standards.

The statement has laid bare the damning truth that a critical target has been missed. Drug-related deaths are Scotland's national shame, yet this Government's actions have once again fallen short and families continue to be let down. Although a target was set last year to ensure that the MAT standards would be fully embedded across the country by April 2022, the report shows that that target was nothing more than a pipe dream. Only 17 per cent of the standards have been fully implemented and, shamefully, MAT standard 1 has been implemented in only one ADP area—the Borders. That is a 97 per cent failure rate.

The new recommendation from Public Health Scotland is to push the target back by a year and water it down; it is that only half the standards are to be implemented by April 2023, with only partial implementation for the others.

Across Scotland, there has been unwarranted variation in implementation of the standards. There can be no clearer illustration of that than the statistics on drug-related deaths that were released last week, which show welcome declines in Glasgow but mask increases in deaths in Edinburgh, Fife, and Dumfries and Galloway. What urgent steps is the Government taking to end that postcode lottery? What support will the minister offer to the ADPs that have fallen so far behind?

Angela Constance: The report by Public Health Scotland does not pull its punches or mince its words, and nor will I. I say again that progress is not good enough or fast enough.

There are, obviously, responsibilities within Government, but some responsibilities lie on the shoulders of people outwith Government. I have today announced immediate action on issuing letters of ministerial direction, which are not just asking. I have also announced the important improvement plans and the reporting oversight arrangements that will now be in place. In some instances, reports will be required monthly. That is all about driving faster and more consistent progress.

The Public Health Scotland report shows that some areas have—despite the challenging environment that everyone is working in—been successful in implementing changes, or are well along on that journey. We must pick up the pace, because people across Scotland deserve consistent services.

I am well aware of the commitments that I have made as a Government minister, and of what I have said should have happened regarding those statements. I will continue to set the very highest standards, based on the highest expectations, and

I will continue to provide both financial and practical support. I will continue to be accountable to Parliament and to do everything that I can to overcome every challenge and difficulty that gets in our way, because we have a national mission that is about saving and improving lives. Some of our people are dying, and we must remember every day that those deaths are preventable.

Claire Baker (Mid Scotland and Fife) (Lab): The number of drug deaths in Scotland remains too high: in the past 14 years, more than 11,000 people have died preventable deaths.

Today's publication of the benchmarking report is welcome, but its content is not: it is a disaster. A year ago, the minister talked about embedding and implementing the MAT standards within a year, and the First Minister said 18 months ago that there would be rapid implementation. Those claims are now in tatters. A year later, we see abject lack of delivery of what was promised, and a flagship policy that is now in disarray. It is appalling that, after all the promises that were made, only one ADP is fully delivering same-day prescribing, while almost 60 per cent are making no progress.

Although the minister talks of powers to compel delivery, she must take responsibility for the difficulties that are still being identified by the sector. ADPs are concerned about insufficient funding for delivery, a burned-out workforce and a lack of staff.

Can we really have confidence that standards 1 to 5 will be implemented by next June, when progress in the past year has been so slow? How can the minister give an implementation date of 2025 for standards 6 to 10? That is unacceptable.

Angela Constance: The level of detail in this first benchmarking report means that there is no hiding place for either national leaders or local leaders. That is why we will continue to invest £10 million per annum, most of which is going to support the workforce.

The recommendations in the report are recommendations that Public Health Scotland published prior to my announcement today on the immediate action that we are taking in and around ministerial direction. I, for one, want to see much quicker progress being made. I will, of course, be reporting back to Parliament and making sure that we follow the investment—investment that has increased by 67 per cent, according to Audit Scotland—that has been secured since 2014-15 as a result of the national mission.

Public Health Scotland is very clear about the role of leadership, and not just at the national level. I am not asking people to do something that I will not do myself. However, it is very clear that we need a whole-system approach and leadership

right across the public sector—from national health service boards, from local authorities and from integration authorities, in particular. Each and every one of us now has to step up to the plate.

I have announced immediate action that will take place, and once we have seen the improvement assessments and improvement plans, I will certainly come back to Parliament later in the year to provide further updates.

Stuart McMillan (Greenock and Inverclyde) (SNP): The MAT standards emphasise a multipronged approach to treatment and residential rehabilitation as one potential course for support. In the work to ensure that the MAT standards are met, will there also be oversight of ADPs' efforts to increase access to residential rehab?

Angela Constance: Yes. There is already oversight from the Government, through an evaluation and monitoring programme, of our investment in residential rehab. There has been an uplift to ADPs of £20 million, and a portion of that is specifically identified for residential rehab placements and, crucially, aftercare.

When I reported to Parliament two statements ago, I think, I confirmed that 326 placements had been funded through ADPs in the first nine months of last year. Figures on this are available area by area, and Mr McMillan will be able to check on the progress that is being made in Inverclyde. One of the purposes of our gathering and publishing more data than ever before is to enable members of this Parliament to scrutinise what is happening in their areas, as well as to scrutinise the Government.

Our overall target is that, over the next five years—over this parliamentary session—we want to see at least 1,000 people being publicly funded for their residential rehabilitation placements.

Sandesh Gulhane (Glasgow) (Con): Overall, nearly three quarters of alcohol and drug partnerships were unable to provide documented policies, guidelines and standard operating procedures that were sufficient to demonstrate full and consistent implementation of the MAT standards. Shockingly, no data was provided for 14 per cent of standards. I quote directly from the report:

“There is a risk that, as a result of systems to collect numerical and experiential information not being set up, data for improvement work is not available and the improvement cannot take place.”

Over a year after the standards were drafted, it is shocking that there is still no standardised method of data collection and that improvement work cannot take place because those systems have not been set up. Why is that the case? As the minister knows, standardisation of data

collection is key to knowing what is going on across Scotland. Did we not know—

The Deputy Presiding Officer: Dr Gulhane, are you coming to the end of your question for the minister?

Sandesh Gulhane: Absolutely. What work is the Government undertaking to correct those identified flaws?

The Deputy Presiding Officer: Thank you.

Angela Constance: The point that Mr Gulhane makes about data is certainly not lost on me—I assure him of that. Nonetheless, despite the difficulties or the frustrations that Public Health Scotland has faced in relation to data, it has for the first time produced a benchmarking report that, to be blunt, is a warts-and-all assessment of what is happening in every ADP, local authority and health board area.

I make the point that data is important, as we are not relying solely on self-reporting, therefore a range of work is on-going, both within and outwith Government, to strengthen the data. That is partly through the drug and alcohol information system—DAISy—and partly through the measures that I announced at the end of last year on the national drug-related deaths database and data linkages. Other studies are taking place in emergency departments, to help us with quicker warning systems about what is happening on the ground.

The point in the report that really strikes me is that, in many areas, people still need to get with the programme on the role and importance of experiential data. We can collect people's operational policies, which are important, and we can collect numbers and data, which are also important. However, what else is important is the experience of folk on the ground. Local areas need to speak to local people about their experience of which services are, or are not, meeting their needs.

The Deputy Presiding Officer: Before I call the next member, I point out that eight members wish to ask questions. I would like to take all of those, but to do so we must have shorter questions and answers.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): The creation of a national care service might provide opportunities to give greater statutory oversight of ADPs in the delivery of MAT standards. Now that the National Care Service (Scotland) Bill has been introduced, will the minister outline what steps will be taken to determine whether greater statutory powers are needed in this area?

Angela Constance: There is a bit of a twin-track approach here. First, there is the work that is going on around the national care service. I am a

proponent of having such a service. I also want drug and alcohol services to be covered by the national care service, because it is important that we have a single framework of accountability. The national care service could be a really important vehicle for delivery of person-centred care and the provision of joined-up services. It is not good enough that folk are bouncing about between services, whether they be for addiction or mental health issues.

The work that we are doing on MAT in relation to local assessments of needed improvements, which will be published in August, and the quarterly or monthly reporting cycles that are now required of all agencies will certainly feed into our work on building a national care service to ensure that we end the postcode lottery and can deliver consistency of care to people afflicted by drug and alcohol problems.

Paul Sweeney (Glasgow) (Lab): I welcome the news that there has been progress on the work that is being done on overdose prevention centres. The minister and I whole-heartedly agree that those centres are desperately needed, particularly in a city like Glasgow. My proposed member's bill on drug deaths prevention is out for consultation at present.

However, what Glasgow also needs is full implementation of the MAT standards to which the Government has committed. I find it appalling that Glasgow—the city with the highest drug death rate in Scotland—has not fully implemented a single MAT standard by the target date. I accept that the minister has said that that is not good enough, but what exactly are she and the Scottish Government doing to turn it around? Every time that we miss the target, more people are dying. No amount of warm words will fix that.

Angela Constance: I would have thought that I had demonstrated to Mr Sweeney that I am prepared to do the hard miles when it comes to issues such as safer drug consumption rooms. We have worked steadfastly on those, and our work will now be scrutinised and a decision will be taken elsewhere.

I think that I have also demonstrated in my statement today not just warm words, but tough words of action. We will dig deep and do the hard miles. When it comes to implementing MAT standards, I am not asking and I am not taking no for an answer.

Joe FitzPatrick (Dundee City West) (SNP): I know that the minister will be disappointed that she has had to take the measures announced in her statement. However, we should not lose sight of the excellent work that is taking place across Scotland. Just last week, I visited the Lochee hub, in my constituency. It is supported by significant

Scottish Government funding, via the Corra Foundation, to deliver the five-tier recovery programme that is aligned with the MAT standards. I invite the minister to join me in a visit to the hub. Will she provide an update on the range of support that is being provided to Dundee to fully implement the MAT standards? Can she say anything about discussions on the potential provision of drug checking and heroin-assisted treatment in the city?

Angela Constance: There is a lot in that question, but I say to Joe FitzPatrick that I am no stranger to the good city of Dundee and I very much look forward to an invitation to visit the Lochee community hub or, indeed, anywhere that members would like to invite me to.

I have engaged with the Dundee drugs commission and the Dundee ADP—my officials continue to be in discussion with the partnership. Through the medication assisted treatment implementation support team—MIST—we have provided programme management support to assist the implementation of MAT standards. We are funding work in primary care that relates to MAT standard 7 and, of course, we have been in discussion with Dundee and other areas of Scotland in and around the provision of heroin-assisted treatment. Of course, we need to turn interest into commitments with regard to some of those initiatives and others, but I very much look forward to continuing to support the good city of Dundee. I know that work is also under way to establish a pilot drug-checking facility.

Alex Cole-Hamilton (Edinburgh Western) (LD): The minister knows that she and I share a lot of common ground on this issue and that I want her to succeed. However, I am disappointed by today's statement and by the explanations that have been given. I say that because she is doing exactly what she has criticised others for in the past, which is blaming staff. I also say that because, yesterday, a whistleblower approached my party to say that the reason why many of the MAT standards have not been delivered or data accurately collated is that the Scottish Government made money available to achieve them only very recently. Can the minister tell Parliament right now when that money was released?

Angela Constance: I have come to the chamber a number of times to outline action on a range of issues, and I have also, a number of times—verbally, in and outwith the chamber, and in writing—given the assurance that, as I have continuity of funding, that continuity of funding is also passed on to ADPs and front-line services. In addition, we have delivered five-year or multiyear funding opportunities for the voluntary sector. I assure Alex Cole-Hamilton that, where there are

blockages in the system, I will get in about it and unblock them. I am sure that people have received funding, because I certainly recall signing letters confirming funding. People should have received those funds. If they have not, I will check what is happening.

I say to Alex Cole-Hamilton that I am not taking a dig at staff or front-line workers. The Public Health Scotland report says:

“Commitment and senior leadership from Health and Social Care Partnerships will be necessary to allocate the resource that is required for successful implementation.”

I know what money I am putting out the door, and I am determined to follow that money to ensure that it gets to the front line and does not sit in reserves anywhere. There is no point in putting money away for a rainy day if you do not use it when there is a rainy day. The present circumstance is more than a rainy day, and money that is allocated by this Government needs to be committed and spent.

The Deputy Presiding Officer: Four more members wish to ask a question. I will not get all of them in unless we now have succinct questions and answers.

Jenni Minto (Argyll and Bute) (SNP): Will the minister outline the next steps that she understands the Crown Office and the Lord Advocate will take to consider the proposals for a safer consumption facility?

Angela Constance: I will be brief. If Jenni Minto wants further information, I will be happy to discuss the issue further with her.

Those proposals are now with the Crown Office, and it is for the Crown Office to submit them to the Lord Advocate. It would be somewhat inappropriate for me to comment any further than that, other than to thank partners including Police Scotland, the Glasgow city ADP and, indeed, my officials and the Crown Office officials, who worked hard to get a specification together and meet what was required, which was outlined when the Lord Advocate attended the Criminal Justice Committee on 3 November 2021.

Gillian Mackay: The Scottish Drugs Forum has highlighted that stigma is still acting as a barrier to people accessing MAT. It causes people to present later for treatment and means that they are often not as fully supported as they might be. What action will the minister take to tackle that and ensure that nobody is prevented from accessing MAT due to stigma? Will she consider requiring mandatory stigma training for all staff who work in ADPs?

Angela Constance: I know that an organisation called Reach Advocacy Scotland has provided training to 15 ADPs on taking a human rights

approach, applying MAT standards and tackling stigma.

Ms Mackay is absolutely correct to say that stigma is a barrier to treatment. Some of the work that is required to implement MAT standards in full, particularly standards 1 to 5, is crucial in tackling discriminatory attitudes and stigma. Ms Mackay will be aware of the work that the Government has done, to date, in and around our stigma campaign, some of which will figure in the workforce plans that we will bring forward in the months ahead.

Tess White (North East Scotland) (Con): Presiding Officer and minister, I apologise for my lateness today.

Will the minister outline what urgent action the Scottish Government is taking to address workforce shortages among ADPs?

Angela Constance: Ms White raises a very important point. A few months ago, we published the first-ever survey of the drug and alcohol workforce, which reveals the size and shape of the workforce—there are about 3,500 full-time equivalents. It also begins to unpick some of the issues in and around recruitment, training and retention, and it will inform the work that we need to do to support the welfare of staff.

As I intimated in my statement, I will come back to the chamber with more detail on the plans for what is to be undertaken. It is important to note that much of the £10 million per annum that is going towards the implementation of MAT standards is for recruiting staff.

The Deputy Presiding Officer: That concludes the statement.

Stuart McMillan (Greenock and Inverclyde) (SNP): On a point of order, Presiding Officer. I apologise to you and to members in the chamber, as I should have, once again, made everyone aware that I am a board member of Moving On Inverclyde, a local addiction service.

The Deputy Presiding Officer: Thank you, Mr McMillan. That is duly noted.

I apologise to the one member whom I was not able to call for a question on the statement; what I had feared would come to pass did come to pass. We have a very busy afternoon ahead, and we have to try to keep to time as far as possible.

Business Motion

14:57

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is consideration of business motion S6M-05122, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Fireworks and Pyrotechnic Articles (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Fireworks and Pyrotechnic Articles (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 4: 1 hour

Groups 5 to 7: 2 hours

Groups 8 to 10: 3 hours

Groups 11 to 13: 3 hours and 30 minutes.—[George Adam]

Motion agreed to.

Fireworks and Pyrotechnic Articles (Scotland) Bill: Stage 3

14:57

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is stage 3 proceedings on the Fireworks and Pyrotechnic Articles (Scotland) Bill. In dealing with the amendments, members should have with them the bill as amended at stage 2—Scottish Parliament bill 10A; the marshalled list; and the groupings of amendments.

The division bell will sound, and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for each division will be up to one minute.

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

Section 3—Application of Part

The Deputy Presiding Officer: Group 1 is on licensing: removal of licensing scheme. Amendment 2, in the name of Katy Clark, is grouped with amendments 3, 4, 6, 10, 12, 14, 19, 21, 23, 24, 27 to 31, 37, 39 to 47 and 49 to 67.

Katy Clark (West Scotland) (Lab): Amendment 2 and all the other amendments in the group would have the effect of removing the licensing scheme that the bill will create. The scheme will be a Scottish Government, Scotland-wide, centrally run scheme, and we understand that it will have a fee of between £20 and £50 attached to cover the administration costs.

I have lodged amendment 2 because of the risk that an unintended consequence of those provisions would be to create a black market in fireworks in Scotland. The bill provides little detail on what the licensing scheme will look like. We do not have a principled objection to the creation of a licensing scheme. However, given the concerns that have been raised by and with the Criminal Justice Committee, we do not believe that it is appropriate that the matter should be dealt with through delegated legislation. Rather, it should require the Government to come forward with primary legislation on a licensing scheme to enable a proper scrutiny process.

15:00

Alex Cole-Hamilton (Edinburgh Western) (LD): I agree with Katy Clark that the licensing scheme should have been better and further thought out. However, I am also gratified to note

that others are amending the bill to include reviews at various stages. Does she agree that the licensing scheme will go some way to ensuring that the bill does what it is intended to do? Does she agree that there is a pressing need for the legislation to deal with repeated instances of antisocial behaviour, particularly in the Muirhouse area of my constituency?

Katy Clark: I agree with the member that we have a serious problem that needs to be addressed, and we will be looking at the amendments during the afternoon's proceedings. It is quite clear that we need to tackle that problem. The issue that I am bringing to the chamber's attention is that the licensing scheme is not the method for doing that, nor is it the way to tackle the problem of antisocial behaviour.

The bill does not ban the use of fireworks. It allows for professional organisations to have firework displays anywhere in Scotland, all year round. Those professional organisations do not have to apply for a licence. Local authorities will not oversee the ability of professional organisations to have public displays. I will be speaking to an amendment later that seeks to give councils the power to ban all fireworks in certain areas, including those that will be lit by professional organisations. However, the bill restricts the ability of individuals to buy or use fireworks in Scotland for much of the year, so that it will be a criminal offence to buy and use fireworks during specific periods of time—I am not suggesting that that should change.

Under the bill, it will be possible to buy fireworks on only 37 days of the year, which will include the firework season, bonfire night, new year, Chinese new year and Diwali. It will be possible for individuals to use fireworks legally on 57 days around the same period. It is likely that law-abiding citizens will fall foul of those provisions, and that they will use fireworks on the wrong day. The bill states that the individual needs to buy a licence to use or to buy fireworks. There is no doubt that, if the bill as drafted becomes legislation, law-abiding citizens will take steps to acquire a licence and will use fireworks only if they have that licence.

However, there is a significant problem with the antisocial use of fireworks in Scotland, and it is unlikely that people who fall into the category of misusing fireworks will apply for a licence. Those people are more likely to obtain fireworks on the black market, which could develop a trade for fireworks to be available from unregulated sources. That is what has happened in a number of other countries where similar schemes have been introduced. In the Criminal Justice Committee, there was much discussion about people buying fireworks out of the backs of white vans.

If we look across Europe, we see that restrictions were brought in Italy in 2015, but there is no sign that the significant antisocial and dangerous use of fireworks in that country has been impacted. There is evidence of illegal fireworks factories, with large quantities of illegal fireworks and explosives being seized by authorities. Indeed, in spite of those regulations, it was reported in January 2021 that, following the new year, which is the biggest fireworks event in Italy, 79 people were injured and a huge number of birds were left dead. *Sky News Italia* reported on 1 January 2022 that, on new year one year later, in spite of bans that had been brought in in some cities, 124 people were injured; 31 people were hospitalised, of whom 14 were seriously injured; and there were 20 minors among the victims.

In the Republic of Ireland, fireworks have been banned, but that has not addressed the antisocial use of fireworks, where stockpiling and the illegal use of fireworks are significant problems. In Northern Ireland, a licensing scheme has been introduced, but there is significant evidence of the unlawful use of fireworks that have been illegally imported.

As I said, the bill makes it a criminal offence to buy or use fireworks outside specified days, which will stay in place whether there is a licensing scheme or not. The issue is what the benefits are of having a licensing scheme, as set against the risks of a black market, with people buying from unregulated sources that are less likely to comply with safety and industry standards.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I agree that there was significant discussion on this issue in the committee, but I think that the member may also be aware of correspondence that has come in from the Royal College of Physicians and Surgeons of Glasgow that sets out that firework licensing will change

"the purchase from impulse to one of planned decision, with the burden of responsibility on the purchaser to provide proof of age/suitability to purchase fireworks."

Would the member agree that that makes a strong case for having a licensing scheme in place?

Katy Clark: Indeed, I agree with the convener of the Criminal Justice Committee. As I have already said, some individuals will apply for a licence and will not use fireworks for the rest of the year. The issue is whether the licensing scheme will effect the culture change that the cabinet secretary has spoken about; I plan to move on to that after I have taken this intervention.

The Deputy Presiding Officer: Before the next intervention is taken, I counsel the member that

she should probably be starting to bring her remarks to a close.

Russell Findlay (West Scotland) (Con): Would the member also agree that the Scottish Government has not shown any analysis or modelling in respect of how many licences are likely to be applied for?

The Deputy Presiding Officer: Please wind up now.

Katy Clark: Indeed, and another feature, as the member knows, is that very few fireworks convictions are being taken through the courts, despite the fact that there are thousands of complaints each year.

The two main reasons, as I understand it, that the Scottish Government gives for a licensing scheme—and the minister will come back to comment on this, obviously—are that it is an attempt to shift the culture around fireworks in Scotland and that anyone who applies for a licence will be required to undertake an online training course.

I agree that there is definitely a need to shift the culture around fireworks. We have a significant problem with the antisocial use of fireworks, including fireworks being used as weapons against emergency services workers and others; pets and other animals often being distressed; and particular problems being caused for specific groups such as those with autism.

We need to change the culture; the issue is whether a licensing scheme of this nature will do so. There is no doubt that it will prevent some people who would set off fireworks in their gardens from doing so, which I think is the point that Audrey Nicoll was making, but the risks of a growth of a black market are probably more significant.

I agree that there is a strong argument for training and I would support robust face-to-face training for those buying fireworks on how to handle them, but there is no suggestion that that is being proposed here—

The Deputy Presiding Officer: Ms Clark, could you please bring your remarks to a conclusion at this point?

Katy Clark: Of course.

This is an enabling piece of legislation; it will allow the Scottish Government to introduce a licensing scheme by delegated legislation. Any licensing scheme needs proper scrutiny by this Parliament and, for that reason, I ask for support for all the amendments in the group.

We know that the creation of these restrictions is likely to lead to the demise of specialist fireworks shops, which currently provide advice

and guidance, and we believe that the creation of this licensing scheme has the potential to create more problems than it solves.

I move amendment 2.

Jamie Greene (West Scotland) (Con): I will be brief, because we have a lot to get through today and this is just the first group of amendments. I thank Katy Clark for her amendments, but we cannot support the approach that she has taken, which is to simply remove the licensing scheme altogether. I think that there is some merit to the scheme. However, she rightly raises issues about the devil being in the detail. The fact that that detail is not in the bill is something that the committee raised in its stage 1 report.

In the opening minute of Ms Clark speaking, I heard the minister shout across the room the word “rubbish”. I would like to say that I hope that that is not the direction of travel for today’s debate, and I will tell you why. [*Interruption.*] I will continue, if I may.

The issues that we are going to debate are serious. We have a lot of very considered and thoughtful amendments that have been lodged by members right across the board.

It is notable that all members of the Criminal Justice Committee have worked extremely constructively with the Government, with civil servants and—believe it or not—with each other. I hope that we can maintain that level of respect throughout this afternoon’s debate, as Conservative members put forward our ideas about how we think that we can improve the bill. The Government is welcome to disagree with those ideas and to vote against our amendments, but I would like us at least to go into the debate with that considered approach.

The only point that I will make in addition to that is that I appreciate that Mr Cole-Hamilton has talked about the need for doing something to address the issue of fireworks. At no point has anyone in this chamber, whatever their views on the approach of the bill, accepted that we can just sit back and that the status quo will remain. However, we have in front of us a wide range of amendments that seek to improve the bill and strengthen it in many ways.

When we tried to do that at stage 2, almost every amendment split the vote of Criminal Justice Committee members, and most of the amendments fell purely as a result of the convener’s casting vote. That is testament to the fact that there was cross-party support for some of those amendments. I hope that members who did not sit through the stage 1 evidence sessions or did not participate in the drafting of the stage 1 report will read—or have already read—the report. It was very considered and thoughtful and

contained a lot of criticisms. Many of those criticisms have not been addressed, so we will seek to do that over the course of this afternoon.

Pauline McNeill (Glasgow) (Lab): Before the stage 3 proceedings are fully under way, I will echo Jamie Greene. We have supported the Government's attempts to control fireworks. There is a consensus on that—[*Interruption.*] However, we must be allowed to scrutinise the bill at stage 3 without heckling from the minister. Perhaps you want to intervene on me.

We are doing our job. If we ask the public whether they want more control over fireworks, of course they will agree but, in their minds, they want to halt the misuse of fireworks. They might not be thinking of themselves sitting in their back gardens in November and setting off fireworks.

However, the bill is quite clear, and that is an important point. The provision for the 57 days on which people are permitted to use a firework can stand alone without a licensing scheme. The offences can stand alone. We do not need a licensing scheme in order to create a criminal offence or a breach of the regulations.

The question that Katy Clark rightly put is whether a licensing scheme actually adds anything to the type of restrictions that the public want. It is legitimate to ask what happens if people do not apply for a licence under the bill but go somewhere else to get the fireworks. The industry—

The Minister for Community Safety (Ash Regan): Will the member take an intervention?

Pauline McNeill: I will do so in a minute.

The fireworks industry is quite clear that it has challenged the minister on her assertion that delivery drivers would have a legal obligation to check for a licence, as they do with other age-restricted purchases. The British Fireworks Association says that, although that is true with regard to age-restricted purchases, that duty does not extend to drivers' checking a licence for fireworks. If that is what the industry is saying, I think that there is a duty on us to examine whether the licensing scheme might have unintended consequences.

I am happy to give way on that point.

Ash Regan: To both members who have spoken already today, I say that the licensing scheme is a core part of the bill and was developed as a result of the review group's recommendations.

Members are muddling different schemes in international jurisdictions. I suggest that comparing a scheme where fireworks are completely banned with the one that we would have here introduces a

bit of disingenuousness to the debate. If the bill is passed, there will still be a route for people in Scotland to buy fireworks legitimately. If we were to close down all legitimate routes to buy fireworks, it might be reasonable to say that people might seek to buy them elsewhere. Would the member accept that?

Pauline McNeill: Would I accept that? You made quite a number of points there. We are saying that we can still control fireworks without a licensing scheme, because it would be an offence to let off a firework outside of the 57 days that the minister has chosen as the days on which the use of fireworks would be permitted.

I presume that you will acknowledge that the committee had to fast-track the scrutiny of the bill. That turned out to be one of the issues, because we have not had time to examine the international evidence. You are quite correct to say that Ireland has a different scheme, but we did not get a chance to look at the situation in Italy, which is one of the points that Katy Clark made. We just did not have enough time to look at it.

I want to be clear that Scottish Labour supports the Government's attempts to control fireworks, and we accept that the public wants action. We are questioning whether the licensing scheme might have unintended consequences, and we do not feel that the issue of the black market, which the industry repeatedly asked the Government about, has been properly and adequately addressed. I do not feel that there has been a satisfactory answer to that question, and I think that we are entitled to one.

15:15

The Deputy Presiding Officer: I remind members that when they refer to one another, they should not refer to "you", because that refers to me, and I have no role in the proceedings beyond chairing them.

I call Fulton MacGregor, who joins us remotely.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I will not speak for long, because I know that we have quite a long day as it is.

I will not be supporting the amendments in this group in the name of Katy Clark. As the minister said in her intervention, the licensing scheme is a primary aspect of the bill, and I wonder how close some of these amendments come to being wrecking amendments. As members who sit on the committee with me will know, the licensing scheme is important. However, I respect the fact that Katy Clark has continued to propose her amendments since stage 2.

One thing that members who have not been involved in the full scrutiny should know is that there is widespread support for the introduction of a licensing scheme from stakeholders. At stage 1, we took a lot of evidence—we had a lot of panels in front of us—and, in the main, there was a lot of support from stakeholders.

We heard from the industry that there could be the threat of a black market, but we wrote to the Irish Government, which gave us a very quick response—at that stage, we were running out of time—and it did not back up those claims with any clear evidence. That is also worth noting.

The essence of the licensing scheme and the bill in general is an attempt to change the culture and the relationship that we have with fireworks in Scotland. That is what our constituents want and that is what the Government is attempting to do.

As I said during the stage 1 debate, and as I think that other members have said, nobody is under any illusion that culture change will happen overnight, but we have to start somewhere, and a licensing scheme will be a big part of that. Therefore, I do not support the amendments in Katy Clark's name.

Ash Regan: Although the group includes a substantial number of amendments, they seek to achieve one significant effect: to remove the licensing system from the bill. Ms Clark lodged an amendment at stage 2 to start a debate on whether the licensing system should be removed, and I understand that the amendments in this group have been lodged to seek to progress that point.

As I stated during stage 2 proceedings, I consider amendments to remove the licensing system to be a wholly disproportionate step to take. The licensing system is based on extensive consultation and engagement, which Mr MacGregor has just pointed out. That includes the 2021 public consultation, which demonstrated significant support among respondents for a firework licensing system, with 84 per cent agreeing that it should be introduced.

During stage 1, the committee heard from a range of stakeholders who were supportive of the range of measures in the bill, including the Scottish Fire and Rescue Service, which stated that

“The licensing element encourages people to engage in some training in how to use fireworks, as well as making it slightly more challenging to buy fireworks and putting some control around that process.”—[*Official Report, Criminal Justice Committee*, 16 March 2022; c 6.]

I understand that members have expressed concerns about the level of detail that is in the bill and what will be set out in future regulations. Following stage 1, I shared a licence user journey

with the committee, which set out the practical steps that a person must follow in order to apply for a licence. All that detail is already included in the bill, and I hope that that provided members with the reassurance that the fundamental principles and the core functions of the system are included in the bill. The licence user journey also pointed to the four areas in which regulations are required for implementation of the system.

Therefore, as I have previously stated, I believe that the most appropriate approach to take to operational details is to set them out in regulations. Those regulations will be subject to a consultation requirement, and the public and stakeholders will have the opportunity to share their views on proposals.

I lodged amendments at stage 2 to accept the Delegated Powers and Law Reform Committee recommendations and require certain regulations to be subject to the affirmative procedure, which would give the Parliament the opportunity to scrutinise those regulations further. That relates to the broad regulation-making power at section 18, which means that, where regulations might go beyond any type of administrative detail, they will be subject to the affirmative procedure.

I consider that this group of amendments and the attempt to remove the licensing system are excessive. That approach actively works against the results of the consultation and the engagement that has contributed towards the development of the system. I therefore ask Ms Clark not to press the amendments, and if she is minded to do so, I ask members not to support them.

The Deputy Presiding Officer: I call Katy Clark to wind up and to press or withdraw amendment 2.

Katy Clark: Not moved.

The Deputy Presiding Officer: Could you formally withdraw the amendment?

Katy Clark: Of course, Presiding Officer. [*Interruption.*]

Amendment 2, by agreement, withdrawn.

The Deputy Presiding Officer: I missed whatever was going on there, but it is going to be a long afternoon, and I encourage everybody in the chamber to settle in to the spirit of stage 3—[*Laughter.*—]so that we can all get through this in a reasonable fashion, I hope.

Section 4—Requirement to have fireworks licence

The Deputy Presiding Officer: Group 2 is on licensing and proof of licence. Amendment 68, in the name of Jamie Greene, is grouped with amendment 69.

Jamie Greene: Never mind the spirit of stage 3, we will all need a spirit of some sort by the end of this afternoon by the looks of it. *[Interruption.]* I know, it is a bad joke. They get worse, so do hang around.

Group 2 is about proof of having a licence. I am pleased that the Labour member has withdrawn amendment 2, and I hope that we will continue that theme with the others in the group, or it will be an even longer evening.

Amendments 68 and 69 are quite self-explanatory. They relate to the licensing scheme and, more importantly, to the interaction between the purchaser and the retailer, specifically in the circumstances in which proof of a licence will be required.

Amendment 68 ensures that the onus is on the purchaser of the fireworks to provide proof of holding a licence at the point of purchase. The detail of whether a licence will be electronic or paper, we have yet to see.

People traditionally buy fireworks in two ways. First, they make in-person purchases from retailers, which are broken down into two sub-groups. There are specialist retailers that sell only fireworks, 365 days of the year. More likely, however, people buy fireworks through department stores or larger retailers.

The second place where many people buy fireworks is online. Some of those sources will be Scottish-based retailers that sell online as a sideline, others will be UK-based online retailers, and many others will be outside the UK.

The bill states that individuals, unless they are exempt from holding a licence, must have a licence at the point of purchase, but nowhere does it say that they must present it at the point of purchase, which strikes me as quite odd.

Amendment 69, which is closely related to amendment 68, would require the seller of the fireworks to take “reasonable steps” to view and, where possible, retain a copy of the buyer’s licence at the point of purchase. It would not be mandatory, but they must take “reasonable steps”.

Those would not be onerous tasks for either the purchaser or the seller. The reason why I have lodged the amendments is the issue of online sales. There are things that the bill cannot do, which is why I believe that there are loopholes in the licensing scheme. First, the bill cannot force retailers to check for a licence, which is why the amendment says that they should take “reasonable steps” to do so. I understand that forcing that check is not within the competence of the bill or the Parliament. Secondly, online sales cannot be regulated in the way that face-to-face sales can. Amendment 69, therefore, strives to

strengthen the need for retailers to check that a purchaser does indeed hold a licence.

In my view, even now at stage 3, the whole murky world of online fireworks sales remains unclear. There are some unanswered questions that I hope can be dealt with in the debate on my amendments. Will online sellers of fireworks still sell to consumers in Scotland? We do not know the answer to that question. Will they check for licences? Are they legally obliged to check for licences? Can the Parliament legislate to force them to check for licences, particularly if those businesses are outside our jurisdiction? What happens if they do not check? Will they be prosecuted by Police Scotland under section 5 of the bill as it is drafted?

Further, what happens if someone drives across the border to northern England, for example, to purchase fireworks? Will those retailers have to check for a licence? If they do not, does that mean that an unlicensed person could purchase fireworks from a retailer across the border? If that retailer is not checking a Scottish central database, how will they know that the purchaser holds a licence, unless it is produced at the point of purchase? That is the point of my amendment 68. How will the retailer know whether someone has had their application for a licence rejected, which is possible under the bill, or, worse still, has had a licence that has been revoked by ministers or otherwise?

The unfortunate truth is that we do not know the answers to those questions. I suspect that the answer would be that none of the above is covered in the bill. They are unfortunate loopholes that my relatively simple amendments try to fix in the only way that they can within the competency of the bill.

I move amendment 68.

Ash Regan: Amendment 68 seeks to require a fireworks licence to be presented specifically

“at the point of purchase”

either online or in person. That is unworkable, as the bill does not and cannot regulate behaviour outside of Scotland.

Section 5 of the bill ensures that suppliers will take “reasonable steps” to establish that they are not supplying fireworks to an unlicensed person. That is not confined just to the point of sale, but applies to every part of the process of supply. Therefore, for transactions with retailers outwith Scotland—which was the example that the member gave—it is the delivery company that will be subject to the requirements of section 5.

For example, if fireworks are purchased online from a European website and the delivery address is in Scotland, the physical handing over or

delivery of the goods is part of the supply of fireworks. It is that part of the process where enforcement action in Scotland for online sales can be focused. It is anticipated that that will work in a similar way to the delivery of age-restricted products, where the person who is delivering the products must satisfy themselves that the recipient is of a permitted age to receive the delivery.

I believe that amendment 68 is not feasible and I will not support it.

Amendment 69 seeks to provide examples of what constitute “reasonable steps” to determine whether a person has a firework licence by setting out that that

“includes viewing and retaining a copy of the person’s firework licence.”

Although I sympathise with the intention behind the amendments, I do not think that it is right to provide such examples. We do not want to cause unintended consequences or narrowing of the scope of the defence. I believe that we had a detailed exchange on that at stage 2. We should leave it to the police, the prosecutors and the courts to determine, in each individual case, whether the evidence supports that defence applying to a particular supplier.

For that reason, I ask Mr Greene not to press his amendment.

The Deputy Presiding Officer: I call Jamie Greene to wind up and press or withdraw amendment 68.

Jamie Greene: I thank the minister for her response. When drafting the amendments, there was a bit of back and forth with the legislation team on how to go about it, given the technical nature of what we can and cannot do within the scope of the bill. If the minister’s lawyers are content that amendment 68 would create problems if it were passed at stage 3, I accept that.

However, I think that the minister’s response to my comments demonstrates the point that I am trying to make. If we cannot force someone to present their licence at the point of purchase and cannot force the retailers to check for a licence, none of the questions has been answered. How do you know whether someone has a licence, if they are not required to show it? Secondly, what happens if someone does not have a licence, or has had a licence which has been revoked?

If we cannot legislate for our own jurisdiction—that is, for a Scottish retailer who sells fireworks in a face-to-face environment—how on earth will the bill have any teeth if the majority of firework sales move to an online environment? It is quite possible that people could still go on the internet, google for fireworks, buy them and at no point be asked by

the retailer to present their licence at the point of purchase. It shifts all the responsibility on to courier companies—from which, by the way, we took no evidence at any point in the proceedings. The Government simply says that the supplier must check—that it is not the retailer, not the seller, but the person who turns up and knocks your door and asks, “Do you have a licence, and can I see it?”. That is not in the bill and we took no evidence on that.

15:30

I am afraid that that diversion, from “This is the only place we think we can regulate that”, creates an issue. It is unbelievable to get to stage 3 of the bill and for there to clearly still be massive holes in what it seeks to achieve versus what it can do through competency or reality. Nothing in the answer that I have heard fills me with confidence that those issues will be addressed.

Nonetheless, no member wants to press an amendment at this stage of the proceedings that will create legal problems in the legislation.

Amendment 68, by agreement, withdrawn.

Amendment 3 not moved.

Section 5—Supply of fireworks to unlicensed persons

Amendment 69 not moved.

Amendment 4 not moved.

Section 6—Applying for fireworks licence: general requirements

The Deputy Presiding Officer: Group 3 is on licensing fees. Amendment 70, in the name of Pauline McNeill, is grouped with amendment 71. If amendment 70 is agreed to, I cannot call amendment 71 because of pre-emption. I call Pauline McNeill to speak to the amendments and to move amendment 70.

Pauline McNeill: Amendment 70 is on the costs of the licensing fee. I had an exchange with the minister about the issue at stage 2. I fully acknowledge that the minister is in the same position as I am, which is that we do not want to set a fee that is so prohibitive that people will not apply for a licence.

I will say this up front before the minister does, because it is usually the case: amendment 70’s wording is not perfect. I reflected on what the minister said at stage 2 and I read the proposal again. My concern is that the cost of running the scheme will also include monitoring of existing licence holders and legal enforcement of the scheme. That is what the note says, so perhaps the minister could clarify that point.

If the scheme is to cover all those things, it could be expensive. The minister knows where I am coming from—we have the same concerns about the licensing scheme. If it is too costly, it will prohibit people from applying for a licence and they will not be able to enjoy fireworks, as would be their intention, on the 57 days of the year when their use is encouraged.

I really want to highlight that point, because we did not debate it at stage 2. If legal enforcement were to be included in the licence cost, that would be a matter for the legal enforcement authorities and should not be covered through raising the cost of the scheme. I would be grateful if the minister could respond to that point.

I move amendment 70.

The Presiding Officer (Alison Johnstone): I call Russell Findlay to speak to amendment 71 and the other amendment in the group.

Russell Findlay: I am here today with an exciting selection box of amendments. I hope that there are no damp squibs and, certainly, no rubbish.

I heard what Pauline McNeill had to say about the costs of licences with her amendment 70. My amendment 71 is similar, but does not go quite so far. Pauline McNeill's amendment seeks to scrap fees altogether.

We recognise the need for a fee, if there is to be a licence. The scheme will not pay for itself, of course, but the public should not be unfairly penalised. Amendment 71 is about protecting consumers and responsible users of fireworks.

The omission of an actual cost from the bill was explained by the minister at stage 2. The Government says that licences are likely to cost between £20 and £50, and ministers are asking us to pass the bill and trust them on that detail. I suggest that £20 to £50 is a broad spectrum. How many people who are willing and able to spend £20 on a licence would pay £50? If someone wants to spend £30 on a typical box of family fireworks, a £50 licence fee seems to be too much for them to pay. Every incremental increase in the suggested price scale would surely result in fewer people applying for licences, although the Scottish Government appears to have done no modelling of that.

Some people might suspect that the real intention is to make licences unaffordable and unappealing, which would result in fewer fireworks being used. However, the bill's omission of a licence price and of any explicit commitment to maintaining licence affordability has risks. Like so much else in this rushed bill, there is a danger that a prohibitive fee would deter legitimate users and drive them towards the black market. Again, where

is the modelling on that? That is why, through my amendment 71, the bill would include a commitment to keeping the price sensible, affordable and accessible.

The Government's stated intention is that licences will encourage safe use of fireworks, with online training being central to that, so I hope that the minister will give consideration to amendment 71, if she is not minded to support Pauline McNeill's proposal in amendment 70 to scrap licence fees altogether. That would go some way towards ensuring that cost does not become a barrier to people who seek responsible enjoyment of fireworks.

Ash Regan: There was, understandably, much debate about the licence fee during stages 1 and 2. I turn first to Pauline McNeill's amendment 70. It seeks to amend the bill to remove the requirement that

"the Scottish Ministers ... must have regard to the reasonable"

running costs of the licensing system. When "setting the fees"; only a "nominal fee" could be charged or the fee would be remitted entirely.

I know that Pauline McNeill raised concerns at stage 2 about system running costs and how they could impact on the licence fee that is set. Although cost recovery will be a key determinant of the fee level—that is in line with the standard approach for all such fees—a proportionate fee should generally be chargeable in order to ensure that applications are made with due consideration of the responsibilities that are involved in holding a fireworks licence.

I will address the question that Pauline McNeill asked me during her speech. She asked me about legal enforcement or legal administration—I think that that was the term that she used. I confirm that it is not the intention that the fees will cover elements of enforcement, but are for costs of administration only.

Jamie Greene: If, in future years after the licence is put in place, it becomes apparent that the cost of a licence is putting people off applying for one, would the Government see that as a success of the licensing scheme, because fewer people were seeking to buy fireworks, or as a failure? Thereafter, would it remove the fee or reduce it to a nominal amount, which would encourage more people to apply for a licence? Which is the more likely scenario?

Ash Regan: Jamie Greene has made a legitimate point. We will keep the fee under review. The modelling that we have done, which he will no doubt have seen, shows a likely reduction in fireworks sales. We will keep that under review; if there is evidence to suggest that

the situation is as he suggests, we will reconsider the level at which the fee has been set.

I reiterate the point that I made earlier: I remain committed to ensuring that the licence fee is proportionate and fair. It will be set, following a wide-ranging consultation, at a rate that will ensure that, although robust checks and balances are in place, it is not a restrictive barrier to safe and lawful use of fireworks.

I will move on to Russell Findlay's amendment. I do not consider amendment 71 to be necessary. The bill already requires the fee to be set with regard to the "reasonable costs" of the licensing system, so any impact of inflation on those costs will, of course, form part of the fee level that is determined. Consultation on the fee, which will be required before any regulations are made, will ensure that the fee amount is reasonable, and will allow other cost pressures on individuals to be reflected.

I understand that the requirement to obtain a licence and pay a fee will mean that people who wish to buy and use fireworks will incur additional costs. Again, I reiterate that I remain committed to ensuring that the licence fee is proportionate and fair.

Ensuring safe and responsible use of fireworks is imperative in terms of achieving the policy aims of the licensing system. I believe that, through the illustrative modelling in the financial memorandum, a balance has been struck between, on one hand, introducing a licence fee and, on the other, avoiding overly restrictive barriers to lawful purchase and use of fireworks.

Pauline McNeill: I welcome the fact that we have had another opportunity to have an exchange on the subject. I assure members that I was not trying to rehearse the debate that we have already had; rather, I wanted to make the point about legal enforcement. I am content that the minister has said that the costs of running the scheme will not include legal enforcement.

I also acknowledge that the minister has said from the beginning that fees need to be proportionate, although we can take a view on what "proportionate" is. However, I think that we will know if the fee is set too high. In the consultation, it was set at between £20 and £50, at the higher end. During a cost of living crisis, I think that we can agree that we would not want to see the fee being set at that end. I certainly would not.

I have also supported what Russell Findlay has been trying to do from the beginning, which is to ensure that, whatever the fee, increases are kept close to the rate of inflation—although I suppose that that is not a good guide at the moment, given that inflation is at 9.1 per cent. I think, however, that we are all on the same page in that, whatever

our view of a licensing scheme, we think that there is no point in creating a scheme that would prevent people from applying because it is too expensive.

On that basis, Presiding Officer, I am content to ask for approval to withdraw amendment 70.

Amendment 70, by agreement, withdrawn.

Amendment 71 not moved.

The Presiding Officer: Group 4 is on licensing: procedure for regulations. Amendment 5, in the name of Katy Clark, is grouped with amendments 7, 11, 18, 20 and 32 to 34.

Katy Clark: The two sets of amendments in group 4 would enhance the parliamentary scrutiny that would be required for any secondary legislation, particularly the licensing scheme.

Amendment 5 would change the process so that the regulation-making powers in part 2 of the bill that are subject to negative procedure would instead be subject to affirmative procedure. Amendment 34 goes further and sets out that the Government would have to lay draft regulations that would be brought before the Scottish Parliament via a pre-laying procedure. That would require the Government to lay a draft of the regulations before Parliament and that the Scottish Government be required to seek the views of the Criminal Justice Committee on the terms before finalising the regulations. It would also require the committee to have the opportunity to play a meaningful role in undertaking effective scrutiny of those regulations, should it wish to do so.

As has been said, the committee raised significant concerns about the bill and the licensing scheme. The reason for the amendments in this group is simply to enhance the parliamentary scrutiny that would be required, given the complexities of the licensing scheme, which I have outlined, and the potential risks, given the way in which such schemes have operated in other countries, particularly Northern Ireland and Italy, where there are similar schemes.

It is imperative that there are ample opportunities not just to consult stakeholders but to ensure that there is sufficient debate and scrutiny by members of the Parliament. At stage 2, the minister suggested that affirmative procedure would not be a good use of parliamentary time. I disagree with that. These are issues that require proper scrutiny so that the legislation, particularly the licensing scheme, functions well, particularly given the risks of a black market that were raised with the committee. Those risks need to be addressed and have been a feature in other countries.

As I said, amendment 34 goes further than the other amendments in the group by requiring the

superaffirmative procedure, which requires the committee's involvement.

The bill is complex. There is a lack of detail in relation to the licensing scheme, and it could have been much more simple. For that reason, I believe that it is appropriate that there should be effective scrutiny should further regulations be proposed.

I move amendment 5.

15:45

Jamie Greene: In order to be helpful to Ms Clark—especially in considering which of her amendments to move—I can tell her that we support all the amendments in the group other than amendment 33, which seeks to remove section 19. I think that that presents an issue in relation to the licensing scheme. I suspect that amendment 33 might be consequential to other endeavours to remove the licensing scheme altogether.

However, the other amendments in the group are important. Some seek to change the procedure that would be used for the regulations in question from negative to affirmative, thereby increasing scrutiny of them. The devil will be in the detail and, given that so much of the detail will be contained in regulations, I will always support amendments that seek to improve scrutiny by a committee or the Parliament as a whole.

As Katy Clark rightly pointed out, amendment 34 would ensure that Parliament would have to be consulted on such regulations. That is only right, given the lack of detail of the regulations that will inform how the bill is delivered. There needs to be increased accountability, transparency and good process, which has been sorely lacking as we have gone through the truncated scrutiny of the bill at this stage, and I hope that we are not put in that position again when we look at the detail in the future.

For that reason, we will support all the amendments in the group other than amendment 33.

Ash Regan: I understand that the amendments in this group seek to enhance scrutiny and consultation around the licensing system, but I believe that my openness to increased scrutiny has already been demonstrated by my accepting the Delegated Powers and Law Reform Committee's recommendations on the use of affirmative regulations and by including from the outset—in section 19—a consultation requirement. That requirement ensures that there will be an opportunity to gather views on proposals for what may be included in regulations—for example, in relation to the licence fee, which we discussed earlier.

Amendments 5, 7, 11, 18 and 20 seek to make the regulation-making powers in part 2, which are currently subject to negative procedure, subject to affirmative procedure. I do not consider that the use of affirmative procedure is suitable or proportionate for the type of regulations in question, which will be used to set out operational and administrative details of the licensing system.

It is not intended that those powers will be used frequently, but it is necessary that, when they are used, they can be used in a timely manner, so that the licensing system can continue to operate efficiently and at an optimum level. In my view, it would not be appropriate to require the use of affirmative procedure for regulations that made operational and administrative changes.

Amendment 32 seeks to extend the consultation requirement to regulations that are made under section 3 of the bill, which sets out the categories of fireworks that are covered by part 2 of the bill, which relates to the licensing system. The regulation-making power in section 3(2) has been included to future proof the licensing system, and it will enable any changes that are made to the categorisation of fireworks, or the addition of new classifications of fireworks in the future, to be taken into account.

It is important that that power can be used in a timely manner so that the licensing system can continue to operate effectively. It is a technical regulation-making power, which it is intended will be used only if that is required in order for account to be taken of legislative change elsewhere or industry developments. If it is used, relevant stakeholders, such as firework industry experts or trading standards, will be consulted, in line with good practice for all regulations, and it is not considered necessary to include it under the duty to consult in section 19.

Jamie Greene: If that power was used, is it not the case that the relevant regulations would come to a committee of the Parliament only under negative procedure, in which case the only option that would be available to members would be to consider a motion to annul? That is not real scrutiny, is it?

Ash Regan: As I have set out, I have moved on a number areas in which I thought that it was proportionate for regulations to be subject to affirmative rather than negative procedure, where those regulations involve substantive details. As I have said, the regulations that we are discussing here would be technical and administrative. Therefore, I think that, in this case, the use of negative procedure—which has been specified in many different types of legislation that the Parliament has considered while I have been here—is appropriate.

The member is correct in saying that the committee has the power to knock back those regulations if it wishes to do so. Although they are not subject to the consultation requirements, the regulations are subject to affirmative procedure, which means that there will be enhanced parliamentary scrutiny of regulations that are laid using that power.

Amendment 33 seeks to completely remove section 19 from the bill and is related to the group of amendments, which have already been debated, that aim to remove the licensing system from the bill. The licensing scheme is a core policy of the bill, and the provision for consultation on regulations is, in my view, essential to ensuring that the licensing system will operate well in practice. Members will understand why I therefore cannot support amendment 33.

Amendment 34 seeks to include a new section setting out a requirement on Scottish ministers before they lay regulations relating to part 2 of the bill and to the licensing system. The matters that are covered in the regulations that are provided for in that part of the bill are not of the type to require the superaffirmative procedure that amendment 34 would apply. The regulations would, for the most part, set out matters of operational detail or administrative procedure. Although it is always possible for Parliament to seek additional scrutiny in that manner, I believe that the superaffirmative procedure is best suited to matters of significant importance, complexity or difficulty.

I hope that members will understand why, for the reasons that I have outlined, I cannot accept the amendments in this group.

The Presiding Officer: I call Katy Clark to wind up and to press or withdraw amendment 5.

Katy Clark: I am grateful to the minister for her comments. It is my intention to press amendment 5 and to move amendment 34 but not to move amendment 33. I outlined the differences between the amendments and the nature of amendment 5, which would change the process to an affirmative procedure, and of amendment 34, which lays out a more detailed procedure that would give the committee time to look at the matter in detail. I wish to press amendment 5.

The Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Because this is the first division at stage 3 of the bill, I will suspend the meeting for around five minutes to allow members to access the digital voting system.

15:52

Meeting suspended.

15:58

On resuming—

The Presiding Officer: We will proceed with the division on amendment 5. Members should cast their votes now.

The vote is now closed.

16:00

Foyso Choudhury (Lothian) (Lab): On a point of order, Presiding Officer. I was struggling to log in. I would have voted yes.

The Presiding Officer: Thank you, Mr Choudhury. We shall ensure that that is recorded.

Sarah Boyack (Lothian) (Lab): On a point of order, Presiding Officer. I, too, struggled to log in. I would have voted yes.

The Presiding Officer: Thank you, Ms Boyack. We shall ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
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 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
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 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
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 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
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 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
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 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
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 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
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 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

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

The Presiding Officer: The result of the division is: For 46, Against 64, Abstentions 0.

Amendment 5 disagreed to.

Amendment 6 not moved.

Section 7—Applying for fireworks licence: mandatory requirements

Amendment 7 not moved.

The Presiding Officer: Group 5 is on licensing and disclosure of offences. Amendment 8, in the name of Russell Findlay, is grouped with amendments 72 to 75, 9, 76 and 48.

Russell Findlay: Group 5 comprises eight amendments in my name. I thank the minister for responding positively to a suggestion that I made at stage 2, which led to a constructive meeting with her and her officials, resulting in my lodging amendments 8, 9 and 48.

At stage 2, it struck me as being common sense that anyone with convictions for fire raising should be required to disclose those when seeking a fireworks licence. I am glad that the Scottish Government has agreed with me, and I welcome its support for amendments 8 and 9.

Amendment 48, which is consequential to amendments 8 and 9, updates the definition of “relevant offences” for the purpose of a report on the operation of the act, as is required by section 44A.

However, I believe that those amendments, which have been welcomed, do not quite go far enough, as the bill still contains significant gaps relating to the types of conviction that an applicant for a licence would need to disclose.

I will provide a brief explanation of each of the other amendments. Amendment 72 relates to convictions for terrorism. Surely all members would agree that a convicted terrorist should have to declare such convictions when seeking a licence for the legal purchase of explosive material. It is no stretch to suggest that the contents of fireworks could be misused by people with ill intent. I therefore encourage members to support amendment 72.

I turn to amendment 73, which would require anyone convicted of crimes of fraud to disclose such convictions when applying for a fireworks licence. During the Criminal Justice Committee’s visit to Blackburn, we heard about the so-called white van man who sells fireworks to people, often children. He is the type of person who is fundamentally dishonest and would have no

regard for this legislation, whatever it says. I would argue that that is the type of person who is likely to acquire and then exploit a licence for gain. It therefore seems proper that someone with convictions for dishonesty should have to declare them.

Amendment 74 includes the need to disclose convictions for antisocial behaviour. Again, I do not see how that could be reasonably disagreed with. Right now, apart from today's inclusion of fire raising, both reckless and wilful, the only disclosable convictions relate to misuse of fireworks. However, that is too narrow. What about people who cause torment by indulging in antisocial behaviour in our streets?

Amendment 75 would require people with convictions for football-related offences, including violence and disorder, to disclose them. In recent years, there has been an increasing prevalence of the use of flares and pyrotechnics at Scottish football grounds and other events such as music festivals. Police Scotland says that those pyrotechnics can be highly dangerous and reach temperatures of up to 1,200°C. Two years ago, the minister said that there is no question about the potential serious harm that they can cause and that their misuse is completely unacceptable. I agree with her on that point and I hope that she will agree that those with a record of causing trouble at football would need to declare that.

It is worth stating that amendments 72 to 75 are simply about the need to disclose; they do not block people with those convictions from seeking a licence and they do not mean that they will be refused one. It is important to emphasise that point. They sensibly allow people issuing licences to make an informed decision that is clearly in the interests of public safety.

Amendment 76 seeks to ensure that licence applicants undergo a disclosure check. Again, that seems to be common sense. The other amendments in the group put the onus on the applicant, but they are premised on all applicants being truthful, which strikes me as overly optimistic. It might be that some applicants are genuinely unsure about what they need to disclose, and it might be that others will simply not come clean. Requiring ministers to ensure that a standard disclosure check is completed would verify what was disclosed and enable those who are making the decision to be confident that they are doing so with sight of the best available information, which is in everyone's best interests.

I move amendment 8.

Jamie Greene: I want to reiterate two simple points. My first point is that my colleague is trying to ensure that the offences that he has mentioned—they are self-explanatory and include

terrorism, antisocial behaviour and fire raising—are disclosed but that disclosure of those offences would not automatically result in the refusal of a licence.

My second point is about what happens after that disclosure. At stage 2, we lodged an amendment relating to the technical capabilities of the licence scheme that is introduced, whatever that looks like. We know that it will be a nationally administered scheme and that it will not be run by local authorities—it is worth clarifying that aspect, because there has been some confusion about that and it has not been clear throughout the process. However, regardless of who administers the scheme, whether it is someone in central Government or someone in an agency or body—the Government will come forward with proposals about that later—the onus will be on them to check that the information that is provided to them is true. Again, I lodged similar but differently worded amendments on that issue at stage 2. Amendment 76 puts the onus on those who issue the licences to check that the information that has been disclosed is truthful. There are a number of mechanisms that could be used to do that, and my colleague is suggesting some through his amendments.

I acknowledge that ministers agreed to work with us on the amendments around additional offences, but I ask them to also work with us with regard to the overall approach to how those offences are dealt with when licences are issued. If ministers do not think that the suggestions that we have made are the way to do that, I would like to hear how the licence administrators will check the information that is provided, because, as my colleague said, it is an unfortunate fact that not everyone will be truthful or knowledgeable about which offences should be disclosed, which means that, in the interests of public safety, the onus is on those who give out licences to ensure that the information that is provided is accurate.

Ash Regan: I welcome amendments 8, 9 and 48 from Mr Findlay, which have been developed following our very constructive discussions since the stage 2 proceedings. I was not minded to include a requirement to disclose a broad range of offences during a licence application, but I recognise that there is value in considering offences where the misuse of fire has been a factor during a licence application.

I understand that members have previously indicated a preference for the disclosure requirement to be much broader and to include all serious offences. However, I believe that there is a fine balance to be achieved. I do not want to dissuade people from applying for a licence by requiring them to disclose a broad range of irrelevant offences. I want people to apply for a

licence, undertake the necessary training course, and then be able to use fireworks safely and lawfully.

The bill currently requires offences involving the misuse of fireworks and pyrotechnics to be disclosed. Should members vote in favour of Mr Findlay's amendments 8 and 9 today, that requirement will be extended to cover offences involving the misuse of fire. I believe that that is proportionate, and I will ensure that all relevant offences can be taken into consideration when a decision is taken on whether to grant or refuse a licence application.

To pick up on Mr Greene's points, the Scottish Government will be administering the scheme, and an enhanced verification process will be developed.

The Presiding Officer: I call Russell Findlay to wind up, and to press or withdraw amendment 8.

Russell Findlay: I press amendment 8.

The Presiding Officer: You may wind up, Mr Findlay.

Russell Findlay: Sorry—I am new to this. *[Laughter.]*

To wind up, the minister rightly says that we do not want to deter applicants by setting a high bar of disclosure. I do not think that my proposal is a high bar; I think that it is a perfectly reasonable one. The minister used the phrase "irrelevant offences" in her response. I struggle to see how terrorism offences in particular could be described as being irrelevant for the purposes of acquiring a fireworks licence.

I did not really hear anything in respect of amendment 76 about the requirement for a disclosure check.

I press amendment 8.

Amendment 8 agreed to.

Amendment 72 moved—[Russell Findlay].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Kenneth Gibson (Cunninghame North) (SNP): On a point of order, Presiding Officer. I would have voted no. I could not connect to the digital platform.

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

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 43, Against 63, Abstentions 0.

Amendment 72 disagreed to.

16:15

Amendment 73 to 75 not moved.

Amendment 9 moved—[Russell Findlay]—and agreed to.

Amendment 10 not moved.

After section 7

Amendment 76 moved—[Russell Findlay].

The Presiding Officer: The question is, that amendment 76 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Edward Mountain (Highlands and Islands) (Con): On a point of order, Presiding Officer. I would have voted yes. I could not connect to the digital platform.

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

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
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 Sweeney, Paul (Glasgow) (Lab)
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 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
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 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
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 Grahame, Christine (Midlothian South, Tweeddale and
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 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
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 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 42, Against 67, Abstentions 0.

Amendment 76 disagreed to.

Section 8—Fireworks training course

Amendments 11 and 12 not moved.

Section 9—Grant of fireworks licence

The Presiding Officer: Group 6 is on licensing: appeals and conditions. Amendment 13, in the name of Jamie Greene, is grouped with amendments 15 to 17, 77, 22, 25 and 26.

Jamie Greene: Group 6—we are halfway there.

First, I find it bizarre that we have just voted down an amendment that states that, if someone has a terrorism-related offence, they have to disclose that when applying for a fireworks licence. What on earth?

That brings me to the next group, which is on what happens if someone is refused a licence—who knows whether a terrorist will apply for a pyrotechnic device and misuse it? I really hope that that never happens. However, if someone is refused a licence, there may be valid reasons for it. If the system is overwhelmed by the scale of applications, there may be other reasons why a licence has been refused. In any case, there should remain the option of an appeals process—that is only fair.

I had an amendment at stage 2 on what should happen in such a scenario, in which someone would be presented with helpful information on what an appeal might look like and how to go about it. I cannot recall whether I moved the amendment or pushed it to a vote, but in any case—thankfully—the minister responded quite positively to the concept and I agreed to discuss it further with the minister. I would like to thank her for the constructive manner in which we went about that. We have come up with amendments 13, 16, 22 and 25 instead.

I understand that it had always been the Government's plan that information about the ability to appeal a decision on a licence would be available through the various processes, whether it was through the application, the licence itself or the revocation process. However, I appreciate that the minister acknowledged that there is merit in including in the bill a duty on ministers to provide that information about the appeals process, as my amendments seek to do.

In the interests of clarity and transparency about what the appeals process might look like, I ask members to support those amendments and I thank the Government for that discussion.

I am also supportive of other amendments in this group, namely amendment 17, in the name of Fulton MacGregor, as well as other tidying-up amendments. My colleague Russell Findlay has lodged amendment 77 in this group. I will let him speak to that amendment and I will reserve any further comments to my summing up. I ask members to support all the amendments in this group.

I move amendment 13.

Fulton MacGregor: I am pleased to speak to the amendments in my name. They are technical in nature, but I believe that they are important in providing clarity about the types of condition that can be attached to a fireworks licence.

I thank the minister for engaging with me on my amendments in advance of stage 3—I greatly appreciate it. Section 10 already makes reference to additional licence conditions and optional licence conditions that can be specified in regulations that the Scottish ministers may attach

to a fireworks licence. My amendments expand on the description of the types of licence condition and make it very clear that, if additional licence conditions are set out in regulations, they will be mandatory for all licences.

In contrast, if optional licence conditions are set out in regulations, they may or may not be attached to individual licences. It is the decision to attach an optional condition to a licence that a person will be able to appeal under section 14. Additional mandatory conditions, as I have said, must apply to all licences and will therefore not be appealable.

These are technical amendments that do not change either the powers of the Scottish ministers to prescribe and apply licence conditions or the appeal rights of individuals from the position that has always been intended in the bill. Therefore, I hope that members will support the amendments that I have lodged today.

In relation to other amendments in the group, I support those that Jamie Greene has lodged and already spoken to. I think that they also make sense, and I hope that the Parliament will agree to them.

I will not speak too much to amendment 77, because I know that Russell Findlay will be speaking after me. At this point, I do not support the amendment—I think that it is perhaps excessive—but I will wait to hear what he says.

Russell Findlay: My colleague Jamie Greene's amendments deal mostly with licensing and appeals against the refusal of licensing. As the bill stands, a licence will last for a period of five years. At stage 2, I argued that that was excessive for several reasons and suggested that three years might be a more practical and sensible time limit. However, I did not move the related amendment at that point.

Amendment 77 seeks to ensure that the Scottish Government applies some proper scrutiny and analysis of the licence period. It is all very well for the minister to tell us that five years is fine and to trust the Government, but the five-year duration seems to have been based pretty much on informed guesswork. I hope that members will agree that including the need to review the length of the licence would be beneficial and should be welcomed by the Government, which wants its legislation to work and to win public confidence.

Ash Regan: I will return to a comment that Mr Greene made earlier regarding terrorism. Causing an explosion that is "likely to endanger life", which is an offence under the Explosive Substances Act 1883, can be aggravated as having a terrorist-related connection by the Counter-Terrorism and Sentencing Act 2021. I reassure the member that

section 7 of the bill requires such offences to be disclosed.

Russell Findlay: The minister identified one area where terrorism would be a consideration, but does she agree that the omission of offences under six specific terrorism acts is a big miss and that they should be included?

Ash Regan: We have to make sure that the measures are proportionate, because we do not want to put people off from applying for a licence. If applicants have committed an offence that involves fireworks under the six terrorism acts that we are talking about, they will be required to disclose that. That strikes the appropriate balance.

I will start by addressing Mr Greene's amendments 13, 16, 22 and 25. I thank him for his engagement on those amendments in advance of today's proceedings and I believe that those discussions have led to revised amendments that capture the intent of his original amendments at stage 2, so I am pleased to support his amendments today.

As I have previously outlined, it had always been intended that, as part of implementation, processes would be put in place to ensure that people have access to information regarding appeals when they need it. However, as I set out at stage 2, I see merit in placing a duty on the Scottish ministers to share that information with licence applicants and holders at key points when a decision is made. I am happy to support amendments 13, 16, 22 and 25 and I encourage other members to do so as well.

I turn to Mr MacGregor's amendments regarding the difference between additional mandatory conditions that must apply to all licences and optional conditions that the Scottish ministers will have the discretion to attach to individual licences. I believe that those amendments provide clarity and put beyond doubt what has always been intended to be in the bill. As Mr MacGregor outlined, the amendments change neither the powers of the Scottish ministers to prescribe and apply licence conditions nor the appeal rights of individuals from the position that has always been intended in the bill. I thank Mr MacGregor for his engagement on those amendments before lodging them. I am pleased to support amendments 15, 17 and 26.

Lastly, I turn to Mr Findlay's amendment 77, which seeks to require a review of the licence term one year after the regulations that set out the term are made and each year thereafter. I consider that requirement to be excessive. In particular, if a licence term longer than one year is set following consultation, I am not clear that such a review would provide meaningful results, as the licence term will be consulted on and set out in

regulations. As I have outlined before, our working assumption is currently that the licence term will be five years.

Ms Stevenson's stage 2 amendment 56, which Mr Findlay will remember, requires a report on the effectiveness of the act within five years of royal assent. When the package of measures in the bill has had the opportunity to bed in following implementation, I consider that a constructive review of the licensing system as a whole can take place at that point. However, should any issues or concerns about the licence term arise before that, the Scottish ministers will be able to progress a change through consultation and further regulations, if that is necessary. Therefore, I cannot support amendment 77 and I ask other members not to support it.

To summarise, I support all the amendments in the group, with the exception of amendment 77.

The Deputy Presiding Officer (Annabelle Ewing): I ask Jamie Greene to wind up and press or withdraw amendment 13.

Jamie Greene: I thank all members, including the minister, for their contributions and for supporting my amendments in this group. However, with regard to amendment 77, on the review of the licence period, what the amendment specifically does not do is state the duration of the licence. There was quite a bit of discussion of that at stage 2—anything between one year and five years was discussed—and I appreciate that there will be a range of views.

16:30

I also appreciate that the Government will make a proposal through regulations, but we are asking that it be reviewed. If an annual process sounds overly onerous, the Government could easily have made a different suggestion. Indeed, there is a process by which the Government can amend amendments that are lodged at stage 3. The problem is that the deadline for submitting and publishing amendments is so tight that it probably did not have time to do so, which is symptomatic of the rushed nature of the bill at stage 3.

Russell Findlay: Does the member agree that the fact that we have absolutely no idea how many licences are likely to be applied for makes the need to conduct proper analysis even more pressing?

Jamie Greene: Indeed, and I know that we are all looking forward to group 7, which is my set of amendments on reviewing the licensing scheme. At least if members do not support amendment 77, which I urge my colleague to move, they will at least consider the next group when we come to it.

The Deputy Presiding Officer: Will the member please clarify whether he is pressing or withdrawing amendment 13?

Jamie Greene: I press amendment 13.

Amendment 13 agreed to.

Amendment 14 not moved.

Section 10—Grant of fireworks licence subject to conditions

Amendment 15 moved—[Fulton MacGregor]—and agreed to.

Amendment 16 moved—[Jamie Greene]—and agreed to.

Amendment 17 moved—[Fulton MacGregor]—and agreed to.

Amendment 77 moved—[Russell Findlay].

The Deputy Presiding Officer: The question is, that amendment 77 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Craig Hoy (South Scotland) (Con): On a point of order, Presiding Officer. My app would not refresh. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Hoy. That has been noted

Liz Smith (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. It was the same for me, and I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Smith. That will be duly recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)

Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 62, Abstentions 0.

Amendment 77 disagreed to.

Amendments 18 and 19 not moved.

Section 11—Register of fireworks licence applications and licensed persons

Amendments 20 and 21 not moved.

Section 12—Revocation of fireworks licence

Amendment 22 moved—[Jamie Greene]—and agreed to.

Amendment 23 not moved.

Section 13—Notification of convictions and cancellation of fireworks licence

Amendment 24 not moved.

Section 14—Appeals

Amendment 25 moved—[Jamie Greene]—and agreed to.

Amendment 26 moved—[Fulton MacGregor]—and agreed to.

Amendment 27 not moved.

Section 15—False statements

Amendment 28 not moved.

Section 16—False or altered licences and documents

Amendment 29 not moved.

Section 17—Power of Scottish Ministers to make arrangements for certain functions

Amendment 30 not moved.

Section 18—Power to make further provision

Amendment 31 not moved.

Section 19—Regulations: consultation

Amendments 32 and 33 not moved.

After section 19

Amendment 34 moved—[Katy Clark].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Doney, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 45, Against 63, Abstentions 0.

Amendment 34 disagreed to.

The Deputy Presiding Officer: Group 7 is on review and report on operation of provisions. Amendment 78, in the name of Jamie Greene, is grouped with amendments 87 to 89. I draw members' attention to the fact that, if amendment 88 is agreed to, I cannot call amendment 89 due to a pre-emption.

Jamie Greene: This whole group—*[Interruption.]* I will try to give enough time for those who are leaving the chamber to have a good cup of tea, but I will not spend too long on this, so they should keep an eye out for the divisions.

This group is about the review of the operation of the licensing scheme. We have had quite a robust chat about what the scheme might look like, but I would like to put in the bill a duty on ministers to

“as soon as practicable ... lay before ... Parliament a report on the operation of the fireworks licensing scheme”.

In effect, amendment 78 asks for three things to happen in the review, which will, in my view, be much needed, given the discussion that we have had today. The amendment would provide that

“The report must ... include information about ... the effectiveness of the fireworks licensing scheme”.

The reason for that is, I think, self-explanatory. It could ask: is the licensing scheme working as intended; is the fee that is being charged too high, too low or prohibitive; is the process bureaucratic and burdensome—and so on? There are many things that the Government could look at. I have not been specific in the amendment.

The second thing the amendment would ask the Government to do is to report on the number of people who have applied for a fireworks licence. That is important, because we know the scale of the market at the moment. A couple of years ago, fireworks sales in Scotland were worth about £13 million. That number has probably risen, given the popularity of fireworks in recent years. What we must know, from any review, is how many people are applying for a licence annually. That information will be extremely helpful in determining whether the licensing scheme and, indeed, the legislation is a success. That will be one of the key metrics in analysing whether the bill has worked as intended.

The third and most important duty that amendment 78 would put on ministers is the one set out at proposed new subsection (2)(c) to report on

“whether there is any evidence that the ... licensing scheme is contributing to improving firework safety.”

We are told by ministers that the very essence of the bill is to improve firework safety, and the licensing scheme is central and key to that. I would like to know whether safety is improved, so there should be a duty on ministers to undertake a piece of work around that.

Amendments 87 to 89 are somewhat consequential to amendment 78. They outline that consultation should take place on any changes that ministers propose as a result of the report and that ministers should report on that to Parliament.

Amendment 88 specifies the timing of what I call the “reporting period” that I think is reasonable—it is three years from the date of royal assent. In effect, if the bill is passed next Wednesday, three years thereafter the Government would have undertaken that review and come back to this Parliament—or a future Parliament.

I tried to introduce such a provision for post-legislative scrutiny at stage 2, but the committee was rather split on it. I hope that this redraft will be easier for ministers to accept. I do not think that they would find it unreasonable. I ask members to support amendment 78.

I move amendment 78.

Ash Regan: When the bill was introduced, the Scottish Government set out our intention that a full review of the measures introduced would be undertaken once they took effect. Following scrutiny by the Criminal Justice Committee at stage 1, I recognised that having that enshrined in the legislation strengthens the commitment and provides reassurance regarding the content of any review and the timeframe for it to take place. I was, therefore, pleased to support amendments that were lodged at stage 2.

Those measures are now included in section 44A of the bill, which requires Scottish ministers to report on the operation of the act within five years of it receiving royal assent and requires the report to include information on “proceedings and convictions”, data for “relevant offences”, incident data and the “views and experiences” of people and their communities.

The five-year timeframe provides enough time for meaningful data to be recorded and reported, provides for people’s lived experience to be reflected as part of the review and ensures that the Scottish Government will be held to account. It will ensure that there is a comprehensive and constructive review of the operation of the act encompassing all relevant parts.

Mr Greene’s amendment 78 requires an additional review, solely of the licensing scheme, including, in particular, evidence of the scheme’s impact on improving firework safety. Amendment 87 would require that the report to Parliament on the operation of the act must also set out what changes, if any, will be made to it following a review.

16:45

I understand that the amendments were lodged to ensure that the licensing scheme meets its objectives and that it works in practice and as intended, and to add to the review requirements for the act as a whole, building on section 44A. However, for the reasons that I have outlined, I

believe that the review requirements that are already in the bill are robust and appropriate, so I do not consider Mr Greene's amendments necessary. A review of the licensing scheme—which is, of course, a core provision in the bill—will be required to take place as part of the review of the act as a whole, so I do not believe that it is necessary to be included as a separate component in the bill.

Any learning or areas of improvement that the review of the act identifies will be fully considered and will form part of the report to Parliament as standard. Where appropriate, adjustments and amendments will be made to how the provisions operate in practice and, if required, to relevant regulations that are made under the act, to which the affirmative procedure will apply, which will enable further parliamentary scrutiny before any changes are made.

In addition, focusing specifically on legislative, as opposed to operational, changes to the act, I do not believe that amendment 87 would achieve the intended outcome. For the reasons that I have outlined, I cannot support that amendment.

Amendments 88 and 89 seek to change the timescale for the review of the operation of the act, requiring it to be carried out within three years of the act receiving royal assent, as opposed to the five years that are currently provided for. It is expected that, if the bill is passed, the licensing provisions will come into force over the first two years following royal assent; therefore, the five-year reporting period following royal assent provides three years in which to gather the required information and monitor, and report on, any change. Reducing that reporting period to three years would provide only one year of the operation of the system in which to gather the required information. That would not be enough time to gather, record and report meaningful data. Therefore, for a comprehensive and constructive review of the act to take place, encompassing all parts—

Russell Findlay: If I understand it correctly, what has been proposed is two years for the licensing scheme to be put in place and for some kind of review to take place three years thereafter. That is assuming that all goes as well as intended. Surely, there is a necessity to move the review date forward, given the strong or possible likelihood that things could go wrong and that the scheme might need to be looked at a lot quicker.

Ash Regan: I do not share the member's very pessimistic attitude towards how the scheme will be rolled out. I reiterate that we need the appropriate time to gather the data in order to make the review meaningful. The five-year period strikes the right balance.

I sympathise with the intention behind amendment 88 and I can understand the desire for a rolling review period every five years, but I cannot support the proposal to reduce the reporting period. I assure the member that the ongoing effectiveness of all policies will be continually monitored.

I ask Mr Greene not to press his amendments. If he does, I ask members not to support them.

The Deputy Presiding Officer: I call Jamie Greene to wind up, and press or withdraw amendment 78.

Jamie Greene: I thank members for their contributions. I want to make two points. I welcome clarification that a review of the licensing scheme specifically will form part of a review of the bill, which is detailed in section 44A as a wider "report on the operation of this act".

I appreciate that that is some way beyond where we were with the bill as introduced.

My problem is that that is a one-off report on the operation of the act. Although the Government has given a commitment to do so, not future-proofing the act in the way that I seek to do in my amendments means that there is no requirement on future Governments to perform any review of the operation of the act or any parts of it, including the licensing scheme. That is a bit of a miss; we could have addressed the issue had we spotted it earlier. Had we had time, I probably would have sought to amend section 44A separately.

I do not see the problem with amendment 88, in my name, which would ensure that the process was iterative and continuous and that future Governments, whatever their make-up and colour, would be required to review the effectiveness of the bill. I wonder what will happen after the one-off report if no future Government decides to perform that piece of work. That is where I saw a gap.

However, I accept that amendment 78 might not be necessary if what is proposed falls under the remit of section 44A.

Based on that, I will not press amendment 78, but there are other amendments in the group that I might move, when asked.

Amendment 78, by agreement, withdrawn.

Section 22—Restriction on days of supply of fireworks

The Deputy Presiding Officer: We move to group 8, which is entitled "Changes to dates of supply and use". Amendment 79, in the name of Pauline McNeill, is grouped with amendments 80 and 81.

Pauline McNeill: There was a lot of debate at stage 2 about the 57 days when, under the provisions of the bill, use of fireworks would be permitted with a licence. The 57 days cover festivals including Diwali, Vaisakhi and Chinese new year, as well as bonfire night. Following the discussion that I had with the minister at stage 2, I reflected that one of the things that I do not fully understand about the selection of the 57 days was that we would expect there to be public displays for some of those festivals rather than the days being specific days when people can let off fireworks. For members who are hearing this for the first time, it is important to note that, on Vaisakhi, for example, which is one of the 57 days, anyone will be able to set off fireworks—not just people who celebrate that festival.

The provision seems to be a little bit odd to me, and I fear that it might unravel a bit, so I wanted to have this exchange again at stage 3. Ministers can obviously add more days to the 57 days by statutory instrument, should they feel that additions are needed, for whatever reason.

Although I support the reduction in the number of days on which fireworks can be used, I do not feel that the bill goes far enough; I also feel that the provision is not at all logical. It is unclear to me why the bonfire period is set at two full weeks, given that bonfire night is only one night. We could have covered a shorter period of seven days by using the 4 November date. Fireworks use for the whole two weeks will put increased pressure on the fire service and the police.

Similarly, I do not believe that fireworks celebrations for new year begin as early as boxing day, so I adjusted my stage 2 amendment by excluding new year. However, I still wanted to have an exchange about those two periods, which have been included in the 57 days.

I note that the briefing from the Dogs Trust that members have received asks for a reduction in the number of days when fireworks can be used and sold, and it points out that shortening the windows would significantly reduce the negative impact of fireworks on animal welfare and vulnerable people. We have heard that there are members of society who find fireworks distressing, including people with post-traumatic stress disorder or autism.

To that end, amendment 79 would shorten the supply-of-fireworks period during the bonfire season from 27 October to 10 November to 27 October to 4 November. I say to the minister—before she says it—that I am not really sure why it is 4 November and not 5 November. I concede that point; we should probably allow sale of fireworks on 5 November.

Amendment 80 would shorten the period that is allowed for use of fireworks from 27 October to 12 November to 30 October to 6 November, which is one week around the bonfire season. It makes sense to me to shorten the overall period.

Similarly, amendment 81 would change the period when the use of fireworks was allowed from 26 December to 2 January, which is how the bill is drafted at the moment, to 31 December to 2 January. In my experience, that is when fireworks tend to be used. I believe that that reduction is supported by animal welfare organisations.

It would be helpful if the minister would address—in particular, for members who have not been party to the debate—the questions why those 57 days have been selected, and why such extended periods over the bonfire season and new year have been chosen.

I move amendment 79.

Jamie Greene: I thank Pauline McNeill for lodging the amendments in the group. They are further to substantial sections that I tried to add at stage 2 on changes to the dates of restrictions on supply and use of fireworks. The matter opened a can of worms when we debated it, and it was clear from the beginning that the dates that have been selected are somewhat arbitrary.

The Government clearly does not want to ban fireworks altogether or to restrict their use just to public displays, as has been suggested by some stakeholders. It is trying to come up with a mechanism that allows private use in one's own back garden and, in doing so, it has created a series of dates, that will be defined in law, for when shops can sell and when people can use fireworks. I am afraid that that raises a range of issues that the bill does not address and which have not been fixed as we have gone through the process.

Apart from the arbitrary dates, we are effectively creating 57 days of the year in which we will be allowed legally to set off fireworks that we have purchased privately. In many people's minds, fireworks go off only at certain times of the year, and there are problematic times of the year around bonfire night and new year's eve. We are now, in effect, saying that there are 57 dates, including religious feasts whose dates move. That in itself makes no sense, and in doing it we have identified specific religious festivals but excluded others. I raised that point at stage 2, but no satisfactory response was given. By excluding some religious and, indeed, some secular festivals from the specified dates, the Government is opening itself up to future challenges. I hope that that will not be the case, but I warn now that it could happen.

Ash Regan: Will the member take an intervention?

Jamie Greene: I will give way in a second, but I want to talk about Ms McNeill's amendments.

I do not support amendments 79 and 80. As Ms McNeill herself accepts, it seems to be a bit odd to restrict sale of fireworks on fireworks day itself. I appreciate that that might be a technical boo-boo, if I can use that word.

Amendment 80 is interesting in that, I think, Ms McNeill is trying to tighten the window of use, but there might be reasons why fireworks cannot be let off on 5 November—because of the weather or something else. The flexibility that the minister is offering is quite helpful.

I support amendment 81 because we understand about the period around bonfire night, but I am not convinced that allowing people to let off fireworks as early as 26 December to celebrate new year's eve, which is five days later, makes any sense. I would have been in favour of tightening that window, which Ms McNeill's amendment 81 strives to do. If she moves amendment 81, I ask members to support it, because it would tighten up that window of opportunity.

Section 23 is one of the odd bits of the bill. In it, retailers and consumers are given two different periods of time when they can sell and use fireworks. That will result in confusion among the wider public. It might result in people taking action because they feel that they have been excluded and discriminated against. I do not know what equalities impact assessment was done when the dates were selected, and I hope that there are no religious organisations out there wondering why on earth they have been excluded from the dates when others have been included. If they come forward now, it will be too late, because the bill will have been passed by next Wednesday. I hope that any such organisations will get in touch with us before then, if that is the case.

Confusion will arise, so I hope that the Government has robust plans in respect of public awareness around the dates. The main issue is what happens when someone calls the police and says, "My neighbour is letting off fireworks in the garden." Will they know whether that is part of the in date or the out date, or whether it is a legal date or an illegal date? Thereafter, what will the police do? Realistically, are trading standards officers going to come and knock on the neighbour's door? Are the police fully resourced to come out and knock on the door, or are they just going to say, "Thanks for telling us" and nothing will happen? We already know that prosecution rates are extremely low for other fireworks-related offences, so I am very concerned that nothing will change as a result of the restrictions on dates.

I can see why the stakeholders who have written to us—it is right that they have—support the idea of narrowing the periods, but the way in which the Government has gone about that in the bill will create some serious problems. I would hate to say, "I told you so", but I fear that I might have to.

The Deputy Presiding Officer: Before I call the minister to respond, I must say that quite a lot of conversation is going on in the chamber, which makes it a bit difficult for every member to hear exactly what is going on.

I call the minister to respond.

17:00

Ash Regan: I begin by emphasising that the permitted periods in the bill are broadly in line with existing traditional fireworks periods, which is when most retailers in Scotland are permitted to sell fireworks, and when use of fireworks by the general public is most prevalent.

Russell Findlay: In relation to the dates, what would the minister say to our American friends, who would find themselves criminalised in Scotland if they were to use fireworks on 4 July?

Ash Regan: They will not be criminalised if they employ a private company to do such a display for them.

Ms McNeill's amendment 79 seeks to shorten the permitted number of days on which fireworks can be supplied over the bonfire period from 15 days, which the bill currently provides for, to nine days. For the first time, the bill sets out periods in which it is permitted that people in Scotland can be supplied with fireworks. We think that the period that we have set out, which is based on consultation, creates a fair balance between the desire to celebrate special days in our communities and curtailing of general supply and use of fireworks.

I believe that limiting the supply period further could risk a situation in which people would have a very limited number of days on which to purchase fireworks, and would inadvertently be encouraged to store them in domestic settings. It also risks squeezing the supply chain over the busiest period for firework purchases, which could cause retailers to overstock and thereby lead to safety issues around storage.

If there is evidence that the permitted periods of supply should be reduced further in the future, the bill provides for that being done via secondary legislation. Therefore, I do not support amendment 79, and I encourage Ms McNeill not to press it.

I turn to amendments 80 and 81. Our intention in introducing restricted days of use is that we

address the negative impacts of unpredictable fireworks use, while retaining periods during which fireworks may be used appropriately by the general public. It was recognised that setting permitted periods for use provides flexibility to allow displays to go ahead on or around the dates of celebrations, and allows for postponement or delays that are due to inclement weather, which Mr Greene mentioned earlier, or any type of unsafe conditions.

Ms McNeill's amendments 80 and 81 seek to reduce the number of permitted days of use over the bonfire period and the new year period to eight days and three days, respectively. The amendments would reduce the number of days on which it is permitted to use fireworks by almost a quarter.

There is a fine line between introducing permitted periods in order to reduce the negative effects on our vulnerable populations and allowing for the enjoyment that members of the public can and do get from fireworks. At the same time, we want to reduce the impact on businesses and ensure that adequate safety measures remain in place. I believe that further limiting the permitted periods of use could risk a situation in which people would have a very limited number of days on which to use fireworks, and would inadvertently be encouraged to use them in unsafe conditions.

Jamie Greene: Are we now in a position in which it will be legal for a private citizen to use fireworks for nearly two months of the year? On top of that, the minister has reserved the right to add to the permitted periods—for example, if the Government has been challenged legally. In other words, the scope exists for the permitted periods to be added to, rather than reduced.

Aside from that, we find ourselves in the bizarre situation in which someone who can afford to employ a private company to let off fireworks in their garden will be able to do that at any time of the year. We can see why some of the organisations that have written to us with concerns about the proposals think that those arrangements completely undermine the whole proposition. Why are we creating a two-tier system, under which people who cannot afford to pay a private company will not be allowed to let off fireworks, while people who can afford to pay a company to do a big fancy display—they are quite expensive—will be able to do that at any time of the year? What was the rationale behind that? Surely the minister will admit that it makes absolutely no sense.

Ash Regan: Jamie Greene will understand that that is an attempt to balance all the different relevant interests. The careful consideration that the matter was given by the review group is represented, for the most part, in its

recommendations and the provisions that we now have in the bill.

Amendments 80 and 81 would also mean that fireworks would be available for purchase for a number of days before their use would be permitted. I am concerned that that could lead to issues around stockpiling. In the bill, the days on which it is permitted for fireworks to be used is deliberately extended slightly beyond when fireworks can be supplied. That is in order to avoid a situation in which people buy fireworks towards the end of the supply period but are not able to use them when they intend to—for example, because of poor weather.

That element of the bill will minimise the possibility of individuals having to store fireworks from the last day of one permitted use period to the beginning of the next, which could lead to safety concerns about storage of fireworks in domestic premises.

Pauline McNeill: I have always acknowledged that there is a balance to be struck. Does the minister accept that the time period in the bill means that we are saying that people can let off fireworks for two weeks during the bonfire season? Does the minister see that encouraging that could give rise to some of the problems that we have been talking about, such as pressures on the police and fire service lasting for two weeks, rather than being just on bonfire night? I am concerned by the Government encouraging that wider period of use.

Ash Regan: I do not accept that point. I know that Pauline McNeill represents an area where there is a lot of misuse of fireworks. A few decades ago, we would all have understood bonfire night to be a night, but it has turned into an extended bonfire season.

Ms McNeill's amendments would amount to a 16 per cent decrease in the period in which fireworks can be supplied and a 25 per cent reduction in the number of days on which they can be used. Work was done with key stakeholders in order to strike a balance. I feel that reducing the time periods by so much at this point would render meaningless all the work that has been done to get us to this point. This is the starting point in a journey of cultural change.

The Deputy Presiding Officer: I call Pauline McNeill to wind up and to press or seek to withdraw amendment 79.

Pauline McNeill: I will seek permission to withdraw amendment 79, for the reasons that I have given already.

To summarise, I say that this element of the bill will be very confusing. One of the oddities is that anyone having an event that falls within the 57

days, whether it is a birthday or a gender-reveal party, can lawfully set off fireworks, but anyone who has such an event outwith the 57 days cannot.

I also think that some of the festivals that are included in the 57 days tend to be marked by public displays and not by people setting off fireworks in their back gardens. I have been to such events for Vaisakhi and Diwali; those were publicly organised. I would be happy to be corrected on that.

I lodged the amendments for debate at stage 3 because members must be aware when they vote that there is a lot in the bill to confuse the public. I appreciate the minister's having said that a lot of work has gone into the bill. I do not deny that—there are many stakeholders and a lot of work has gone into the bill—but it is our job to ensure that the general public see the legislation as workable, and that, when we pass the bill, they understand exactly what it does. I have real concerns about that.

Ash Regan: I hear what the member is saying and understand why she wants to raise those concerns. Would she accept that the licensing scheme, and asking members of the public to undertake a training course when they apply for a licence, so that they will be taught where and when they can use fireworks and how to store and use them safely and lawfully, will go some way towards addressing those concerns?

Pauline McNeill: I will acknowledge that—if, after the training course, people are able remember the 57 days of Diwali, Vaisakhi, Chinese new year and so on. It will be an offence to set off fireworks outside those 57 days. I was drawing attention to the oddness in that, which is that anyone could take advantage of the provision and lawfully set off fireworks in their back garden on any of those 57 days. They would not have to be celebrating one of those events. That seems to be odd, because it would be an offence to do so outwith the 57 days. That part of the bill could unravel.

I seek to withdraw amendment 79.

Amendment 79, by agreement, withdrawn.

Section 23—Restriction on days of use of fireworks

Amendment 80 not moved.

Amendment 81 moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

Voting is closed.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: Ms Hamilton, will you explain the reason for your point of order? Was there a problem with your app?

Rachael Hamilton: Yes, Presiding Officer—I could not connect. The option for me to vote did not come up.

The Deputy Presiding Officer: Thank you, Ms Hamilton. We will ensure that your vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 45, Against 63, Abstentions 0.

Amendment 81 disagreed to.

The Deputy Presiding Officer: I suspend proceedings for five minutes for a comfort break.

17:13

Meeting suspended.

17:19

On resuming—

Section 26—Firework control zones

The Deputy Presiding Officer: Group 9 deals with firework control zones. Amendment 35, in the name of Katy Clark, is grouped with amendments 36, 82, 1 and 83.

Katy Clark: Amendments 35 and 36 would enable local authorities to designate an area as a firework control zone in which fireworks could not be used by any person, as no person or organisation would be exempt. That means that fireworks would be banned and nobody, whether they were part of a professional organisation or an individual, would be able to use them. I believe that that is what many people who have been campaigning for fireworks reform are looking for.

I appreciate that the Scottish Government has taken heed of the arguments that were made at stages 1 and 2 and has added the provision that private operators will not be exempt within the proposed firework control zone. That is stronger than what was in the bill previously, but it still means that public displays will be permitted within those areas. I ask the minister to elaborate on that and to clarify what the definition of a public display will be.

My amendments stipulate that fireworks would effectively be banned in any area that the local authority designated as a control zone. That could be a small area, it could be a number of streets or it could be in the vicinity of a particular facility where the use of fireworks is likely to cause concern. Organisations such as the Scottish Society for the Prevention of Cruelty to Animals, the Blue Cross, the National Autistic Society and the Scottish Community Safety Network support the amendments. I think that that speaks to the harmful impact of fireworks, whether they are used at a public display or set off by a private operator or, indeed, an individual.

I ask the cabinet secretary to explain why the bill does not contain provision for local authorities to take such action, given the extensive concerns that have been raised by communities. Of course, I completely understand the reasons why people might want public displays. The minister said at stage 2 that public displays foster community spirit and bring people together, and I agree with that, which is why the amendment does not propose an

outright ban. Displays would still be possible outwith the areas where local authorities had designated that they should not be used.

I move amendment 35.

Jamie Greene: My amendment 82 has a similar objective to Katy Clark's amendment, but it works in a slightly different way. Amendment 82 states that, when designating a firework control zone or amending a zone, a local authority must specify whether or not exemptions apply. It gives the local authority a little bit more flexibility than it would have under Katy Clark's proposal.

In effect, what the Labour and Conservative amendments are doing now, and what we tried to do with elements of stage 2, is ensure that a firework control zone is a genuine no-firework zone, for the reasons that have been outlined.

As we heard earlier from Alex Cole-Hamilton, the expectation is that something will be done—that is what people want. However, the bill does not do it in the way that people think it should be done, and that is a risk that we must flag up. As I said, we have received letters from people asking us to support the legislation, and I can see why they would want us to do that. However, what people do not understand, as they have not read the bill from cover to cover and have not absorbed its technical detail, is that, at the moment, there is a risk that there might not be genuine firework-free zones in Scotland.

We have tried to give local authorities the power to make local decisions on the size of the zone, the length of the zone's operation and the reasons for the establishment of the zone, and we have tried to give people the ability to make applications for a zone. Throughout stages 2 and 3, we have tried to amend the bill in many ways.

For that reason, I ask members to support either of the options that are before them in group 9, in order to create genuine firework control zones. That would appeal directly to those who are watching the proceedings, whether it is those in the farming community; animal welfare charities, especially those that have premises and venues; or Scottish Autism, which wrote to us to say, while thanking us for our efforts, that it was disappointed that the bill offered no technical ability to create what I would call a firework-free zone or a no-firework zone as it should have done.

There is a real missed opportunity here. We have no idea what the firework control zones are going to look like, what the criteria will be, who will be able to apply for them or what the appeals process will look like. We do not know how many zones there will be or whether there will be a network or a patchwork. We also do not know what the effect would be if one local authority decided to have a lot of zones and a neighbouring

authority decided not to. What would happen? Would there be a displacement issue with people letting off fireworks?

There are too many unanswered questions for my liking at this stage of the bill. For that reason, the Scottish Conservatives have lodged a small but important amendment, as has Katy Clark. I ask members to look favourably on those amendments if they are moved or pressed.

Pauline McNeill: I believe that this is a really important part of the bill. It provides a mechanism to create a control zone where there should be no fireworks set off as far as the licensing regime is concerned. The question is whether the Government wants to go further.

I thank the minister and her team for working with me on amendment 1, which is about publicising firework control zones. It is important that people know where firework control zones are, the dates on which they apply, what the boundaries of the zones are, and what is permissible and what is not. The work in that regard has been a constructive part of the process, and I am pleased to bring the amendment to the chamber today. The Government wants—rightly—to make it clear, as I do in this amendment, that the general public needs to know exactly what a firework control zone is and where it is. Amendment 1 sets that out in the text of the bill in a very useful way. I feel pretty strongly about the issue, so I am pleased to speak to amendment 1.

Amendment 83 reflects an exchange that we had at stage 2 about who can apply for designation of a firework control zone. I still have concerns about what happens if a local authority decides not to proceed with a firework control zone. A series of assertions have been made in the debate, but, to some extent, none of us really knows how the bill will be applied. I would like individuals and community groups—in communities such as Pollokshields, which has been discussed by the minister today and during the stage 2 process, along with those in other communities—to be able to put before a local authority, should it not act, anything that they feel has been overlooked.

I feel quite strongly about amendment 83. I appreciate that members of the public can make written representations to councillors to bring a proposal before the local authority. Fulton MacGregor made that point at stage 2, and I accept that that is one route. However, if we believe in community empowerment, there should be another route. After all, it is only a request for the local authority to look at the matter; after that, it is for the local authority to decide whether a proposed zone would be appropriate.

Firework control zones are an important aspect of the bill, and, if we want the legislation to work, we must make them an essential element of it. The provisions must be workable—others must be able to ask for zones, and communities must know that a zone is a major tool for controlling fireworks in their areas. For that reason, I hope that the Government will consider supporting amendment 83.

Ash Regan: I recognise the strength of feeling that the firework control zone provisions have raised. I welcome the constructive discussions that have taken place on the subject, and I realise that, for some members, the provision for such zones does not go far enough. However, I have considered the options in great detail—at great length prior to the introduction of the bill, and again when I reflected on the recommendations in the Criminal Justice Committee’s stage 1 report—and, as with many aspects of the bill, there is a delicate balance to be achieved.

17:30

On the one hand, there is a need to further reduce unpredictable, but possibly legitimate, firework use; on the other hand, there is a need to ensure that there are limited, but necessary, exemptions when those are appropriate. As a result of those considerations, I lodged an amendment at stage 2 to remove the exemption for professional operators to deliver private displays in designated control zones, which would mean that fireworks could be used by a professional operator in a designated control zone only when that was for the purpose of a public fireworks display. That amendment was unanimously agreed to by the Criminal Justice Committee, which recognises the value of local organised public displays—as, I think, we all do—and what those can bring to communities.

Together, amendments 35, 36 and 82 seek to remove the exemptions for firework control zones that would apply consistently across Scotland. Amendment 35, if agreed to, would mean that there could be no use of fireworks at all in any designated control zones.

The current exemptions ensure that enforcement bodies would be able to continue to carry out their necessary duties in a designated zone, and they allow for businesses that are engaged in the manufacture or supply of fireworks to continue to carry out vital safety checks as part of due diligence. It is vital that those exemptions be retained.

The intention of amendments 36 and 82, although they approach the issue in slightly different ways, is that each local authority, on a case-by-case basis, could determine different

exemptions for different control zones. Amendment 36 would allow local authorities to designate areas where no exemptions would apply, meaning that fireworks could not be set off at all, or that only certain groups of individuals would be permitted to set off fireworks. It would be a criminal offence to use fireworks in a control zone unless the individual or organisation involved were exempt. Given that, it is vital that the exemptions are applied consistently in all areas, so that people and organisations who are involved in fireworks displays, and others, can understand the law—we have been talking a little about those points in the debate—and how it applies to their activities.

Enabling those small variations, as well as very large differences, between the positions in different areas would, I think, add unnecessary complexity to those zones, which is something that I am really keen to avoid.

Jamie Greene: I am not sure whether Ms Clark will mention the same point, but we are concerned that the stakeholders who are looking at the bill as a great panacea to solve localised problems—there are hotspots of unsocial behaviour, and we all know where those are—think that the firework control zones will solve their problems. I do not have a problem with local authorities making different decisions that are based on the needs of their local areas in that scenario.

For the life of me, I cannot see why we would say, “Yes, you can create a firework control zone, but the Government has a set of national exemptions that apply to all the people who we think should still be able to let off fireworks.” What is wrong with giving local authorities the decision-making power to say, “No, that is a genuine no-fireworks zone. That addresses a specific local need in my community, and we will not allow fireworks at all in that zone”?

I do not think that that is a fine balance; I think that that is quite clear. For the life of me, I cannot work out why the Government will not support that.

Ash Regan: I think that that is part of the balance in trying to achieve the objectives of the bill and balance the interests of those who are involved. I thought very carefully, and for a long period, about public events—if that is what we are talking about specifically—still being allowed in firework control zones.

When I came to the chamber at stage 1, I said to members that there were a couple of areas about which I genuinely wanted to hear what they thought. One of those areas was exemptions for private companies and public displays. I listened carefully to what members said to me about that, and I have also listened to what stakeholders have

said. I have thought about the matter carefully, and I think that it is a fine balance.

Obviously, it is up to members to decide whether I got that to the right point in the end, but I genuinely felt that public displays are not where the issue lies. I think that, by preventing public displays, we would not be achieving the right balance. That is why I came to that decision.

Katy Clark: The intention of my amendment 36 is to enable local authorities to use their discretion. Situations in which such a ban might be appropriate would perhaps be near a facility that is run by Combat Stress, where there are veterans who might be distressed by fireworks; near a post-traumatic stress disorder care facility; and near an animal rescue centre or stables. Surely, there is a case for a complete ban when a council feels that that is appropriate in the particular circumstances.

Ash Regan: That is where I do not agree, and I think that I have just covered that. Local authorities already have discretion whether to allow certain public displays. We had an exchange about that at stage 2. It is not in bill, but they do have that discretion. That may give the member some comfort on that point.

Amendment 82 would give discretion as to whether a public fireworks display would be allowed in a particular area. I am reluctant to deprive communities of organised public displays and the benefits that they can bring to communities. In many cases, local authorities are already able to determine the suitability of displays in a particular place, through their public entertainment licence processes, so I cannot support that amendment.

Amendment 1 sets out that a local authority must take reasonable steps to inform those consulted about what it means in practice when a zone is created, amended or removed. That is in line with the policy intent for the firework control zones and our expectations of how the publication of a decision on and information about firework control zones will work in practice. I am grateful to Ms McNeill for her engagement on the issue, and I am pleased to be able to support the amendment.

Amendment 83 seeks to provide a formal process for community groups to instigate consideration of a firework control zone and a duty on the local authority to respond to it. I sympathise with the amendment, as I share Ms McNeill's views on the importance of community empowerment, and we had quite a long exchange on the point at stage 2.

Sections 30 and 31 of the bill enable Scottish ministers to make further regulations about firework control zones and require that local authorities must have regard to any guidance that is issued about those zones. I believe that such

guidance, co-designed with local authorities and communities, is a more appropriate route than amendment 83 for setting out that further detail of the local procedures for control zones, including procedures for involving local communities. Should that prove to be insufficient, it will be possible to make regulations to strengthen those requirements in the future. However, I think that including it in the bill at this stage would remove flexibility before there has been an opportunity for local approaches to be developed and tested by those who know their communities best.

Pauline McNeill: I thank the minister for that comprehensive reply. I reflected on what the minister said at stage 2—I read the *Official Report* and adjusted my amendment to see whether the minister might accept a different formulation—but, surely, it is quite a simple matter. If a request is put before a local authority, the local authority can still say no. It is just a request; it does not deny the local authority any powers that it already has. I really do not understand why ministers have such difficulties with it.

Ash Regan: I think that the guidance is a more appropriate place to determine a process to give life to the member's intention, because I fear that it would not be as simple for local authorities to do that as the member is describing, and we have to take that into account.

Earlier, Katy Clark asked me about the definition of public displays and community groups. We have taken quite a general approach to the definition and have chosen a widely understood definition that is used by local authorities at the moment. The definition has a two-part test within it. In order for an event to be considered a public event, the organisation involved would have to be established—it would have to have an identity—and the event would have to be open to the public. I hope that that sets the member's mind at rest.

Katy Clark: I am grateful to the minister for her further clarification. However, it is clear that the current legislative framework has not been effective, which is why the various campaigners have been campaigning for the ability to have a complete ban. I think that having such a wide definition of public events as the minister described, whereby the organisations need to be established and the events must be open to the public, reinforces the argument that local councils need to be able to intervene, using their discretion and their knowledge of local communities, and must have the ability to say that there should be no fireworks use by any organisation in specific areas. Therefore, I will press amendment 35.

The Presiding Officer: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 42, Against 64, Abstentions 0.

Amendment 35 disagreed to.

Amendment 36 moved—[Katy Clark].

The Presiding Officer: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 43, Against 64, Abstentions 0.

Amendment 36 disagreed to.

Amendment 82 moved—[Jamie Greene].

The Presiding Officer: The question is, that amendment 82 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)

Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine)

(SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 43, Against 64, Abstentions 0.

Amendment 82 disagreed to.

17:45

After section 28

Amendment 1 moved—[Pauline McNeill]—and agreed to.

Amendment 83 moved—[Pauline McNeill].

The Presiding Officer: The question is, that amendment 83 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Alexander Burnett (Aberdeenshire West) (Con): On a point of order, Presiding Officer. My app locked me out. I would have abstained.

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

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)

Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 17, Against 64, Abstentions 26.

Amendment 83 disagreed to.

Section 35—Exemptions from offences in Act

Amendment 37 not moved.

After section 40

The Presiding Officer: Group 10 is on aggravation of offences relating to emergency workers. Amendment 38, in the name of Ash Regan, is the only amendment in the group.

Ash Regan: Amendment 38 makes provision for a statutory aggravation in cases in which fireworks and pyrotechnics are used against emergency workers. If an offence were found to be aggravated, certain requirements would fall on the court. The amendment would not require the court to impose a higher sentence—a discretion would continue to sit with the court in line with the general policy approach on sentencing. However, following the general approach to statutory aggravations that we have seen in other legislation, the court would be required to consider whether an enhanced sentence was needed. If the court decided that it was not, it should explain the reasons why.

In addition, the amendment would require courts to record when offences that included the use of fireworks and pyrotechnics against emergency workers had been found to be aggravated. That will help us build the data and evidence, over time, of the extent of the use of fireworks and pyrotechnics in offences against those who are risking life and limb to keep our communities safe.

I have welcomed the opportunity at each stage of the bill to hear from members on a number of very important issues of shared concern. One of those issues has been how best to ensure that the

law has the necessary powers to allow the courts to deal with offending that uses fireworks and pyrotechnics against those workers who deal with personal risk to tackle emergency situations in the service of others. I was therefore grateful to Jamie Greene for lodging an amendment on that issue at stage 2 and for his willingness to engage with me in advance of stage 3 to ensure that we, as a Parliament, got the detail of this amendment right.

As I have said on previous occasions when this issue has been debated, the courts already have the ability to determine the most appropriate sentence for those who are convicted of such offences by considering all the facts and circumstances of each case. On balance, however, I believe that lodging this amendment is the right thing to do. A statutory aggravation reflects the serious nature of this particular offending and ensures that the nature of this offending will be taken into account when the appropriate sentence is being determined. It will also ensure that appropriate recording of aggravated offences will take place. I would be very happy if the Parliament would support the amendment.

I move amendment 38.

Jamie Greene: I would also be very happy if members supported the amendment. This is, arguably, one of the more important amendments that we will talk about in the remaining, short, time that we have. No one in the chamber can condone the use of fireworks or pyrotechnics as a weapon against our emergency service workers.

At stage 1, we straight away heard directly from people who have been affected by the issue. Last year on bonfire night—which is just one night; never mind the other 56 nights when fireworks are allowed—eight fire crews and several police officers were attacked by members of the public. Three firefighters were injured. It was not just fireworks—people were chucking all sorts of things, including golf clubs and bottles. This happens every year and we are told about it every year.

I lodged an amendment on the issue at stage 2, as it was not addressed in the bill as introduced and I felt strongly about it. I am really pleased that the minister has given way on the matter. I would not say that this is a personal win, or even a win for the Conservative benches. This is a win for the emergency service workers who are defined in the Emergency Workers (Scotland) Act 2005, those referred to in the Police and Fire Reform (Scotland) Act 2012, and also our friends in the British Transport Police.

Supporting this Government amendment, on which I put my name, will send a really strong message that the Parliament will not accept any

form of abuse or attack of our hard-working emergency service workers with not just fireworks, but anything else, although we have not outlawed golf balls as part of the bill. Such actions are completely unacceptable and we will send a strong message to offenders that the courts must take those factors into account when sentencing them and that the full weight of the law will come down on them.

I hope that it also sends a really strong and powerful message to the police officers, fire service workers and ambulance crews who we heard from, who are being attacked while doing their job of trying to help people in difficult situations—people who have been injured, who need help and who have had accidents on nights when fireworks are being used. The amendment sends a really strong message that such attacks are unacceptable and those who carry them out should be warned that they will face the full weight of the law. I hope that the amendment does that.

I hope even more that we will see some proper prosecutions. There is no point in passing legislation in words alone. I want to see the people who commit such offences successfully prosecuted. I hope that all stakeholders in the justice system will take cognisance of that as we pass the bill.

The Presiding Officer: I call on the minister to wind up.

Ash Regan: I have nothing further to add.

Amendment 38 agreed to.

Section 42—Certificates as to proof of having fireworks licence

Amendments 39 and 40 not moved.

Section 43—Forfeiture and disposal of fireworks and pyrotechnic articles

Amendments 41 to 47 not moved.

After section 44

The Presiding Officer: Group 11 is on the review of existing legislation. Amendment 84, in the name of Jamie Greene, is the only amendment in the group.

Jamie Greene: I will try to keep this brief. I think that amendment 84 is quite self-explanatory. It is similar in nature to one that I lodged at stage 2, but I have changed the wording. It requires the Government to do one fundamental thing, which is to

“conduct a review of”

existing

“legislation ... in so far as it relates to the supply and use”

—or, as the case is, misuse—

“of fireworks and pyrotechnic articles”.

The amendment would ask ministers to

“determine, as a result of the review ... whether the legislation is being adequately implemented and enforced, and ... if not, what action”

will

“be taken to ensure that legislation is adequately implemented and enforced.”

That goes back to the previous amendment, which I am pleased that the Parliament passed.

There are nine other pieces of legislation, from as far back as 1875 right through to the Fireworks (Scotland) Miscellaneous Amendments Regulations 2021. There is a whole bunch of pieces of legislation out there that already govern the misuse of fireworks. When we hear from frustrated people who hope that this bill will solve the problems of antisocial and problematic firework use, I say to them that there is already a lot of legislation out there that is not being used.

The numbers speak for themselves. Over the past five years, more than 6,000 incidents involving fireworks have been recorded by Police Scotland. Of those, 518 were recorded under the Explosive Substances Act 1883 and a number of others were recorded under legislation on the keeping and supplying of explosives. From 6,000 incidents, only 16 resulted in a criminal conviction. Last year alone, 974—nearly 1,000—fireworks-related complaints were made to the police, 29 charges were laid and there were zero criminal convictions.

The conversion rate from incidents being reported to charges being laid to successful prosecutions and people being punished is abominable as it is. My amendment asks ministers to review all the legislation—not this bill, but all the legislation that already exists—in so far as it relates to fireworks and pyrotechnics and their misuse, and to tell us whether they are comfortable and confident that that legislation is being used to its full extent. That is the very least that we can do.

My previous version of the amendment said that this new bill that we are adding to those nine pieces of legislation could not properly come into effect until that piece of work had taken place. I accept that that held back the bill and was deemed to be incompetent, so I have taken that out. All that I am asking is for ministers simply to do that piece of work after the bill is passed.

I cannot understand why ministers would not want to do a full and proper review of all legislation that relates to fireworks and pyrotechnics, because it is clear that all the laws that exist to

protect people are not being used to their full extent. That must be the source of the frustration that so many people in our communities are feeling and why they think that this bill will solve those problems. Let us tell them that there are many other pieces of legislation that the police and the Crown Office could use; there are so many other tools available to them that should be used to their full extent.

I hope that the piece of work that amendment 84 would require will raise awareness of that and lead to more prosecutions. We have tried to amend the bill in many ways at the last stage, including on the nature of the punishments, but I hope that this amendment in this standalone group will be positive and well received, and is a useful exercise that puts that issue back on the table.

I look forward to hearing what others and the minister have to say.

I move amendment 84.

18:00

Ash Regan: As I stated during the stage 2 proceedings when the member lodged a very similar amendment, my ministerial colleagues and I are always prepared to keep the law under review. Indeed, it is that willingness to review the law that has led us to introduce the bill. The bill already reflects a period of significant consultation and engagement with the public and stakeholders, alongside careful consideration of all available evidence, of which a key component was examining the existing legislation.

I point the member to the publicly available report from the fireworks review group, which includes a detailed section on existing legislation, regulation and enforcement, alongside a comprehensive annex, which sets out each piece of legislation, what it does, and practical considerations. The conclusion of that independent review group, as well as that of the misuse of pyrotechnics stakeholder discussions, is that there are clear gaps and therefore a need for further legislation. The measures in the bill will give effect to that work.

As I have said, we are always prepared to keep the law under review, but it is unnecessary and inappropriate to place a statutory duty on ministers to conduct a further review and to lay it before the Parliament within 12 months, when the previous work is the reason why we introduced the bill that is before the Parliament.

I ask Mr Greene not to press his amendment. If he does, I hope that members will not support it.

The Presiding Officer: I call Jamie Greene to wind up, and press or withdraw amendment 84.

Jamie Greene: In one sentence, the minister stated that it was a review of existing legislation that led to the bill, and in another she said that the bill fills in gaps in the existing legislation. Clearly, that review of existing legislation has not led to any improvements in it being used to its full extent. It is okay to plug gaps and to add to legislation, but that review in no way solved the problem of existing legislation not being used to its full capabilities. It is that that I seek for ministers to do. That should be in the bill and I ask members to support amendment 84, which I will press.

The Presiding Officer: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

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

The vote is now closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 43, Against 63, Abstentions 0.

Amendment 84 disagreed to.

The Presiding Officer: We move to group 12, which is on improvement of firework safety. Amendment 85, in the name of Jamie Greene, is the only amendment in the group.

Jamie Greene: I thank members for their forbearance this afternoon. We have covered quite a lot of ground and raised really important issues.

My last amendment is about improvement of firework safety.

We are told that that is what lies at the heart of the bill, so this is a perfect opportunity to use a new piece of legislation on improving firework safety to put in a provision that seeks to do just that. The difference is that I am putting the onus back on ministers to improve firework safety through their policies and proposals.

I have a number of specific asks of the Government in this amendment. I would like it to develop an “annual national safety campaign” on fireworks, which is a sensible ask that comes from not just me but the fireworks industry. Members might think that the industry would be completely against any such proposal, yet it wants a firework annual safety plan.

I want ministers to publish their

“policy around the detection and apprehension of illegal fireworks”.

The reason for that is that, if, and it is a big “if”, a black market arises as a result of the bill—we do not know whether that will happen; we have heard evidence to say that it might, although I hope that it does not—we need to know what the Government will do around the detection and apprehension of illegal fireworks.

My third point is about the centralised approach to reporting incidents of misuse of fireworks. The issue at the moment, which the committee found at stage 1, is that it is almost impossible to identify the scale of the problem. Misuse of fireworks is either underreported or reported to different stakeholders in different ways, whether that is to the police, including by calling 101, or local authorities. People do not understand whether what they are hearing or seeing around them is illegal or antisocial, and that problem will be exacerbated if the bill is passed, given the confusion around when fireworks can or cannot be let off and who can or cannot let them off. The bill will only add to the confusion, but a centralised reporting mechanism would help.

Another issue that we have rightly raised throughout the debate is that of illegal fireworks entering Scotland and of people buying them from elsewhere, whether other parts of the UK, Europe or beyond. What will be done to prevent that, if it were to occur?

The final issue that I raise in amendment 85 is “co-operation with retailers about their continued supply of fireworks”,

because we know that, if the bill is passed, it will immediately—overnight—close down a number of businesses. We have to be honest with ourselves about that. The number of businesses in Scotland that are dedicated to the sale of fireworks might be up to a dozen only, but we will still be putting people out of business. We must give consideration to that. As for other retailers that will continue to exist and survive, I want to know whether they will continue to sell fireworks, what times of year they will sell them, what will happen about stockpiling and so on.

The amendment, in the round, would improve firework safety. All the measures have the buy-in of the industry, retailers and, I am sure, people who are blighted by the misuse of fireworks. I simply ask the Government to consult on a draft of the plan, have regard to any responses, publish it and lay it before Parliament. Agreeing to the amendment would not hold back the rest of the bill or wreck it; indeed, it would be an important addition to the bill. If the bill is really about firework safety, let us put my proposed provision in the bill and put the onus on the ministers of this and future Governments to ensure that they are on top of it.

I move amendment 85.

Ash Regan: I share Jamie Greene’s views on the importance of firework safety. We debated this subject during stage 2 when he lodged a similar amendment. Much of what is included in amendment 85 reflects what was proposed in the British Fireworks Association’s 10-point plan. I have said on a number of occasions that I welcome much of the plan and the good progress that is being made in a number of the areas that it highlights.

Jamie Greene stated during stage 2 that he did not want this work to be left to policy and future Governments and that he preferred to have it committed into law in the bill. However, through my actions, I have already made very clear my strong commitment to firework safety, and I believe that it is not necessary or appropriate to use the bill to write into legislation already-stated policy commitments that have followed on from the already-published fireworks action plan of 2019.

Jamie Greene: I accept that at face value, as it is in the *Official Report* that the minister has lots of positive things to say about the industry’s 10-point plan, and she has personally committed to maintaining a watchful eye.

However, as with the review of the entire act—sadly, that will be a one-off piece of work, despite

our unsuccessful endeavours to make it a continuous piece of work—that is all well and good now, but, when we create law, we create it for decades or hundreds of years. We do not know what future Governments will look like, what their priorities will be as regards the fireworks industry or whether they will be interested in fireworks at all. For that reason, it is better that the plan is in the bill. It future proofs the bill, it is sensible and it is what people want—after all, it is a bill that is meant to improve firework safety.

The only reason that I can think of for the minister not to want it is that it simply adds to the ministerial workload, and that is not a reason—

Ash Regan: Will the member give way?

Jamie Greene: I will, in a second. That is not a reason to vote amendment 85 down and to say that we cannot do it. Everything that I said when I moved the amendment is achievable, doable and reasonable. I give way to the minister.

Ash Regan: I have to disagree in the strongest possible terms with what the member said. I do not support amendment 85 because it would mean repeating work that I have already done. I published the fireworks action plan in 2019, and it details all the non-legislative actions that the Government and all our partners are taking forward year after year after year. I encourage the member to read that document.

Jamie Greene: I cannot wait.

It might repeat work that the minister has done, but it does not repeat work that has not been done yet. That is my point. If the bill requires the Government of the day to perform a piece of work in five years, in 10 years, in 15 years, or in 20 years, it will ensure that future ministers are as enthusiastic about firework safety as the current one. That is why it has to be in the bill.

Russell Findlay: The minister makes great play of work that has been done in the past, but some of the specific provisions in the amendment relate to issues that might arise, such as fireworks coming into Scotland illegally as a result of the legislation. It is therefore something that should be considered. Does the member agree?

Jamie Greene: It is about the unintended consequences that we have flagged up all through the process, and have been given a good airing today. We are talking about unintended consequences and don't know. We don't know about the black market, we don't know about the potential for people to buy online, although we know that the bill cannot regulate that market. We don't know about mislabelled and illegal or dangerous fireworks coming in from other markets. It is because of those don't know that it is so important to have an annual firework safety

plan and all the other measures in amendment 85 on an on-going basis. Even if they have been done already, and all that work is up to date, I want to make sure that future Governments continue to do that work. There are so many unknowns so this would be a good way of future proofing the bill and of ensuring that, whatever happens as a result of the legislation—*[Interruption.]* I am sorry to interrupt. It is a good way of ensuring that, whatever happens after the bill is passed—

Pauline McNeill: Will the member take an intervention?

Jamie Greene: I think that we are probably just about out of time so I will finish there if Ms McNeill is okay with that.

Pauline McNeill: I am sorry to persist. In listening to what the member is saying, I have realised that some evidence that was given to the committee is relevant. Warnings were given by the industry, when it talked about fireworks being stored in an unexpected location and how the impact of a loss of trade, whatever the member thinks of that, could certainly lead to a black market. That is more than one thing—it would be one of the unintended consequences. That leads me to take the view that it is much more important for the Government to give out big safety messages. Does the member subscribe to that view?

Jamie Greene: I do not disagree with that. It is because of the unknown of the black market, which was raised so many times throughout the bill process, that we should take cognisance of it. That is why proposed subsections (2)(b) and (2)(d) in amendment 85 relate to the Government's duty to develop and maintain a watching brief over the detection and apprehension of illegal fireworks coming into Scotland.

For those reasons, I will strongly press amendment 85, and hope that members will support it.

The Presiding Officer: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)

Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
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 Johnson, Daniel (Edinburgh Southern) (Lab)
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 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
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 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
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 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
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 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
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 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
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 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 44, Against 64, Abstentions 0.

Amendment 85 disagreed to.

18:15

The Presiding Officer: Group 13 is on increasing penalties for existing firework offences. Amendment 86, in the name of Russell Findlay, is grouped with amendment 90.

Russell Findlay: Now for the grand finale—I warn all members to stand well back.

At stage 2, I made numerous attempts to increase the criminal penalties that are contained in the bill. Put simply, we sought to increase the maximum prison sentences from six months to 12 months and fines from £5,000 to £10,000. We lost the argument and I will not rehear it here.

However, amendments 86 and 90 seek to modify sentences that are contained in two pieces of existing legislation—the two most commonly used of the nine pieces of legislation that are referred to in Jamie Greene's amendment 84.

Amendment 86 relates to

“an offence under the Fireworks Act 2003 which relates to the supply or use of fireworks”.

It seeks to raise the maximum available sentence from six months' to 12 months' imprisonment.

Amendment 90 relates to the Explosives Act 1875—specifically, to the throwing of fireworks in public places. Despite how old it is, the 1875 act is the most commonly used piece of fireworks legislation today, according to what we heard from the Crown Office.

It is worth putting on the record that one of the recurring themes of stage 1 and stage 2 consideration of the bill was the difficulty that committee members had in establishing the number and nature of cases that were reported to the police, prosecutions, convictions and how those were disposed of. It was clear that much of the existing legislation was not being used to its full extent. Jamie Greene has already told us that, and I will not rehearse that argument again.

However, I think that amendments 86 and 90 are helpful, as they would amend the existing laws to achieve the same thing—that is, they would give independent sheriffs a wide and reasonable array of sentencing options. The amendments seek to make the maximum prison sentence 12 months partly because of the decision that the Scottish Government took in 2009 to have a presumption against short sentences of less than 12 months. If the 2003 act and the 1875 act are left unamended, sheriffs will be unlikely to pass a prison sentence, even when that might be the preferred disposal. With amendments 86 and 90, we have a good opportunity to put that right.

I move amendment 86.

Ash Regan: Amendments 86 and 90 aim to increase the maximum penalties that are available for two firework-related offences—namely, an offence that has been committed under the Fireworks Act 2003 and one that has been committed under the Explosives Act 1875.

Amendment 86 would increase from six to 12 months the maximum sentence available for people who are found guilty of an offence under the 2003 act, when that offence is related to the supply or use of fireworks in Scotland.

Amendment 90 relates to the offence of throwing fireworks in public under the 1875 act. However, that is a UK-wide offence. The amendment would make the penalty of up to 12 months' imprisonment available for people who were found guilty of the offence in Scotland. That would be available as an alternative to the existing penalty of a fine not exceeding level 5 on the standard scale or as an additional penalty. I think that that would create an inconsistency in the penalties that are available to the courts throughout the UK for what is the same offence.

It is important that there is consistency, transparency and proportionality across the bill and the law on fireworks as a whole. The maximum penalties that are set out in the bill were

included following careful consideration of the types of offences in the bill and the levels of penalty that are applicable for other fireworks legislation.

Russell Findlay: I find it rich that the minister talks about ensuring consistency with the UK when the entire bill does the exact opposite and will create all sorts of unforeseen consequences. That seems to be a selective application of consistency.

Ash Regan: I do not agree with the member. His amendment relates to existing legislation, while many of the provisions in the bill are new, so I cannot agree with him on that point.

I not only believe that the maximum penalties that are set out in the bill are proportionate and appropriate. I also believe that the applicable levels of penalty in other fireworks legislation are proportionate and appropriate. We are not aware of any specific compelling evidence that higher maximum penalties are necessary to deal with the offending behaviour in question.

During the evidence sessions at stage 1, representatives from the firework industry highlighted the fact that, in their view, maximum sentences are not routinely handed down. I may be pre-empting an intervention from Mr Findlay by saying that he might point to the lack of option in the 1875 act for a custodial sentence. However, the offences under that act are applicable throughout all UK jurisdictions. If a penalty of imprisonment were to be made available in Scotland only, that would make penalties across the UK inconsistent.

I will give way if Mr Findlay wishes to come back in.

Russell Findlay: The minister has covered my point.

Ash Regan: Sufficient custodial sentences are already available in common law for the more serious incidents, as was discussed at length at stage 2. Offences that are likely to attract a sentence of imprisonment such as culpable and reckless conduct, breach of the peace or common law assault carry custodial sentences of up to and more than 12 months' imprisonment.

I do not believe that the current penalties in the 1875 act should be changed only for Scotland. Therefore, I cannot support amendment 86.

The Presiding Officer: I invite Russell Findlay to wind up, and to press or withdraw amendment 86.

Russell Findlay: As I said in my intervention, the Government's concern about creating possible inconsistencies seems to be at odds with the

entirety of the bill, which will do just that, with all sorts of potential unforeseen consequences.

Amendments 86 and 90 are important. They give the independent judiciary scope to sentence as they see fit. We are not imposing sentencing; we are giving that option to judges and the courts.

Regarding the minister's response, the firework industry and others, frankly, had to scabble about to get data about how sentencing has been applied and about disposals. That data was hard to come by, short of raking through Google or through local newspapers. The committee has experienced the scarcity of data as a hallmark of the whole process.

I press amendment 86.

The Presiding Officer: The question is, that amendment 86 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
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 Lumsden, Douglas (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)

Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
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 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
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 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
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 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
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 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
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 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
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 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
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 Slater, Lorna (Lothian) (Green)
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 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
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 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 43, Against 64, Abstentions 0.

Amendment 86 disagreed to.

Amendment 90 not moved.

Section 44A—Report on operation of Act

Amendment 87 not moved.

The Presiding Officer: I remind members that, if amendment 88 is agreed to, I cannot call amendment 89 due to pre-emption.

Amendment 88 moved—[Jamie Greene].

The Presiding Officer: The question is, that amendment 88 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
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 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
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 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)

Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
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 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
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 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
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 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 43, Against 64, Abstentions 0.

Amendment 88 disagreed to.

Amendment 89 not moved.

Amendment 48 moved—[Russell Findlay]—and agreed to.

Section 45—Interpretation

The Presiding Officer: In the interest of time, I ask Ms Clark whether it is her intention not to move amendments 49 to 67.

Katy Clark: That is correct. [*Applause.*]

The Presiding Officer: Katy Clark has indicated that she will not move amendments 49 to 67. It would be helpful if any member who wishes to move any of those amendments would indicate that now.

No member has indicated that they wish to move any of amendments 49 to 67.

Amendment 49 not moved.

Schedule 1—Exemptions

Amendments 50 to 57 not moved.

Schedule 2—Investigatory powers of a local weights and measures authority

Amendments 58 to 66 not moved.

Long title

Amendment 67 not moved.

The Presiding Officer: That ends our consideration of amendments.

As members will be aware, at this point I am required under 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 this case, my view is that no provision of the Fireworks and Pyrotechnic Articles (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority in order to be passed at stage 3.

I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, to bring forward decision time to now. I invite the Minister for Parliamentary Business to move such a motion.

Motion moved,

That, under Rule 11.2.4, Decision Time shall begin at 6.30 pm.—[*George Adam*]

Motion agreed to.

Decision Time

18:31

The Presiding Officer (Alison Johnstone): There are no questions to be put as a result of today's business.

Meeting closed at 18:31.

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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