



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 30 November 2023**

**Session 6**



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# Scottish Parliament

Thursday 30 November 2023

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

## General Question Time

**The Deputy Presiding Officer (Annabelle Ewing):** Good morning. The first item of business is general question time. As ever, I would appreciate succinct questions and answers to match in order to get in as many questions as possible. Members who are seeking to ask a supplementary question should press their request-to-speak button during the relevant question.

### Teacher Training (Employment-based Routes)

1. **Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what its policy is in relation to employment-based routes to teacher training. (S6O-02822)

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** The Scottish Government is supportive of a range of university-based routes into teaching, and we are open to working with our university providers to consider alternative routes that lead to an appropriate teaching qualification. The member will be aware that we offer bursaries for career changers who wish to become teachers in our most hard-to-fill subjects. However, it is the General Teaching Council for Scotland that determines what constitutes a recognised teaching qualification.

**Liz Smith:** I am asking the question because of concerns that have been expressed to me by those who have been working with the University of Buckingham as mentors to postgraduate certificate in education students that this might be the last year that the University of Buckingham offers its highly regarded and rigorous training course in Scotland. Allegedly, that is because of changes to Scottish Government policy on employment-based routes into teacher training. Can I ask the minister for some verification of that, and can he provide me with details about what has happened?

**Graeme Dey:** The University of Buckingham offering was at no time an employment-based route into teaching as such; it was a transitional arrangement that followed the requirement for teachers working in the independent school sector to be registered with the GTCS, which was introduced in 2017. The University of Buckingham delivers a top-up programme to enable that to

happen, but it was accredited only for a small category of teachers, with a limited timescale in which to complete it.

I hope that that provides Liz Smith with sufficient clarity, but if it does not or if I have not quite captured the essence of her question, I am more than happy to engage with her further on that.

**Martin Whitfield (South Scotland) (Lab):** Will the minister confirm that the Scottish Government is still committed to a graduate teaching profession?

**Graeme Dey:** The Scottish Government is absolutely committed to the teaching profession full stop, but it will always engage with opportunities to universities to see how we enhance that further.

**The Deputy Presiding Officer:** Willie Rennie is joining us online.

**Willie Rennie (North East Fife) (LD):** The minister will know that I am concerned about the high levels of unemployment and short-term contracts in the teaching profession. That will not be particularly attractive to those who are looking to switch careers into teaching. What is the minister doing about recruiting the 3,500 extra teachers who were promised and the reduction in teacher contact time that will be essential to recruit those extra teachers?

**Graeme Dey:** As Mr Rennie knows, that is not my area of responsibility, but I am more than happy to write back to him in full detail on that. I know that he had an exchange with the cabinet secretary in the chamber not so long ago, when I think she answered that question quite fully.

### Subsidised Bus Routes

2. **Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government what support it is providing to local authorities to ensure that any subsidised bus routes are maintained. (S6O-02823)

**The Minister for Transport (Fiona Hyslop):** Local authorities receive funding from the Scottish Government via the general revenue grant and have a duty to consider supporting socially necessary services that are otherwise not commercially viable. In 2021-22, local authorities spent £55 million supporting bus services in that way.

**Evelyn Tweed:** Stirling Council has recently launched its budget consultation, which includes three options for public transport, all of which would see cuts to the subsidised X10 and C60 services, which are vital in linking Stirling's rural communities. What conversations take place with local authorities to ensure that there is an awareness of the importance of the provision of bus services in rural areas?

**Fiona Hyslop:** Under the Transport Act 1985, local authorities have a duty to identify where there is a social need for particular bus services, and they can subsidise those services at their discretion. That means that local transport authorities can provide subsidy for services that are not provided on a commercial basis, but that is entirely a matter for local authorities to determine, and the Scottish Government has no powers to intervene in those matters.

Under the Transport (Scotland) Act 2019, local transport authorities now have powers that enable them to run their own services. Those powers sit alongside their existing powers to subsidise local services. However, it is for local transport authorities to decide whether they want to use those powers to improve services. I discussed rural transport bus issues with the regional transport partnerships only this week.

**Pam Duncan-Glancy (Glasgow) (Lab):** The M2 bus that runs from Toryglen to Castlemilk, in my region, is an hourly service that is regularly used by older people, and it is the only bus that serves the bottom of Spittal and Dunure Drive. For the past month, it has been reduced from an hourly service, and recently to no service at all, due to repairs. It has taken over a month for that work to be done and there has been no replacement. What can the minister do to establish why that has gone on for so long? What mechanism can she put in place to ensure that replacement services are there now and in the future?

**Fiona Hyslop:** I am sure that the member will be aware that the bus services are run by commercial operators in the deregulated market. As we have just discussed, some are subsidised by the local authority, but they are run by private companies.

I appreciate that, as is generally the case across all transport areas, repairs and replacement of parts are placing pressure on transport issues. When it comes to bus services, the member, as an MSP, is best placed to make representations on behalf of her constituents directly to the bus company. If she has not yet met with the bus company, I strongly encourage her to do so.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I ask the minister about the importance of local political leadership on this issue. My understanding is that Stirling Council has had money from the community bus fund to develop new local rural services and that Loch Lomond and the Trossachs national park is also committed to establishing new routes, working with the council, which will be included in the forthcoming park plan. It seems that all the ingredients are there to restore rural bus services, but what is lacking is the local political leadership to pull it all

together and use the new powers in the Transport (Scotland) Act 2019.

**Fiona Hyslop:** It is disappointing to hear that bus services are deteriorating in the Stirling area. It is a matter for local political leadership, just as it is a matter for national political leadership to put transport front and centre in our priorities. Anybody who has concerns about private operators can approach the Traffic Commissioner for Scotland.

On the provision of enabling tools, on the back of the 2019 act a whole suite of regulations are coming into force or are already in force, giving more powers and responsibilities for local authorities to use. The community bus fund is intended to support local transport authorities in considering the powers from the 2019 act and to improve local services. More than 500—

**The Deputy Presiding Officer:** Thank you, minister. We need to move to the next question.

#### **COP28 (Scottish Government Priorities)**

**4. Monica Lennon (Central Scotland) (Lab):** To ask the Scottish Government what its priorities are for the 28th United Nations climate change conference of the parties—COP28. (S6O-02825)

**The Cabinet Secretary for Transport, Net Zero and Just Transition (Màiri McAllan):** In summary, our principal objectives for COP28 are that our leadership on loss and damage builds momentum for urgent funding; that our co-chairmanship of the Under2 Coalition supports action and commitments; that our commitment to low-carbon energy and a just transition to net zero, particularly around offshore wind and hydrogen, can influence others to do more to achieve net zero; and that we will advance international relationships, attract investment in Scotland and enhance Scotland's global reputation, particularly on renewable energy. We will also continue using our platform to platform the voices of women, young people and the global south in the COP28 debate in action.

**Monica Lennon:** Now that the European Union has decided to criminalise offences comparable to ecocide, will the Scottish Government take the opportunity at COP28 to meet Governments and campaigners who are advancing ecocide law, in the light of the Scottish Government's commitment to maintain alignment with the EU on environmental protection?

**Màiri McAllan:** I welcome Monica Lennon's question. I have a very full programme at COP28, which includes a number of meetings centred on the twin crisis of nature loss.

The Scottish Government is absolutely committed to protecting Scotland's environment.

Monica Lennon is right to recognise the progress at EU level. We will assess the final revised EU environmental crime directive against our own policy to seek to maintain alignment where we can with EU law. Of course, I will take that important matter into a number of the conversations that I will be having at COP28.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** The climate credentials of the United Kingdom Government are in absolute tatters, and the only thing that the Labour Government-in-waiting seems capable of is flip-flopping and U-turns. How can Scotland work with the international community at COP28 to effect a positive outcome and show the world that our views and ambitions for the future of the planet are not represented by Westminster?

**Màiri McAllan:** Karen Adam is absolutely right to point out how much of a leader Scotland is already recognised as being in the climate space, not only in our commitments and actions—particularly on renewables and nature-based solutions—but, equally, in our pursuit of climate justice.

We will use our platform at COP28. The First Minister is already there, and I will follow as he returns home. However, the point is that no nation has all the answers or the means to respond at the scale that is required. That is why national leadership and representation at fora such as COP28 are so important, and Scotland will use its role to our full potential.

### **Regeneration and Economic Renewal Projects (South of Scotland)**

**5. Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what funding it is providing for regeneration and economic renewal projects in the south of Scotland. (S6O-02826)

**The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy (Neil Gray):** Our place-based investment programme has directly provided more than £18 million to councils in the south of Scotland region since 2021, and the area has received more than £48 million from other Scottish Government regeneration funding programmes.

The Scottish Government is also investing £85 million in the Borderlands deal and £300 million in the Edinburgh and south-east Scotland deal, to support a wide range of projects and programmes that are designed to stimulate economic growth. In addition, we have allocated more than £34 million to the South of Scotland Enterprise agency in 2023-24, to support economic and community development across the region.

**Finlay Carson:** I recognise the funding that the United Kingdom Government's levelling up fund has brought to projects such as the one at the George Hotel in Stranraer.

The cabinet secretary might be aware that, in April 2016, the Scottish Government committed to invest £6 million towards the regeneration of Stranraer when the ferry port closed. Unfortunately, previous Scottish National Party and Labour administrations at Dumfries and Galloway Council and the Scottish Government have failed to deliver a process to draw down that money, despite knowing that the investment could bring transformational change, jobs and opportunities for local people. What discussions has the cabinet secretary had with the current administration? What progress has been made to draw down that money?

**Neil Gray:** We have been in constant dialogue with Dumfries and Galloway Council and have made it clear that, in the absence of detailed proposals, we cannot release those funds. Officials met council representatives on 13 November to discuss Stranraer's place plan and underlined the need for the council to develop and submit detailed investment proposals for us to consider.

Stranraer has already benefited from £2.8 million from the regeneration capital grant fund. Through the Borderlands growth deal, we have also committed £16 million to support the redevelopment of Stranraer marina, with a focus on creating new jobs and drawing in new visitors to the area. I hope that that gives Mr Carson some reassurance.

**Emma Harper (South Scotland) (SNP):** I have previously raised regeneration and economic renewal in relation to addressing the many vacant, abandoned and derelict sites across south Scotland, such as the Arches restaurant in Stranraer and the Interfloor factory in Dumfries.

Does the cabinet secretary agree that it is crucial that funding to address derelict sites ensures that rural areas such as D and G are included? Will he agree to meet me to discuss how those sites can be better addressed?

**Neil Gray:** I am happy to meet Emma Harper to discuss that issue and the fact that the vacant and derelict land investment programme is open to applications from all local authorities, including those in the south of Scotland and Dumfries and Galloway. The programme will assist them in tackling the persistence of vacant and derelict land in the areas that they cover.

### **Buses (Actions to Increase Use)**

**6. Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what action it is

taking to increase the use of buses across Scotland. (S6O-02827)

**The Minister for Transport (Fiona Hyslop):** Earlier this year, we co-funded a successful national marketing campaign with bus operators, to encourage people to return to bus or use it for the first time. The campaign reached an audience of millions, prompted more than 32,000 visits to the choosethebus.scot website and increased older and disabled persons' concessionary journeys by 5.8 per cent during the campaign period.

In addition, our concessionary travel schemes provide access to free bus travel to more than 2 million people in Scotland, including around 170,000 in Fife. The schemes account for more than 3 million journeys every week and help people to cut costs, which makes sustainable travel a more attractive option.

**Alex Rowley:** Although I have repeatedly welcomed the under-22 bus pass scheme in the chamber, I have also repeatedly raised the issue of unaffordable and ever-increasing bus fares for people who are without the benefit of a concessionary scheme. The United Kingdom Government has introduced a blanket cap of £2 for all bus fares in England, to help to tackle the issue during the cost of living crisis.

Will the minister examine the case and cost for a similar fare cap in Scotland that would benefit all bus users?

**Fiona Hyslop:** The rest of the UK does not have the generous concessionary bus scheme that Scotland has—more than 2 million of our population benefit from the scheme. However, the member makes an important point about working people who cannot afford bus fares and are not eligible for the concessionary scheme. That is why our fair fares review, which is due to report shortly, is looking at the balance there, including the issue of tackling poverty. One of the biggest blights resulting from successive Westminster Governments is in-work poverty. If the Scottish Government can do anything to help to relieve that, we will do it.

Let us be realistic, though. When it comes to achieving what the member and I want to achieve, which is properly to tackle poverty in Scotland, we are facing a very serious budget situation.

**Graham Simpson (Central Scotland) (Con):** The minister is perhaps missing an opportunity here, because we could have a Scottish bus fare cap if she chose to consider it. Is the minister prepared at least to look at the proposal and what it might cost?

**Fiona Hyslop:** The member makes an important point, but he also fails to reflect that

Scotland does not have a centralised system for what can be done in local authority areas. We are in the process of introducing regulations that will give more powers, for example over franchising; powers over running services are already there. Unless the member wants to centralise all decision making on transport, what he suggests would be problematic in our context.

I have met regional transport partnerships from across Scotland, and I think that all of us—whether in local authorities, regional transport partnerships or in the national Government—are thinking about how we can do things in a better way. However, I do not think that centralising everything, as the member suggests, is the route forward that our local authorities would want.

### Public Service Provision (East Lothian)

**7. Martin Whitfield (South Scotland) (Lab):** To ask the Scottish Government what recent discussions it has had with East Lothian Council regarding the future of local public service provision in the area, including in relation to the Loch Centre in Tranent. (S6O-02828)

**The Minister for Local Government Empowerment and Planning (Joe FitzPatrick):** The Scottish Government places great importance on community sports and leisure facilities. The Deputy First Minister met representatives of East Lothian Council on 23 August. We are fully aware that local councils, like all public authorities, are facing challenging financial circumstances, which is why, in 2023-24, we increased the resources that are available to local government by more than £793 million.

In 2023-24, East Lothian Council will receive £221.5 million to fund local services, which equates to an extra £8.1 million to support vital day-to-day services, or an additional 3.8 per cent compared with 2022-23.

**Martin Whitfield:** The International Society for Physical Activity and Health's sixth priority in its publication "Eight Investments That Work for Physical Activity" states:

"Sport and recreation opportunities must target audiences where the need may be greatest or participation rates may be lower".

The Scottish Government agrees, and the Loch Centre in Tranent does exactly that.

Does the minister agree that, although it is right and proper that local authorities should decide how local funding is distributed to their communities and, in turn, how to provide and maintain community and sporting facilities, they must have the political and practical support from the Government to meet that need properly?



**Joe FitzPatrick:** The member makes a strong point. The benefits of physical activity, and sport as part of that, are huge across our country. It is really important that we all work together, and local authorities, the Scottish Government and sportscotland are working hand in hand. We absolutely understand the particular challenges that we face with the estate, which is why sportscotland has been tasked with looking at facilities across Scotland and how they can be sustainable in the long term.

It is also why the Government's programme for government mentioned a working group, including our partners in the Convention of Scottish Local Authorities and sportscotland, to look at how we can better use all of that estate, particularly the schools estate. On many occasions, although the best facilities in a community are located in the schools estate, they are often inaccessible to members of that community. We need to do more, but we need to do it in partnership.

**The Deputy Presiding Officer:** I can squeeze in question 8 if I have succinct questions and answers. Dr Gulhane joins us remotely.

#### **Public Services and Facilities (Glasgow)**

**8. Sandesh Gulhane (Glasgow) (Con):** To ask the Scottish Government what recent discussions it has had with Glasgow City Council and Glasgow Life regarding the future provision of public services and facilities in the region, including the Glasgow national hockey centre. (S6O-02829)

**The Minister for Local Government Empowerment and Planning (Joe FitzPatrick):** The Scottish Government is fully aware that local authorities are facing challenging financial circumstances, in particular in maintaining and operating facilities, largely due to energy costs and other cost of living pressures. The Scottish Government will continue to regularly meet the Convention of Scottish Local Authorities and individual local authorities to cover a range of topics, including current and future budget processes. It is vital that all avenues are explored to ensure, where possible, that local clubs and communities have access to sport and leisure facilities.

**Sandesh Gulhane:** I am sure that the minister will be aware that the hockey centre in Glasgow is a 2014 Commonwealth games legacy venue. A question mark now hangs over the facility's future viability. Scottish Hockey has a potential investor, but I am told that progress has been slowed due to inactivity on the part of Glasgow Life. No one wants to lose potential investment in a valuable sporting venue in Glasgow, so will the minister intervene to ensure the future of the facility and the many clubs that use it?

**Joe FitzPatrick:** Sandesh Gulhane will be well aware that Glasgow City Council, like other local authorities, is a democratically elected institution, and it is important that this Parliament respects the democratic mandates of local councillors across Scotland.

On the specifics of the question, I know that Scottish Hockey has written to the Minister for Social Care, Mental Wellbeing and Sport, and a response will be going to Scottish Hockey in due course.

## First Minister's Question Time

12:01

### Michael Matheson (Expenses)

#### 1. Douglas Ross (Highlands and Islands)

**(Con):** The Deputy First Minister was interviewed last week about Michael Matheson's dishonesty. She was asked whether Scottish National Party ministers always tell the truth. She was given multiple opportunities to answer with a simple yes, but she did not. I will give her another opportunity today. Do Scottish Government ministers always tell the truth?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** Before I answer Douglas Ross's question, I pay tribute to the late Lord James Douglas-Hamilton. Lord James had a long and distinguished career as a public servant in three parliamentary chambers, including this one, of course. Those of us who served alongside him in the Scottish Parliament remember a kind, funny and warm gentleman who embodied the spirit of cross-party friendship and collaboration, which is part of the ethos of the Parliament and has served us well. On behalf of the Scottish Government, I offer my condolences to Lord James's family and his friends. *[Applause.]*

It is, of course, for Douglas Ross to decide on his questions, but it is very telling that, for weeks now, he has had nothing to say on the Tory autumn statement, which has been devastating for Scotland's public services; nothing to say on the cost of living crisis; nothing to say on Grangemouth; and nothing to say on the climate emergency, as leaders gather to discuss the biggest challenge of our age. Of course, these are Tory priorities.

I will answer Douglas Ross's question about what I said. Of course, ministers should tell the truth. I was referring to the fact that, sometimes, people get things wrong and make mistakes, including Douglas Ross, who made a mistake worth around £28,000 when he was late with his outside earnings. Of course, ministers should always tell the truth.

**Douglas Ross:** I will begin on an area on which we agree. Lord James Douglas-Hamilton was a true gentleman and a friend to everyone he worked with, not just in Holyrood and at Westminster as a minister, an MP and a member of the House of Lords but as a local councillor, where he started his career in public service. The tributes that we have seen from across the political spectrum have helped his wife, Susie, their children and the wider family at this difficult time. They are all in our thoughts today.

The Deputy First Minister's answer was telling. She was basically saying that there are more important issues than a Government minister claiming £11,000 of taxpayers' money and thinking that he could get away with it. That is why this issue is important.

The simple question was: do Scottish Government ministers always tell the truth? We still have not had a yes or no answer. We have had the conditional answer that they would try to but that, sometimes, they make mistakes. However, that is not what is at the heart of the issue. It is about what Michael Matheson claimed for. It is about what he said, what he did and then the cover-up. It is now quite clear that the SNP Government defends dishonesty. Michael Matheson claimed taxpayers' money when he should not have done. He changed his story. He made up ludicrous excuses. Does the Deputy First Minister seriously believe that Michael Matheson has been 100 per cent honest throughout this scandal?

**Shona Robison:** Michael Matheson has reimbursed the Parliament in full for the costs that were incurred. He also set out his position in detail in his personal statement and he has, of course, referred himself to the Scottish Parliamentary Corporate Body. Importantly, he has recognised that he should have handled the situation better, he has accepted responsibility and he has rightly apologised in full.

The appropriate thing now is to allow the Scottish Parliamentary Corporate Body to look into the matter, and I am sure that it will do so with the pace that is required.

**Douglas Ross:** Of course, Michael Matheson could have handled the situation better—he could have told the truth; he could have been honest. We cannot park the issue with the Scottish Parliament's investigation, because it is looking at the claim that was made for taxpayers to pay £11,000 for a bill; it is not looking at the statements that Michael Matheson made, which now seem to have been dishonest.

Let us remember that Michael Matheson is the MSP who once bragged about watching six football matches in a single weekend, but now he wants us to believe that, when he was on holiday, he never watched the games, he never knew that the football was on, he never spoke to anyone about it and, when a giant bill came in, he was completely clueless about it. Does the Deputy First Minister seriously expect the public to believe a word of that story?

**Shona Robison:** As I have said, Michael Matheson set out the circumstances and the way in which he handled them in his personal statement. As for the matters that the Scottish

Parliamentary Corporate Body will look into, those are matters for it. Obviously, it can refer the matter elsewhere if it feels that that would be the appropriate thing to do.

Michael Matheson has given a full account to the Parliament; he also opened himself up to questions from members of the Parliament. He has accepted that he should have handled the situation better, he has accepted responsibility and he has rightly apologised. The appropriate thing now is to allow the Scottish Parliamentary Corporate Body to look into the matter.

I said what I said at the beginning about Douglas Ross's priorities because he has had nothing to say about a Tory Chancellor of the Exchequer's autumn statement that has given no money whatsoever to this Government or this country for our public services for next year. I think that the public are pretty concerned about that, because it will impact on every part of the public sector across Scotland. If the Tories do not care about that, the Scottish National Party certainly does.

**Douglas Ross:** Of course, I have spoken about the autumn statement and the £545 million of extra money that is coming to the Scottish Government to spend on public services, but the public are also speaking about how one of the most senior members of the SNP Government—one of the highest-paid ministers in Scotland—tried to claim £11,000 of taxpayers' money for his iPad bill.

The problem for the SNP Government is that the public do not believe Michael Matheson. Yesterday, a poll showed that the vast majority of Scots believe that he should stand down, and that included a majority of SNP voters. They believe that Michael Matheson needs to go. They can see that he is not focused on the day job. In the middle of a national health service crisis, the public need to trust the health secretary, but they do not. When nurses and doctors meet him, they need to know that he is honest, but he is not. The health secretary has lost the confidence of the country and he needs to go for the good of our NHS.

This week, the Deputy First Minister said that the public sector workforce would need to shrink. Should that not start with the sacking of Michael Matheson?

**Shona Robison:** What Douglas Ross did not refer to was the fact that the poll found that 72 per cent were dissatisfied with Rishi Sunak's performance as Prime Minister and that 54 per cent of people support independence for Scotland.

Michael Matheson is getting on with the job of being health secretary ahead of what is expected to be a challenging winter for the health service. If Douglas Ross cared at all about the NHS, he

would be objecting to the fact that only £10.8 million has been given to the NHS in Scotland for next year by the United Kingdom Tory Government—less than £11 million. [*Interruption.*]

**The Deputy Presiding Officer (Annabelle Ewing):** Members!

**Shona Robison:** I think that actions speak louder than words. I do not think that Douglas Ross and the Tories care about the NHS if they are prepared to support the Tory Government on that matter.

This week, the health secretary has announced £42 million of funding for an extra 153 training places for doctors next year, which is the largest annual expansion on record, and he met the Royal College of Nursing to discuss our agenda for change and to hear about the issues that nurses face. On that point, there is, of course, no money for agenda for change pay for next year from this Tory Government, which is an absolute outrage.

#### **National Health Service (Waiting Lists)**

2. **Anas Sarwar (Glasgow) (Lab):** I begin by echoing the comments about the sad passing of Lord James Douglas-Hamilton and send condolences to his family. I never had the privilege of meeting him, but I think we can tell from the comments made from across the political spectrum that he was held in high regard.

For weeks now, the health secretary has been trying to save his job while the crisis in the national health service continues. Things are getting worse: in one week, more than 1,000 patients waited for more than 12 hours to be seen at accident and emergency. Tens of thousands of people are waiting for crucial diagnostic tests, including for cancer, and waiting lists are now the longest that they have ever been, with 828,398 Scots now on an NHS waiting list. More than 80,000 of them have been waiting for more than a year. Tragically, many will never receive treatment. Can the Deputy First Minister tell us how many people died last year while on an NHS waiting list?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** The Government and I take those matters very seriously indeed. Those are challenging figures and we know that, behind those figures, are people who are waiting too long for treatment.

Long waits are regrettable. We have seen a significant reduction in the longest waits since those targets were announced and we have also seen some improvement in waiting times for diagnosis. The latest figures also show that NHS activity has increased.

We are committed to making further reductions in waiting times through our £1 billion investment in the NHS recovery plan, which will increase capacity and help the NHS to recover from the impact of Covid. In each of the next three years, we will provide NHS boards with £100 million to help reduce in-patient and day case waiting lists by an estimated 100,000 patients and to deliver year-on-year reductions.

None of that is made easier by the complete lack of funding from the United Kingdom Tory Government for next year's NHS requirements.

**Anas Sarwar:** The Government has its head in the sand. There are 828,398 of our fellow Scots on NHS waiting lists, yet that pathetic answer is what we get from the Government.

The answers to our freedom of information requests to health boards showed that, in the past year, 24,567 people died while on an NHS waiting list. Many of those people waited anxiously, often in pain, for potentially life-saving tests and operations.

Two years ago, Humza Yousaf launched an NHS recovery plan that has failed. Things have got worse, not better, but, rather than having a Government that focuses on those problems, we have a First Minister and a health secretary who are going from crisis to crisis. When lives are being lost, we need a health secretary and a Government that are focused on doing their jobs, not saving their jobs.

**Shona Robison:** The health secretary, and the entire Government, is focused on the NHS because those are serious statistics and because, as I said earlier, behind every statistic is a person and a family. I deeply regret the fact that anyone has lost their life while on an NHS waiting list.

However, those issues and challenges are not unique to the Scottish health service. Every health system is under the same amount of challenge. Just a couple of weeks ago, the Welsh health minister said:

"The NHS in Wales, like other healthcare systems, is facing the most challenging financial pressure in recent history. This is due to the impact of continued increasing demand on services, persistently high inflation on costs including energy, medicines, and pay related pressures, in addition to the impact of the pandemic and on-going COVID-related costs."

We are all facing these challenges.

I set out in my first answer some of the actions that we are taking, including the £1 billion NHS recovery plan and the £300 million investment over the next three years to bring down in-patient and day-case waiting lists. *[Interruption.]* I would have thought that Jackie Baillie would welcome that, rather than talking from a sedentary position.

None of this is made easier by the £10.8 million that we have received, or will receive, in consequential for the NHS next year—

**The Deputy Presiding Officer:** Thank you, Deputy First Minister.

**Shona Robison:** Let me be clear—

**The Deputy Presiding Officer:** I call Anas Sarwar. We need to move on. Mr Sarwar, please ask your next question.

**Anas Sarwar:** It is not working. People are dying and waiting lists are going up. Our NHS is in crisis. Patients are being failed and staff are burnt out. We have a health secretary fighting to save his job. *[Interruption.]* I say to SNP back benchers that it is their constituents on NHS waiting lists and that perhaps they should show some care for them.

After 16 years of SNP Government, it keeps getting worse, not better. Shona Robison was the health secretary who promised to end delayed discharge, but numbers are still on the rise. Humza Yousaf was the health secretary who promised to bring down waiting lists, but, in the two years since his failed recovery plan, they have gone up by 28 per cent. That is 182,000 more people on NHS waiting lists. Michael Matheson was appointed to fix the mess, but today we reveal that more than 24,000 people have died on an NHS waiting list in the past year.

Will the Deputy First Minister not accept that NHS patients and staff cannot afford yet another winter with a failing SNP health secretary and a failing SNP Government?

**Shona Robison:** As I said earlier, these challenges—and they are challenges—are affecting every healthcare system in these islands. There is nothing exceptional about the Scottish health service or the challenges that it faces, even though Labour would try to make it so. If the member looks at the comments that I mentioned from the Labour health minister in Wales, he will see that it is facing exactly the same problems. There is nothing exceptional about the problems that the NHS in Scotland is facing.

In my previous answer, I set out the action that we are taking. We are investing and we will continue to invest. We will continue to make sure that funding goes to the front line and we will not follow Tory spending plans.

What would not help, though, is Labour shadow health secretary Wes Streeting's answer, which seems to be to open the door for the private sector to come into the NHS. *[Interruption.]* I do not think that that is the answer for Scotland's health service going forward. This Government will invest in a publicly funded—*[Interruption.]*

**The Deputy Presiding Officer:** Members!

**Shona Robison:** —and publicly run health service. We will not be privatising it.

### World AIDS Day

3. **Clare Haughey (Rutherglen) (SNP):** To ask the First Minister what action the Scottish Government is taking to tackle any stigma associated with disclosing a diagnosis of HIV, in light of world AIDS day on 1 December. (S6F-02595)

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** Tackling stigma is a significant part of our work towards HIV transmission elimination by 2030. It is good to see so many members across the chamber wearing their red ribbons today. That commitment is clear in the sexual health and blood-borne virus action plan, which was published this week, and the HIV transmission elimination plan, which will follow shortly.

We funded the excellent anti-stigma campaign that was developed by the Terrence Higgins Trust, which is the UK's first television campaign on HIV-AIDS in nearly four decades. The Terrence Higgins Trust estimates that it has already reached almost 10.5 million UK viewers and listeners throughout broadcast media, and 43 per cent of the adult population in the STV region.

Building on that, we will continue to work with healthcare professionals and the public to raise awareness and to dispel myths around HIV so that people living with the virus can do so without fear of stigma and discrimination.

**Clare Haughey:** During the debate marking world AIDS day this week, it was very welcome that members across the chamber were united in their will to end HIV transmission in Scotland by 2030. Can the Deputy First Minister say any more about the steps that the Scottish Government is taking to achieve that ambitious goal?

**Shona Robison:** A vast amount of work is under way as part of the sexual health and blood borne virus action plan, which was published on Tuesday, and under the HIV delivery plan, which will be published shortly. That includes working with three NHS boards to pilot HIV opt-out testing in accident and emergency departments, developing an ePrEP clinic and supporting our third sector partners in continued community engagement, including through fast-track cities.

**Jamie Greene (West Scotland) (Con):** Let us never forget that the H in HIV stands for "human". There are not enough minutes in the day to name even a handful of the people the world has lost to AIDS over the past 40 years. Many suffered the illness in the face of prejudice, ignorance and

bigotry, I am afraid to say. It is good to see that the science has come on so well in the past 40 years, but there is still so much more to do.

Will the Deputy First Minister ensure that the Scottish Government pulls out all the stops to ensure that we end new transmissions of HIV by 2030? In doing so, will the Government pay tribute to the incredible organisations that work day in, day out, to tackle that danger that is much greater than the virus itself—the danger of stigma?

**Shona Robison:** I very much agree with Jamie Greene. I very much wish to join him in paying tribute to those organisations that have worked for many decades from what were really difficult times, when stigma was commonplace in every walk of life, to a position now when, thankfully, we have moved on a lot from that stigma—although too many people still suffer from it. That is why the present campaign is so important for breaking down those barriers—and it stands in stark contrast to some of the media campaigns from decades ago.

I join Jamie Greene and others as we play our role, as leaders in the Parliament and in Scotland, in breaking down that stigma even further.

### A96 Corridor Review

4. **Liam Kerr (North East Scotland) (Con):** To ask the First Minister when the Scottish Government will publish the results of the A96 corridor review. (S6F-02577)

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** The Government remains committed to making improvements to the A96, including dualling the road from Inverness to Nairn and the Nairn bypass, despite the stark challenges to our capital budget that we now face as a result of the United Kingdom Government's autumn statement, which, taking into account inflation, is forecast to result in an almost 10 per cent real-terms cut in—*[Interruption.]*

**The Deputy Presiding Officer:** Members, we need to hear the Deputy First Minister.

**Shona Robison:** Just in case members did not hear that, there has been nearly a 10 per cent real-terms cut in our capital funding.

I am acutely aware of the importance of the route to those who live and work in the north and north-east of Scotland. The current plan is to fully dual the route, and, as part of that process, we are undertaking the corridor review. The review's initial consultation generated 11,000 different options for improving the corridor, and it is only right that they be fully appraised. I am expecting Transport Scotland's advice on the emerging outcomes before the end of the year. Following consideration

by ministers, there will be a consultation on the outcomes, and an update on timings that will be provided by the Cabinet Secretary for Transport, Net Zero and Just Transition in due course.

**Liam Kerr:** The review, which was ordered simply to appease the Green Party, was supposed to be published more than a year ago. In 2011, the Scottish National Party promised the people of the north-east that the A96 would be dualled fully by 2030. More than a decade of prevarication, millions of taxpayer pounds and endless excuses later, there is nothing—not even a mention of Aberdeen to Huntly—in the programme for government. The people of the north-east want a straight answer. Will the SNP fulfil the promise to fully dual the A96 between Inverness and Aberdeen by 2030—yes or no?

**Shona Robison:** Liam Kerr is, in fact, being pretty insulting to the consultation, which has generated 11,000 different options to improve the corridor. It is a bit insulting to all those who have taken the time to contribute to that consultation, which, given the level of interest, I would suggest was the right thing to do.

As I said in my initial answer, I expect Transport Scotland's advice on the emerging outcomes before the end of the year. Following that, the cabinet secretary will provide an update in due course. I have said that we remain committed to making the improvements to the A96, including dualling Inverness to Nairn and the Nairn bypass.

However, if Liam Kerr is serious about the importance of infrastructure, why is he supporting Tory spending plans that cut capital by 10 per cent over the next five years? Capital is required to build roads and other infrastructure projects. The Tories are cutting the amount of money available to do those things, but they are making no objection, as I see it, to their Tory Government down south. I would call that hypocrisy.

**Fergus Ewing (Inverness and Nairn) (SNP):** May I ask the Deputy First Minister a simple question? By what year will the construction of the Nairn bypass be completed?

**Shona Robison:** As the First Minister confirmed to the member during the programme for government statement to Parliament on 5 September—and as I reiterate now—we are fully committed to making improvements to the A96. That includes dualling the Inverness to Nairn section, including the Nairn bypass, which already has ministerial consent following a public local inquiry. I can also advise that Transport Scotland continues to progress the significant work required to prepare for the publication of made orders, including the compulsory purchase order, with a view to completing the statutory process as soon as possible.

In relation to our infrastructure investment plan, I have said that we will set out that plan alongside the budget in light of the changes that will have to be made, given the cut to our capital budget of 10 per cent over the next five years. However, I say to Fergus Ewing that the commitments that I have laid out in my answer are commitments that we will meet.

### Reading Skills (Young People)

5. **Pam Duncan-Glancy (Glasgow) (Lab):** To ask the First Minister what the Scottish Government's response is to reports that some young people are leaving school struggling to read. (S6F-02596)

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** It is important to look at the facts, which are that pass rates this year for English national 5, higher and advanced higher are the same as, or higher than, pass rates in 2019, or before the pandemic. The programme for international student assessment 2018 reading results, which looked at the reading abilities of 15-year-olds, confirmed that Scotland was above the Organisation for Economic Co-operation and Development average and that 82 per cent of pupils who left school in 2021-22 had achieved Scottish credit and qualifications framework level 5 or above in literacy.

Clearly, any young person leaving school struggling to read is unacceptable, but the evidence shows that our young people are continuing to achieve well in literacy and English, and their achievements should not be downplayed at all. We should be celebrating them.

**Pam Duncan-Glancy:** I agree that reading and writing are fundamental to the future and to unlocking a young person's potential, but I am really worried about that response, because one in three children in Scotland are struggling to read. The Educational Institute of Scotland says that early years teachers are reporting an increase in the number of children presenting in primary 1 with delayed development and poorer minimal speech and language skills. Moreover, the national primary school literacy attainment gap has grown to its highest since 2018.

Of course, the Deputy First Minister will also be aware of reports over the weekend highlighting concerns from Scottish teachers that students are leaving secondary school functionally unable to read—a situation that former teacher Anne Glennie has described as “unforgivable”. Does the Deputy First Minister recognise that this is a growing problem, and will she set out what the Government intends to do about it?

**Shona Robison:** First of all, on a point of agreement with Pam Duncan-Glancy, there has

obviously been an impact from the pandemic on the development of many children's speech and language, in particular. We understand that, which is why it is important to ensure that supports are in place to help those young people catch up on the developmental skills that they require.

On results, as I said in my earlier answer, this year's pass rates for national 5s, highers and advanced highers in English are the same as, or higher than, those for 2019, which was before the pandemic, so we are talking about slightly different things.

I acknowledge absolutely Ms Duncan-Glancy's point about developmental needs, including, importantly, speech and language therapy. However, we should not talk down the results of our young people, which in the circumstances are very good indeed, and we should congratulate them on achieving them.

**Roz McCall (Mid Scotland and Fife) (Con):** It is very challenging to deliver good outcomes for children who leave secondary school struggling to read if we do not address literacy in early years and primary. The latest statistics show that one in five primary 1 pupils failed to achieve the expected level in reading. I note the Deputy First Minister's comments about Covid. However, as it is her job, and that of the Scottish Government, to deal with the after-effects of the pandemic, where is the appropriate investment in our schools to ensure that no child is left behind, as per the Government's Promise?

**Shona Robison:** Well, not a penny of investment for schools was given in the Chancellor of the Exchequer's autumn statement—not one penny. Tory members, almost to a person, have—*[Interruption.]*

**The Deputy Presiding Officer:** Deputy First Minister, please resume your seat for a second.

Members, we need to hear the Deputy First Minister's response.

**Shona Robison:** Tory members, almost to a person, have advised—actually, they have demanded—that I follow Tory spending plans, as set out in the chancellor's autumn statement. If I were to do so, it would mean not a penny of extra investment in our schools or public services, apart from the £10.8 million for the national health service, which is a drop in the ocean.

The Scottish Government will not follow Tory spending plans, because we recognise the need to invest in our schools, our hospitals and our police service. We will set out our budget plans on 19 December, but they certainly will not replicate the reckless disinvestment in public services that we see from the Tory UK Government, supported by members on the Conservative benches here.

## 16 Days of Activism Against Gender-Based Violence

**6. Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the First Minister what steps the Scottish Government is taking to mark the 16 days of activism against gender-based violence. (S6F-02606)

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** We should all be shocked that, in the 21st century, violence, abuse and harassment remain everyday occurrences for women and girls. We continue to have to take action to prevent and tackle them domestically and globally, as a Government, as a society and as individuals.

I heard yesterday's informed debate, which I thought was very good. Next week, alongside the Convention of Scottish Local Authorities, we will publish a refresh of our equally safe strategy, which aims to prevent and eradicate violence against women and girls and will focus on early intervention, prevention and providing support services. Some £19 million of annual funding from our delivering equally safe fund supports 121 projects from 112 organisations; almost 32,000 people benefited from those support services last year.

**Rona Mackay:** During yesterday's debate on the 16 days of activism, we heard about the need for perpetrators of abuse and violence to change their behaviour, but we know that it continues. Does the Deputy First Minister agree that it is therefore vital that we change our justice system, including establishing a sexual offences court, so that victims of sexual abuse no longer feel that they are retraumatised by the court process, which they have told the Parliament's Criminal Justice Committee happens to many of them?

**Shona Robison:** Rona Mackay makes an important point: there absolutely is a need for reform. I recognise the bravery of survivors of sexual violence who have spoken out to call for change. They have been clear that the personal cost of pursuing justice is too high, and that the process has left many of them retraumatised. That is why the proposals contained in the Victims, Witnesses, and Justice Reform (Scotland) Bill, such as establishing a sexual offences court, are so important. Collectively, the reforms put victims at the heart of a criminal justice system that will recognise and respond to the trauma experienced by victims and survivors, to ensure that victims maintain confidence in our justice system.

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

### Clutha Bar (Tributes)

**Kaukab Stewart (Glasgow Kelvin) (SNP):** Yesterday marked 10 years since a police helicopter crashed into the Clutha bar in Glasgow city centre, in my constituency of Glasgow Kelvin, tragically killing 10 people and injuring 31. The Clutha bar was rebuilt and opened again in 2015. A subsequent air accident investigation informed improvements to aircraft safety regulations, but the painful memory of that disaster still runs deep among my local communities. Will the Deputy First Minister join me in paying tribute to the emergency services, the families and the wider Glasgow community who pulled together in the face of such a tragedy, as we remember all those affected?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I absolutely will, and I thank Kaukab Stewart for the question. The events of 10 years ago are still fresh in my mind—I remember them really well, and I am sure that they are fresh in the minds of everyone in the chamber. My thoughts continue to go out to everyone who was impacted by what happened that night—those who were injured and those who tragically lost loved ones—and to the members of the emergency services, who showed such bravery in trying to save lives.

I also remember the way in which the community came together to show solidarity with all those affected by the disaster. In the hardest of times, the people of Glasgow showed a strength and compassion that we will never forget. It is right that, 10 years on, we remember those who are affected by the loss of life, but also the communities that are impacted to this day.

### Mobile Phone Use in Schools

**Sue Webber (Lothian) (Con):** The use of mobile phones has been highlighted as one of the most frequent and disruptive behaviours in schools. Lisa Kerr, headteacher of Gordonstoun, has stated:

“Teenagers rarely thank adults for placing boundaries, but we will never forgive ourselves if we don’t act now.”

The evidence is there. For the sake of our children’s futures and our teachers’ wellbeing, will the Deputy First Minister commit to taking immediate steps to ban and restrict mobile phone use in our schools as soon as possible?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** As I understand it, councils are already able to do that, but we will make sure that Sue Webber gets a full response to her question. She raises a reasonable point, which is that mobile phones can be disruptive. In her statement yesterday, the Cabinet Secretary for Education and Skills set out many of the issues regarding behaviour in our schools. We

will make sure that she writes to Sue Webber with further details on the issue.

### Rough Sleeping

**Alex Rowley (Mid Scotland and Fife) (Lab):** Anyone who walked from the bus or train station this morning will have passed homeless people sleeping in the street. We now know that, last year, 244 of our fellow citizens in Scotland died while homeless. With 15,000 Scots currently homeless, what steps is the Scottish Government taking to support people who will be rough sleeping over the coming festive period?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** Alex Rowley raises a really important point. It is our ambition to eradicate rough sleeping from our streets, and we are taking a number of actions to do so.

On the issue of homelessness more broadly, Scotland has the strongest rights in the UK for people who experience homelessness. We have taken action on local connection and on extending unsuitable accommodation orders. In addition to the funding that goes through local government, we are giving councils £30.5 million each year to help to prevent homelessness, and we are providing £100 million from our multiyear ending homelessness together fund. Further, we have given councils money to try to reduce the use of temporary accommodation. The housing first approach is also being funded to help people with complex needs, which we know many people have.

On the estimated 244 deaths, I regret every one of them. It is a tragedy. Behind each of those figures is a person and a family, and we should remember that.

### NHS Orkney (Government Assistance)

**Liam McArthur (Orkney Islands) (LD):** Earlier this week, NHS Orkney was moved to the first stage of formal escalation by the Scottish Government. NHS Orkney is far from being the only health board in Scotland whose financial position is precarious, with debt levels rising, but it faces particular challenges as a small island health board. Will the Deputy First Minister confirm that the Government will respond positively to any request for assistance from NHS Orkney, and will every effort be made to help NHS Orkney to achieve financial stability as soon as possible while, at the same time, ensuring that patient needs and staff wellbeing are safeguarded?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** Those are important matters. The Scottish Government is directly engaging with NHS Orkney, and we will be



looking to provide tailored support to the board. As we enter winter, it is important that NHS Orkney, alongside other boards, is well prepared to meet the challenges that winter will bring. I am sure that the Cabinet Secretary for NHS Recovery, Health and Social Care will be happy to update Liam McArthur with further details about the support that will be provided.

#### **McClure Solicitors**

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** After First Minister's question time, I will meet campaigners who have been fighting to get a fair deal for the clients of McClure Solicitors following the firm going bust in 2021. It has been estimated that as many as 100,000 people could be impacted United Kingdom-wide. The complaints that I have received include complaints about what are considered to be exorbitant fees that have been charged by McClure Solicitors to remedy errors or to make changes to trusts as well as complaints about families discovering that trusts were never set up by the firm despite fees having been paid. How can the Scottish Government seek to support impacted families? What reforms can be considered to prevent such failings happening in the future?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I am aware of the issues that Bob Doris has raised and the number of families that face difficulties as a result of McClure Solicitors going into administration. I cannot comment on individual cases, but the Scottish Government has taken proactive steps to help to mitigate such situations. Such cases show the need for legal regulation that centres on the public interest and protection of the consumer.

The Regulation of Legal Services (Scotland) Bill, which is currently going through Parliament, will introduce the authorisation of legal businesses. That will bring benefits such as consistency in how legal firms are regulated, with all entities having to meet the same high standards, and a greater collation of data, which will enable the regulator and the legal profession to identify and address deficiencies early and take the necessary preventative action.

#### **XL Bully Dogs (Ban)**

**Russell Findlay (West Scotland) (Con):** The United Kingdom Government is banning XL bully dogs after a spate of horrific attacks, some of which were fatal. However, the Scottish National Party has refused to sign up to that plan. It looks like it is willing to risk public safety just to diverge from the rest of the UK. Will the Deputy First

Minister U-turn and ban XL bully dogs before more people get hurt?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** That is a complete misrepresentation of the facts by Russell Findlay. Let me say what is actually happening.

We are carefully considering the evidence on XL bully dogs and whether similar changes to ban the breed should be applied in Scotland. Public safety is paramount in our deliberations. Scotland already has a dog control notice regime that is unique in the UK and which is focused on preventing dog attacks from happening in the first place. However, we remain concerned about the reported attacks and deaths due to suspected XL bully dogs.

The UK Government, of course, announced the proposal to ban XL bully dogs without giving any notice to the Scottish Government and with no consultation. Perhaps that was not the most helpful way to proceed.

We are carefully considering the evidence and meeting a range of stakeholders and animal welfare organisations, and we will take forward those considerations as swiftly as we can. I am sure that the cabinet secretary will update Parliament on the matter in due course.

#### **Western Gateway (School)**

**Michael Marra (North East Scotland) (Lab):** Eight years ago, the construction of hundreds of houses began in the Western Gateway area of Dundee. Those who were buying homes were promised a school, and they paid an additional £5,000 on a roof tax to help to pay for it. After the failure of Scottish National Party councillors to secure funding, it appears that there is now no plan for how to get that school built.

This week, I received a letter from the Cabinet Secretary for Education and Skills that reassured me that the Scottish Government remains committed to working with the council. However, without a funding commitment, that is just empty words. If the SNP in Dundee fails to deliver that school, it will have failed the community. Will the Deputy First Minister commit to the Government finding a way forward to get the school built?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** When the Cabinet Secretary for Education and Skills set out the latest round of learning estate investment programme funding, she had looked at schools that were in the bottom categories in requiring to be refurbished. She took into account reinforced autoclaved aerated concrete issues that have been raised in the chamber in coming to conclusions on the priorities that should be given

in the latest round of LEIP funding, and she set out that there would be further discussions with the Convention of Scottish Local Authorities in order to determine what will come next in the funding of the school estate.

This Government has, over the past few years, invested hugely in the school estate to bring schools across the country up to scratch. The number of schools remaining in the poorest category is now much smaller than it was when this Government came to power.

### COP28

**Mark Ruskell (Mid Scotland and Fife) (Green):** Today, world leaders are gathering for the 28th United Nations climate change conference of the parties—COP28—and the stakes could not be higher. The UN has warned that current climate pledges are “falling short” of the action that we need, and that we are on course for a brutal 3° of global heating this century. It is deeply concerning, therefore, to hear reports that the United Arab Emirates is attempting to strike fossil-fuel deals at COP, which will worsen climate injustice for people who are already living on the brink of disaster. Does the Deputy First Minister agree that at COP28, we need to see a just and credible plan for the end of fossil fuels, not secretive backroom deals?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** At COP26, we were the first global north Government to commit funding to address loss and damage. A year ago, at COP27, there was both a breakthrough agreement on a loss and damage fund and a disappointing lack of progress in reducing emissions and keeping 1.5°C alive.

No nation has all the answers or the means to respond to the problem of climate change alone, which is why bringing together the global community at COP28 is so important. Scotland has much to offer at COP28. The First Minister is participating in this year's summit to demonstrate once again our commitment to tackling the twin crises of climate change and nature loss in tandem, in a way that is just and fair for all. We will also ensure that Scotland continues to play a bridging role in ensuring that the voices of women, young people and the global south influence debate and action.

**The Deputy Presiding Officer:** That concludes First Minister's questions.

12:46

*Meeting suspended.*

12:48

*On resuming—*

## Restoring Nature to Tackle Climate Change

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a members' business debate on motion S6M-11282, in the name of Mark Ruskell, on restoring nature to tackle climate change. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises what it sees as the success of the Nature Restoration Fund, which it understands has now granted over £30 million worth of funding to 150 projects across all of Scotland's 32 local authority areas; understands that the funding is supporting a wide range of nature restoration work, including habitat and species restoration, tackling invasive species, and health and wellbeing projects for local communities; notes that, in the Mid Scotland and Fife region, this includes funding for Argaty Farm to protect water courses and integrate beavers, for Forth Rivers Trust to improve natural flood management and support wading birds, and for the University of St Andrews to restore coastal habitats; recognises that the fund was announced on Nature Day at COP26 in Glasgow in 2021; notes the belief that restoring nature and halting biodiversity loss are key components in tackling the climate crisis; understands that nature will once again be a key theme in the upcoming UN Climate Change Conference in Dubai, and notes the calls for a recommitment to supporting urgent action on the twin nature and climate crises, to ensure that there is a liveable planet for future generations of people in Scotland.

12:48

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank those members who signed the motion, and those who are joining me this lunchtime, to shine a light on the twin nature and climate crises and how communities across Scotland are responding.

My Scottish Green Party colleagues recognise the critical role of nature restoration in the fight against climate change. That is why we prioritised the nature restoration fund through the Bute house agreement. The NRF will now deliver £65 million of funding for projects on land and at sea over the five years of the current session of Parliament.

So far, £30 million has been granted to more than 150 projects across Scotland. As I just highlighted at First Minister's question time, today is the start of the 28th United Nations climate change conference of the parties—COP28—but it is also one year on from the signing of the UN global biodiversity framework and the adoption of the critical target to restore a third of our degraded habitats around the globe by 2050. The Dubai COP will discuss how to harness finance for that work on its nature day on 9 December, with the

aim of mobilising \$200 billion per year for biodiversity by 2030.

The nature restoration fund has allowed us to take the first steps towards that goal here, in Scotland. I am proud that the fund, which was launched on the same nature day at the Glasgow COP two years ago, has been so successful. Countries around the world will follow in Scotland's footsteps to support on-the-ground action that is vital for achieving the aims of the global biodiversity framework. However, it is important to remind ourselves again that Scotland, sadly, remains a nature-depleted country. This year's "State of Nature" report underlines that our wildlife has decreased, on average, by 15 per cent since the 1990s. One in nine Scottish species are still threatened with extinction, and the numbers of seabirds and flowering plants have declined by nearly half since the 1980s.

Nature is impacted not only by exploitation of our land and seas but, increasingly, by climate change. We have only to look at our wild salmon populations, for example, to recognise how warming temperatures affect their delicate ecology. However, through restoration projects that help nature to adapt and become more resilient to climate change while locking up carbon and helping us to adapt to flooding and extreme weather, we can tackle the twin crises together. Those nature-based solutions, as they are often called, are rarely quick wins. It takes time to build up the action needed to a scale that can make the difference, and nature needs decades to fully build back.

Scientists believe that projects to restore and expand nature will be critical for cooling global temperatures over the long term, beyond the net zero goals that have been set for the middle of the century. They could play an important role in bringing us back down from peak global warming, but only if we start acting now, with an eye on the future for our children's children.

This year's "State of Nature" report said:

"The social and ecological consequences of living in a nature-depleted country are immense. They include impacts on human health, happiness and wellbeing, alongside direct costs associated with lost and damaged ecosystem services."

In essence, what harms nature also harms us, but that also means that, if we restore nature, we also restore all the lost benefits to us and our communities.

Ninety-six per cent of Scots think that the natural environment is important to the country, so it is no surprise that, where nature restoration projects take root, they draw in volunteers and whole communities to the shared endeavour. What is happening around Scotland right now? I

am looking forward to hearing from members about projects across their own areas later in the debate, but it is clear that an amazing range of approaches are being taken across the 150 projects that have so far benefited from the fund. From ancient Atlantic rainforests in Argyll to amphibian ponds on former coal mines in Lanarkshire, from pollinator corridors on arable farms to rewilded former airfields in Crail, and from coastal dune restoration in St Andrews to seagrass and oyster bed reseeded in the Forth, communities, non-governmental organisations and landowners, big and small, are working out how to restore neglected places, species and landscapes.

I will highlight some of the work that is happening in my region, particularly in the freshwater environment. Our rivers, burns, lochs, flood plains and wetlands are the arteries and organs of our catchments. From source to estuary, they sustain incredible species and habitats, but they also supply us with water when we need it, while buffering us from floods.

The relationship between watercourses and our land is critical because, over many years, we have degraded land to the point where water freely thunders off hillsides into swollen rivers—rivers that have often been canalised and moulded by industry over the centuries, with barriers that impact species such as salmon.

Therefore, I welcome the NRF-funded work that Forth Rivers Trust has done on the Allan Water, which includes placing large woody structures to create wetlands, reconnecting flood plains and planting riparian trees. Working with the community at Pool of Muckhart in Clackmannanshire, it has also built wetlands, installed overflow channels and introduced leaky dams to mitigate flood risks. On the River Teith, it has pushed on with establishing riparian woodlands—planting more than 10,000 trees along the banks with the community—and restoring 20 hectares of wetland at Blaircreich.

Jonathan Louis from Forth Rivers Trust told me that the nature restoration fund has allowed it to collaborate with partners and make a tangible impact on wildlife and communities throughout the Forth region.

Further down the Teith catchment, at Argaty farm, the fund is being used to reconnect waterways. Those on the farm have fenced off areas from cattle, encouraged wildflower seeding, planted 16,000 trees and established new hedgerow corridors. Tom Bowser at Argaty told me how that work will benefit a wide range of species, from pollinators to birds, bats and beavers. He also said that it would simply not have been possible without the fund.

We are seeing very similar work on other catchments, including on the Bamff estate near Alyth, where the project to establish habitats has now expanded to include another 10—

**The Deputy Presiding Officer:** Mr Ruskell, I appreciate that there is a bit of latitude in the debate, but you need to bring your remarks to a conclusion.

**Mark Ruskell:** The momentum is building for nature restoration. We are seeing action in Scottish communities as the world gathers to discuss a global response to the climate and nature crises. This is just the beginning, but the fund is already creating a legacy for future generations. I look forward to seeing progress on the ground in the years to come.

12:55

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I apologise to members that I will have to leave after my contribution due to a pre-existing commitment.

I thank Mark Ruskell for lodging the motion on restoring nature to tackle climate change, which provides us with an important opportunity to recognise the importance and success of the nature restoration fund. It is incredible to think that the fund has already supported 150 projects across Scotland that are protecting watercourses, restoring coastal habitats and doing so much more.

I thank the organisations that submitted briefings for the debate. I acknowledge, in particular, the Royal College of Physicians, which calls for the climate and nature crises to be recognised as one global health emergency. I look forward to reading the editorial that is referenced in the briefing, and I hope that we can return to consider that point at a future date.

Like many colleagues, I am in my peaceful space in the outdoors. In a single walk, I have encountered deer, hare, foxes, herons, woodpeckers, raptors and even red kites. If truth be told, my love and respect of nature has probably been a little bit one way—it was more about what I was getting out of nature than the other way round. That was until I became nature champion for the freshwater pearl mussel. Through that role, I now better appreciate the importance of projects such as those referred to in the motion.

I want to highlight the successful nature restoration project on the Beltie Burn in the north-east, which I was pleased to visit this summer. The project was funded through the biodiversity challenge fund, which was a precursor to the nature restoration fund. The Dee Catchment

Partnership, the Dee district salmon fishery board and the James Hutton Institute worked tirelessly to re-meander a 1.5km section of river channel and reconnect it to four wetland ponds that had been previously straightened to accommodate the Deeside railway. Wetlands are an incredibly rich food larder for fish, which is a vital aspect of the river habitat. What has now been created on the Dee is an improved habitat for fish and other wildlife, which also allows the river to expand and contract during periods of high water. That was all done at a relatively modest cost. Just weeks after work was completed in 2020, 15 spawning redds, created by salmon and sea trout, were seen.

I pay tribute to Susan Cooksley, Edwin Third and all the other stakeholders for their utter commitment to the project and for their vision that the Beltie Burn must be not just a demonstration site but an example of what we need to do more of across Scotland.

In its briefing, Scottish Environment LINK recognises the importance of the nature restoration fund in tackling biodiversity loss. It also highlights the impact of funding cuts to Scotland's environment agencies. The fiscal landscape is immensely challenging, but I hope that the Scottish Government is able to protect funding for those agencies, especially in light of the expertise and experience that they have the potential to contribute.

**Mark Ruskell:** We have an incredibly challenging fiscal deal—which does not keep pace with inflation—coming from the Westminster Government. Will Audrey Nicoll reflect on the fact that restoration projects are now even more challenging because of Brexit and the loss of critical funding support—including life funding—from the European Union? The Scottish Government has had to step up in order to make those things happen.

**Audrey Nicoll:** I completely agree with Mark Ruskell's point, which was very strong and well made. We reflected on that when I visited the project that I mentioned and the site of pearl mussel survey work on the River Dee.

I hope that nature features as a key theme in the forthcoming UN climate change conference in Dubai. I hope that the conference will provide a platform for Governments and NGOs to demonstrate strong leadership and genuine commitment to tackling the twin nature and climate crises, so that Scotland can support projects such as the one on the Beltie Burn, reduce emissions, reverse nature loss and meet our ambitious climate change targets.

13:01

**Stephen Kerr (Central Scotland) (Con):** There will not be a lot of disagreement in the chamber about the value of our natural endowment in Scotland. As a Scottish Conservative, I believe in conserving and, indeed, restoring nature. I also recognise and agree that there is a correlation between our happiness and our mental health and the environment in which we live, especially the natural environment.

There is a lot of common ground, so it was disappointing—but not surprising—to hear Mark Ruskell's last intervention on Audrey Nicoll. Somehow, he managed to get Brexit into the debate and have another go at the United Kingdom Government, but it is worth saying that the Scottish National Party-Green Government is doing an appalling job of delivering against its ambitious plans for Scotland's nature.

Frankly, the problem in Scotland is that a lot of good things happen but they get lost because of the emphasis, particularly from the Scottish Greens, on more controversial aspects of nature restoration. I wish to specifically mention rewilding because, although we absolutely should be focused on nature restoration, it is important that we bring people along with us in respect of that very important aspect of our stewardship responsibilities for Scotland's natural endowment. Rewilding is problematic because, before our very eyes, we are, effectively, seeing a new wave of clearances in Scotland. Vast tracts of our countryside where people have been living are being vacated because, with rewilding, there is no space for people.

**Mark Ruskell:** It is disappointing to hear Mr Kerr invoke the clearances. Is he honestly saying that rewilding projects that are brought forward by communities—many of which have applied successfully to the nature restoration fund—should be stopped? Is he saying that he does not support communities doing that rewilding work?

**Stephen Kerr:** I am against faceless organisations, usually with headquarters outside this country, buying up tracts of land and then, basically, neglecting it. In the course of doing so, yes, we see clearances and people being taken out of those areas of our country. Rewilding on the scale that it is happening in many parts of our country means that jobs, communities and all the social infrastructure will go. It is a reckless piece of environmental vandalism.

**John Swinney (Perthshire North) (SNP):** I wonder whether Mr Kerr could name an example of an area that he is concerned about.

**Stephen Kerr:** There are many areas that I am concerned about and, subsequent to the debate, I

am more than happy to talk to John Swinney about areas of mutual interest.

The point that I wish to make is that it is important that we listen to Scotland's farmers. I wish us to acknowledge the genuine concerns that are held by Scotland's farmers. At a recent meeting between the Cabinet Secretary for Rural Affairs, Land Reform and Islands and a group of farmers, sponsored by NFU Scotland, one farmer was greeted with applause when he highlighted the grave concerns about the impact of rewilding on farm businesses. According to an article in *The Courier* last Saturday, the farmer, Andrew Steel, said:

"Species such as golden eagles and beavers were all eradicated for a reason because they are vermin to the farmers.

In my opinion, the white elephant in the room today is that the SNP went into coalition with the Green Party to run the country.

How can you actually run the country with statements"—

**Mark Ruskell:** Will the member give way again?

**Stephen Kerr:** I will if I have time.

**The Deputy Presiding Officer:** Briefly, please, Mr Ruskell.

**Mark Ruskell:** I appreciate the member being generous with his time, but will he also reflect on the fact that there are farmers who have applied to the nature restoration fund for species reintroduction and riparian planting because it benefits their farms and the local community? Will he acknowledge that there are farmers who support this agenda and are benefiting financially from it?

**Stephen Kerr:** If Mark Ruskell were to listen rather than think about how he can make further interventions, he would hear me say that I generally support nature restoration. However, I am raising genuine concerns that are being raised by Scotland's farmers, who deserve to be listened to and worked with. We cannot work against the grain of opinion.

I specifically want to mention the issue of beavers, which has been highlighted by the NFUS, particularly in relation to the recent flooding. Martin Kennedy of the NFUS had something to say about that. He said:

"We need Scottish Government and NatureScot to recognise that, in some instances, the scale of damage"—

flood damage—

"was exacerbated by growing beaver activity, burrowing into and significantly weakening long established floodbanks."

There is a whole bunch more that I could quote from. The point is that we need to work with those who are currently the stewards of the land. We

need to trust them and work with them rather than against them, because they currently feel threatened by the agenda of the Bute house agreement.

13:06

**Foysoyl Choudhury (Lothian) (Lab):** Nature can be used as a first line of defence against the impacts of the global climate crisis, but we must not only look at protecting the existing nature and species that we have; we must also make targeted moves towards restoring what has been lost. That means ensuring that there are green spaces in urban areas. It means investing in our rural lands and nature reserves, and it means taking an integrated, targeted and cross-portfolio approach.

Scottish peatlands contain unique carbon-catching properties. In its 2023-24 programme for government, the Scottish Government made a commitment to restore 10,700 hectares of degraded peatlands over the course of the next year. I welcome that investment in nature and climate restoration and hope to see the targets achieved this year. In the fight against climate change, we need to focus on that just as much as on prevention.

The climate and nature emergencies are deeply connected and must be tackled together. We are at a crucial turning point for nature restoration in Scotland. Investment in nature and our natural spaces is vital to reduce biodiversity decline. Scotland's native species inspire and sustain our health and culture. However, one in nine wildlife species in Scotland is at risk of extinction. We need to evaluate the abundance and distribution of species in our natural spaces and monitor the extinction risk to ensure that we are taking the right course of preventative action.

We must also monitor whether the extent and quality of habitats for those species is up to standard. Targets for nature restoration must drive ambitious action across Scotland across multiple levels and portfolios, similarly to the successful mainstreaming of climate change targets.

We must pair this great investment in Scottish nature with efforts to tackle climate change around the globe. A recent report on climate inequality by Oxfam outlined that the richest 1 per cent of humanity is responsible for more carbon emissions than the poorest 66 per cent.

This week, I returned from a cross-party group visit to Bangladesh. There, we can see at first hand the impact that climate inequality is having in the global south. Going into COP28, we must ensure that climate justice is at the forefront of our minds. Nature restoration targets should involve helping countries that are disproportionately

affected by the climate crisis to adapt to long-term climate-related changes.

Scotland needs to engage in multifaceted responses. That means climate mitigation, adaptation and support to ensure that climate justice for all countries can be realised on our global path to net zero and nature restoration.

13:11

**Maggie Chapman (North East Scotland) (Green):** I thank and congratulate my colleague Mark Ruskell for securing today's debate. As world leaders and others gather in Dubai at COP28, it is right that we, in Scotland's Parliament, take some time to talk about the twin crises of climate and nature and the all-encompassing work that we need to do to create a liveable planet for future generations, both here, in Scotland, and around the world.

It is clear that the climate and nature crises share the same underlying cause: our economic system that is based on the extraction and exploitation of resources without regard for externalities, future consequences or the deterioration of the commons. Our climate and our natural resources are our commons. They also have intrinsic value and should not merely be considered important because of a commodified value that the economic structures that we create deem appropriate to give them.

Today's debate is important in allowing us to think carefully about how economic, social and environmental justice are inextricably linked and therefore how we, as policy makers, need to consider the links and connections across the often messy web of life.

The north-east of Scotland, which is the region that I am privileged to represent, has benefited significantly from the nature restoration fund, mostly in rural areas, as might be expected. We need a wider view of which natures are worth supporting and restoring. We should not be limited by thinking that only some natures in some geographies matter, and I will spend the rest of my time in the debate talking about a little spot in an urban environment that I think is worth championing, protecting and sustaining.

The award-winning wetlands and reedbeds in St Fittick's community park in Torry are the brainchild of the Scottish Environment Protection Agency, as a way of making space for biodiversity and supporting local people. The reedbeds are in a relatively small urban green space in Torry, surrounded by a community that is one of the most deprived in Scotland, with a life expectancy that is a decade lower than elsewhere in Aberdeen. Squished between industrial land and sewage works, a landfill site and an incinerator, the park is

the only accessible green space for the community. It is well loved and well used by people who live locally, mostly in tower blocks and flats.

In stark contrast to the greyness of the heavy industry around them, the park and its wetlands and reedbeds are vibrant, varied places with a range of habitats, species, facilities and amenities for all to enjoy. St Fittick's has what we might expect from a community park, but it also boasts areas of woodland, wet meadow, reedbed and diverse dry grasslands.

Then there is the staggering biodiversity of the park, with more than 40 species of breeding birds, including nine red-list and eight amber-list species; more than 115 plant species, including a wonderful array of orchids; hundreds of invertebrate species, some of which are still being documented; and otters, deer and other mammals sometimes spotted in the reeds and woods. As autumn shifts into winter, we see migratory birds stopping over in the green spaces. Over winter, we will see substantial snipe populations.

All the work that was done a little over a decade ago by the Aberdeen ranger service and SEPA has really paid off. What was a polluted, poor-quality and inaccessible area is now an award-winning biodiverse wetland. That nature, too, is worth protecting and restoring.

We must not compromise already marginalised people's health and wellbeing, and the restored nature that they currently enjoy, in the mistaken belief that such smaller natures do not matter as much as the grander natures that other members have spoken about. It would be a travesty for the wetlands and reedbeds, and the wider park, to be lost in the name of a so-called just transition. If that nature is lost, any transition will not be just.

13:15

**Ariane Burgess (Highlands and Islands) (Green):** I make this speech at a time when we are deep in a climate and nature emergency. That is the unavoidable backdrop to everything that we do in this Parliament but, somehow, it is not always foremost on the agenda, so I am grateful to my colleague Mark Ruskell for focusing our minds on it today.

COP28 starts tomorrow. There will be a renewed focus on how countries will meet their targets under the Paris agreement to maintain a "safe operating space" for humanity and for the nature that supports us and makes our lives possible. That is why it is so important that we proceed with ambitious environmental policies, such as the proposals on clean, green heating and warm, green homes that are being led by Green minister Patrick Harvie.

However, despite the fact that Scotland leads the UK on decarbonisation of buildings, there is no way that we can meet our climate targets without giving the same level of attention to nature. When our natural world is healthy and thriving, it is a key ally in our fight against climate change, but, if humanity does not reverse rising emissions and nature loss soon, we will reach tipping points that will set off a cascade of global warming and species extinction that we cannot undo.

The good news is that we still have a small window of time, and we have people working tirelessly across Scotland to restore our depleted natural world and raise us up the global biodiversity league tables from our current spot—28th from bottom out of 240 countries. Seagrass restoration work on Loch Craignish is doing just that. It is being led by the community with help from Seawilding, which is supported by the nature restoration fund. Globally, seagrass captures carbon up to 35 times faster than tropical rainforests. Therefore, the Loch Craignish project not only boosts biodiversity but sequesters carbon and creates good green jobs.

The nature restoration fund, spearheaded by Green minister Lorna Slater, is supporting several more projects in the Highlands and Islands this year. The protecting Gigha's woodlands project will remove invasive species and create a system of hedgerow corridors across the island; Scotsburn Farm in Invergordon will plant aspen trees to provide habitat for our precious capercaillie; and the Glencoe habitat recovery project will restore woodlands, wetland and peatland in Glencoe national nature reserve. Luing and Scarba host the turning the tide project, and in Badenoch and Strathspey, work is being done to restore "five feisty species".

Such projects could go further and faster with multiyear funding. That is especially true of projects that work to eradicate and prevent non-native invasive species, to benefit seabirds and other island wildlife, and to eradicate rhododendron from rainforest habitat.

A great deal of the work on the ground to meet our climate targets will be done in the Highlands and Islands. The Highlands and Islands has the land and the nature that are pivotal in this national effort, so we need to welcome and accommodate more people in the region to deliver more projects like the ones that I have mentioned. That is why affordable rural housing is crucial. We need housing for workers and long-term homes to support stable, growing communities. We also need to continue to increase support for farmers to integrate trees on their farms, to restore peatland, to manage water quality and to create habitat mosaics.

Finally, we must remember to keep our side of the bargain. Nature is powerful but it cannot stop climate change on its own. We humans in Scotland must continue to play our part by reducing emissions, supported by policies that we can pass in this Parliament. Let us work with nature, not against it, to stop climate change and protect our shared home.

13:19

**The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater):** I thank Mark Ruskell very much for bringing the debate to the chamber, and I thank all the members who have contributed.

It warms my heart to hear my colleague Maggie Chapman speak about how nature is our “commons” and say that we should celebrate its intrinsic value. Many members have done exactly that: they have celebrated specific species, including otters, or projects that they have enjoyed seeing, and they have celebrated being champions of nature. Audrey Nicoll mentioned that she is the champion of the freshwater pearl mussel.

It is wonderful to hear of our commonality in treasuring nature and valuing it for its own sake, although we all acknowledge that restoration of nature can have benefits for us. It can have benefits for our communities, tackle the global health challenge that is a consequence of our climate and nature emergencies, and sequester the carbon that we need to sequester in order to keep global temperatures within a liveable boundary.

That is such a contrast to what Stephen Kerr said when he called golden eagles and beavers “vermin”. That was, which is a shame, in real contrast to most members, who value nature for its own sake.

**Stephen Kerr:** To be absolutely clear, I note that I was quoting a Scottish farmer who was talking about what he has to deal with in running his business. That is who said it. Does the minister not agree that we should listen to Scotland’s farmers about species such as beavers, which damage their businesses and the landscape in which our food is grown?

**Lorna Slater:** We absolutely need to listen to farmers. I give Stephen Kerr the example of Argaty farm, which has received £65,000 from the nature restoration fund and has one of the first beaver reintroduction sites in Scotland. I have seen the farmers’ posts on the internet and their challenge to other farmers to match them and meet their goals of ensuring that nature thrives alongside thriving and profitable farm businesses.

Many farms in Scotland are doing terrific things. I have met the Nature Friendly Farming Network and farmers who do organic farming and regenerative farming. Really good work is taking place. Land managers get the point that we can have thriving biodiversity alongside sustainable food production in Scotland. We have huge opportunities to bring all farmers along on the journey as we reform agriculture subsidies to ensure that farmers get paid to do the right thing—to produce sustainable food and to work to restore Scotland’s biodiversity.

I enjoyed very much the contributions of my fellow members who talked about the link between the nature and climate emergencies. I am very glad that the conversation has moved to a point at which we are discussing them together and how they interconnect. Increasing global temperatures increase the risks to our nature. There are more diseases, pests and invasive species, and native species struggle to thrive in warming climates.

Mark Ruskell highlighted the issues around wild salmon and fish, which we know are highly sensitive to temperature. Of course, declining fish numbers also affect our seabirds, and the statistics on our seabird decline are devastating and sickening: there has been a 50 per cent decline in the number of seabirds before the effects of avian flu are taken into account.

Such situations are absolute emergencies in our nature. Measures such as the nature restoration fund and all the work that we are doing across Parliament on the Wildlife Management and Muirburn (Scotland) Bill, land reform, agriculture reform and the forthcoming natural environment bill, turn the tide from loss, decline and damage.

Mark Ruskell rightly pointed out that there has also been a 50 per cent decline in flowering plants in Scotland, as is illustrated in the latest publication of the *Plant Atlas*. That is really something to think about. Our parents and grandparents lived in a world that had more flowers in it, and therefore more insects, and therefore more birds.

We live in a damaged and decimated nature. We talk about how beautiful nature in Scotland is—but how beautiful it used to be when there was just more of it. Working to stop the decline—to halt it by 2030 and to substantially restore nature by 2045—is the Scottish Government’s goal. The nature restoration projects that have been highlighted are part of that goal.

Foysoil Choudhury rightly mentioned our role as global citizens and said that we should consider in our nature targets how we interact with the global community. I am interested in hearing more on that as we develop our targets in the natural environment bill. How we interact with the world as



global citizens is, of course, important to tackling the climate and nature emergencies.

Ariane Burgess highlighted the work that volunteers and workers do all over Scotland in restoring nature, whether it is tackling invasive species, trapping mink or farmers planting wild flowers along the sides of their fields. Many people in Scotland spend free time and working time restoring nature in Scotland, and I absolutely celebrate that.

Ariane Burgess also highlighted that much of our nature restoration funding goes to rural areas, farmers and our coastal communities. That creates jobs, and Ariane Burgess gave us a specific example of job creation on the seagrass project.

I will give further examples—the Cairngorms Connect project, which is our largest landscape-scale restoration project, now employs more people on the project than were previously employed when the land was under other management types. That directly contradicts Stephen Kerr's claim, which he made without any concrete examples, that jobs will be lost and the number of people will be reduced. Ariane Burgess is exactly right: we need more people in our rural areas and in the Highlands and Islands to do that work. We have peatlands to restore, forests to plant, wild flowers to plant, rivers to re-meander, species to monitor and farmers and rural communities to support. That is a lot of work and a lot of jobs.

I am very proud of the work that the nature restoration fund does for nature, jobs and rural and coastal communities in Scotland.

13:26

*Meeting suspended.*

14:30

*On resuming—*

## Portfolio Question Time

### Social Justice

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is portfolio question time and the portfolio is social justice. I remind any members who wish to ask a supplementary question to press their request-to-speak button during the relevant question. There is quite a bit of interest in this question time, so I appeal, as usual, for brevity in questions and responses.

#### Illegal Migration Act 2023 (Mitigation)

1. **Paul Sweeney (Glasgow) (Lab):** To ask the Scottish Government what action it has taken to mitigate any impact of the Illegal Migration Act 2023 on the provision of support for refugees, asylum seekers and displaced people living in Scotland. (S6O-02814)

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** The Scottish Government is vehemently opposed to the Illegal Migration Act 2023.

The United Kingdom Government's plans to implement the act remain unclear, making it challenging for the Scottish Government to consider what action may be possible. We are assessing the scope of the mitigations that are available within our devolved competence.

We continue to deliver a range of interventions to mitigate the impact of the cruel and inhumane UK Government immigration policy, including through the new Scots refugee integration strategy, the ending destitution together strategy, the trafficking and exploitation strategy and the Scottish guardianship service. We also recently launched our paper on migration in an independent Scotland, setting out our approach to migration, which is very much based on the values of dignity, fairness and respect.

**Paul Sweeney:** Although the act is a product of the UK Tory Government, it will have an impact on areas devolved to Scotland, including child protection and protection against human trafficking. I understand that the Scottish Government worked with stakeholders over the summer on a plan to mitigate those impacts, as the minister mentioned. Will she confirm what steps the Scottish Government will take to strengthen human trafficking and child protection measures in addition to the high-level strategies that she already outlined, and will she set out a

clear timeline for the specific interventions that are urgently required?

**Emma Roddick:** I appreciate the member's interest in the issue and remember him attending the summit on illegal migration that we held in order to explore potential mitigations. However, as I explained in my previous answer, without knowing the detail of how the act is to be implemented, it is very difficult for us to come up with specific measures to mitigate its worst impacts.

I am more than happy to continue our engagement both with the member and with stakeholders in the wider policy area, to ensure that we get on top of what we can possibly do, within our devolved competence.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** As the recent "Building a New Scotland" paper on migration demonstrates, the only realistic way to ensure that refugees and asylum seekers receive the support that they need from the day of their arrival is to have the full powers of an independent state. How transformational does the minister believe it would be for asylum seekers to be granted the right to work in an independent Scotland?

**Emma Roddick:** Having the right to work, and being able to do so without being limited to the shortage occupation list, would be absolutely transformational for people seeking asylum in Scotland. We recognise that access to employment can support people to settle and integrate, enable them to use their skills and experience, rebuild their confidence and expand their social networks while reducing the risk of poverty and reliance on Government support, as well as contributing to our economy and communities.

Scotland has already seen the enormous and valuable contribution made to our economy and communities by refugees and displaced people from Ukraine, who have the right to work from the day that they arrive or are granted refugee status.

Earlier this year, we commissioned our expert advisory group on migration and population to explore the potential impacts of giving asylum seekers the right to work in Scotland, and we expect the group to publish its report very shortly.

### **Pension Age Disability Payment**

**2. Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what its response is to calls from Age Scotland and others to improve plans for the new pension age disability payment by including extra mobility and travel support for recipients. (S6O-02815)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** I look forward to meeting Age Scotland, because I share its aim to meet the needs of older people in Scotland. That is why my priority is to have a safe and secure transfer to pension age disability payment after its launch. Although that limits fundamental changes to the existing rules, I am determined to ensure that pension age disability payment is delivered with dignity, fairness and respect. That is in sharp contrast to the actions of the United Kingdom Government, which is taking money away from disabled people and threatening them with sanctions—as was announced again in the autumn statement—about which I wrote to the Department for Work and Pensions on Friday.

**Colin Smyth:** The cabinet secretary will know that a mobility component is available to disabled people below pension age who are in receipt of disability-linked social security, such as the personal independence payment and the child and adult disability payments, but is not available to those who are above pension age, which is arguably ageist. Such a component could give disabled people access to mobility schemes, automatic rights to the blue badge and an opportunity to apply for exemption from vehicle tax, for example. Crucially, it would enhance their independence and wellbeing, as well as relieving pressure on other services. Is that not something that the cabinet secretary thinks we should be encouraging?

**Shirley-Anne Somerville:** We undertook significant work on exploring the feasibility of introducing a mobility component during the early development of PADP, and our analysis found that it could cost an additional £518 million annually. In the current challenging fiscal environment, it is important for us to set out the costs of any proposals. We also have to bear in mind the risk of significant deviation from attendance allowance, given that those who receive it or PADP are automatically passported to a range of reserved benefits and premiums. That may be at risk if we deviate significantly.

In saying all of that, though, I am very keen to continue to work with stakeholders, which is why I will be meeting Age Scotland soon to discuss its campaign.

**The Deputy Presiding Officer:** We have a couple of supplementary questions. The first is from Jeremy Balfour, who joins us online.

**Jeremy Balfour (Lothian) (Con):** Without a car, many older and disabled people struggle with transportation, especially in rural areas, as local bus services are infrequent and not suitable for wheelchair users. Does the cabinet secretary agree that a mobility scheme in those areas is now essential?

**The Deputy Presiding Officer:** Cabinet secretary, I am concerned that the audio quality was not great. Did you pick up enough of the question to be able to respond?

**Shirley-Anne Somerville:** I think that I did, Deputy Presiding Officer.

I begin, as I did at committee yesterday, by saying that I am pleased that Jeremy Balfour is still able to take part in proceedings. I look forward to welcoming him back to the chamber soon after his operation, but I wish him well for now, as I am sure do colleagues from across Parliament.

As I said in my original answer, there is a significant cost to the allocation of a mobility component to PADP, and we need to bear that in mind. I am sure that Mr Balfour will suggest costed proposals should he wish to make any changes to the regulations as they go through Parliament.

**Evelyn Tweed (Stirling) (SNP):** Will the cabinet secretary explain what additional improvements recipients of the devolved pension age disability payment will experience in comparison with the DWP's attendance allowance?

**Shirley-Anne Somerville:** Despite the fact that it is difficult to make fundamental changes, particularly before case transfer is completed, there are still differences, including more inclusive application channels, in-person support from our local delivery service and the streamlining of routes to set up third-party representatives. With PADP, we will significantly improve the way that we work, as we have done with all the devolved benefits delivered by Social Security Scotland.

### Baby Box (Single-use Items)

**3. Edward Mountain (Highlands and Islands) (Con):** To ask the Scottish Government what single-use items will be removed from the baby box, in light of the Circular Economy (Scotland) Bill. (S6O-02816)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Circular Economy (Scotland) Bill will establish a legislative framework to support Scotland's transition to a zero-waste and circular economy, including measures to reduce consumption of single-use items. Scotland's baby box is providing essential items for the first six months of a baby's life. A small number of essential single-use items are provided to support the health and wellbeing of mothers and babies, such as breast pads and maternity towels. All items that are provided in the baby box are kept under review to ensure that they are meeting the needs of babies and parents and the latest clinical advice.

**Edward Mountain:** Given the limited positive impact on new mothers and infants of the baby

box, as laid out in *The Lancet*, does the cabinet secretary believe that ensuring that adequate maternity services are available to local mums in rural hospitals, such as those in Moray and Caithness, is as important?

**Shirley-Anne Somerville:** Local maternity services are important, but I am genuinely disappointed that, at a time when we are seeing more countries coming to Scotland, asking about the experience of the baby box and looking to see how they can learn from it and develop it in their countries, we are yet to convince the Conservatives about its importance. That is very unfortunate, as the evaluation of the baby box highlights the positive impacts that the scheme has had on families, particularly for first-time, younger and low-income parents.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the cabinet secretary share my astonishment at the Tories' long-standing and curmudgeonly view of the baby box? Will she advise how many babies have received the baby box since it was introduced and how it is being received by parents? [*Interruption.*]

**Shirley-Anne Somerville:** I hear Mr Mountain accusing me of spin. I am sorry that quoting an independent evaluation of the baby box is described in that way, but there we go.

Kenneth Gibson is right to point to the success of Scotland's baby box, which is the only one available in the United Kingdom. I am delighted that, since its inception, 282,341 babies born in Scotland have benefited from the baby box. That independent evaluation of parents shows that there is a high level of satisfaction—97 per cent—with the box and its contents, and that 91 per cent of families reported financial savings. I am disappointed that Mr Mountain does not think that that is a success.

**The Deputy Presiding Officer:** I call Kaukab Stewart and ask her to be brief.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** I am not alone in having seen a great deal of positive social media attention being directed towards Scotland's baby box. What assurances can the cabinet secretary give that the Scottish Government will continue to monitor the way in which the baby box is received and to ensure that it stays at the forefront of international best practice?

**The Deputy Presiding Officer:** Be as brief as possible, cabinet secretary.

**Shirley-Anne Somerville:** As I mentioned, it is pleasing that many countries are looking to Scotland to see what they can learn from the baby box, and we look forward to working with international partners on that.

### Property Factor Legislation

**4. Sarah Boyack (Lothian) (Lab):** I apologise for arriving slightly late to the chamber.

To ask the Scottish Government whether it will provide an update on what plans it has to review property factor legislation. (S6O-02817)

**The Minister for Housing (Paul McLennan):** As I said in my reply to Sarah Boyack's written question in August this year, the Scottish Government revised the code of conduct for property factors in August 2021 in order to make it clearer, drive up standards and improve transparency and consistency.

There is evidence that the Property Factors (Scotland) Act 2011 is working as intended. Nevertheless, I have asked my officials to look at the operation of the property factor sector to see what more can be done to promote on-going improvement in standards, in line with the requirements that are set out in legislation.

**Sarah Boyack:** My inbox is increasingly full of issues relating to property factors. From the difficulties of setting up and operating residents associations to inaccurate invoices from factors, the ignoring of complaints and issues relating to the costs of landscape management, it is clear that there is a growing problem in Edinburgh and the Lothians. Will the minister therefore commit to meeting me to discuss those issues more fully and to looking at legislative and other solutions that could fix those issues for home owners, which just keep increasing in number?

**Paul McLennan:** I would be delighted to meet Sarah Boyack to discuss her specific concerns. As she knows, a process is in place for home owners who are not happy with an issue to apply to the First-tier Tribunal for Scotland housing and property chamber. However, I am more than happy to pick up on the specific issues and meet her.

**Craig Hoy (South Scotland) (Con):** As Paul McLennan knows only too well, East Lothian and Midlothian are two of the fastest-growing areas in Scotland. However, sadly, many families who buy or rent in new developments are hit by unexpected or higher-than-anticipated factoring bills. Companies have been accused of overbilling, of not doing maintenance work and, in some cases in his constituency, of coercing and bullying residents into changing to more expensive weed-killing solutions that were not necessary. Is it not time that the Scottish Government took a stand through tougher regulation and told rogue operators to "factor off"?

**Paul McLennan:** I refer Mr Hoy to my previous answer. I have asked officials to look at the operation of the sector. I will certainly raise Mr

Hoy's points, and I am happy to meet him to discuss them.

### Terminally Ill People and Their Carers (Support)

**5. Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government what Scottish social security support is available for terminally ill people and their carers. (S6O-02818)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** We ensure that disability benefit applications from terminally ill people are fast tracked, so that they receive the support that they deserve as quickly as possible. People who are terminally ill automatically receive the highest rates of disability assistance, and there are no award reviews. Awards are backdated so that people are paid from the day when they became entitled.

I can confirm that carer support payment, which was launched in three pilot areas last week, is available to people who care for someone who has a terminal illness. When delivered nationally, the new benefit will be paid to more than 80,000 Scottish carers.

**Ruth Maguire:** Members will have been moved by last week's dying in the margins exhibition, which highlighted the crippling injustice and inequality that are faced by some of our citizens at the end of their life. Will the Scottish Government consider making additional support with energy bills available to those who have a terminal diagnosis?

Further to that, will the cabinet secretary join me and Marie Curie in calling on the United Kingdom Government to give terminally ill people of working age early access to their state pension, which they have paid into, is meant to be there for all at the end of life and could prevent some of them from spending their final days in poverty?

**Shirley-Anne Somerville:** I thank Ruth Maguire for asking that very important question. Recognising the pressures on household budgets, we have increased the winter heating payment by 10.1 per cent for winter 2023-24. The fuel insecurity fund, which was tripled by the First Minister, is available to terminally ill people and households who are at risk of self-rationing or self-disconnecting. Terminally ill children receive the child winter heating payment.

Unfortunately, as Ms Maguire well knows, the Scottish Government does not have control over the state pension age or issues to do with that, but I join her in her ask of the UK Government. It is a very fair ask; quite frankly, I do not think that it is asking too much of the UK Government.

We have also called on the UK Government to urgently introduce a social tariff mechanism in relation to energy to support vulnerable consumers and ensure that social security payments are sufficient to meet people's needs.

**The Deputy Presiding Officer:** I will take a couple of brief supplementary questions.

**Miles Briggs (Lothian) (Con):** The cost of running vital medical equipment such as a ventilator can be £26 a month. A humidifier can cost £15 a month, oxygen concentrators can cost £61 a month and an air mattress can cost up to £22 a month. The former First Minister said that she would work to ensure that those costs would be covered. Has that happened?

**Shirley-Anne Somerville:** I can confirm that patients using home oxygen concentrators are fully reimbursed for the energy costs that are associated with running that equipment, but Mr Briggs's question was wider than that. He has, quite rightly, raised that point with me before, as he is keen to see action. I would be more than happy to meet him to discuss that in detail. I recognise his point about the additional costs, although such funding would require to come from the Scottish Government's pretty much fixed budget.

**Paul O'Kane (West Scotland) (Lab):** I was pleased to lead the members' business debate on the dying in the margins report, which Ruth Maguire referenced. Last week, there was the publication of the state of caring report for 2023, which shows that there are gaps. People who are in receipt of certain income replacement benefits cannot access carers allowance supplement because they are not in receipt of carers allowance. Has the Government done any assessment of the number of carers in Scotland, particularly those who support someone with a terminal illness, who might be falling through the cracks in the system and of the impact that that is having on them?

**Shirley-Anne Somerville:** As Mr O'Kane well knows, we are looking to make improvements to the carer support payment as we bring it in. Some of those improvements—for example, those at launch date—were for carers who are in full-time education.

We are, of course, looking to do more. I am happy to work with Mr O'Kane to hear more about the situations that he talked about. That might have to be done after case transfer is complete, but I take the issue very seriously and we are keen to do everything to support carers, particularly those who support someone with a terminal illness.

### Local Housing Allowance (Housing Policy)

**6. Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government what recent correspondence it has had with the United Kingdom Government regarding any impact on its housing policies in Scotland of local housing allowance rates. (S6O-02819)

**The Minister for Housing (Paul McLennan):** Freezing local housing allowance amounted to an estimated cut of £819 million over three years, and it dramatically reduced support for low-income households in the private rented sector, putting people at risk of homelessness. Ministers wrote to the UK Government urging it to reconsider the freeze in May and November this year, and to previous secretaries of state each of the previous years in which there has been a freeze. It is deeply frustrating that the UK Government has taken so long to reverse that damaging cut, and we have, sadly, all seen the consequent damage of that. We sincerely hope that a freeze is never considered again.

**Jackie Dunbar:** Although the end of the UK Government's three-year freeze on local housing allowance rates is welcome, there is no denying that the policy led to a brutal shortfall between housing benefits and the actual cost of renting a home, as proven by the Chartered Institute of Housing. Does the minister agree that the autumn statement simply does not go far enough to support financially stretched tenants in Scotland and that it has been left, yet again, to the Scottish Government to pick up the pieces and mitigate Tory welfare cuts?

**Paul McLennan:** I agree that the autumn statement does not go far enough and hinders the efforts of the Scottish Government in our core mission to tackle poverty and prevent homelessness. As I said, an estimated £819 million has been lost due to the three-year LHA freeze. The Scottish Government is spending £84 million on discretionary housing payments this year alone to mitigate the bedroom tax and benefit cap. We will continue to support those impacted by damaging UK Government welfare cuts, but, if we did not have to spend so much mitigating those, we could further invest in anti-poverty actions to better support Scottish tenants.

**The Deputy Presiding Officer:** We move to question 7. I call Stuart McMillan, who joins us online.

### Depopulation (Greenock and Inverclyde)

**7. Stuart McMillan:** To ask the Scottish Government when it last met with Inverclyde Council to discuss any impact of depopulation on the Greenock and Inverclyde constituency. (S6O-02820)

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** In addition to working with the Convention of Scottish Local Authorities on a round-table discussion on population policy comprising all local authorities, the Scottish Government has undertaken extensive engagement with depopulating west coast local authorities throughout the development of our addressing depopulation action plan, which has formed a key part of a wider programme of official and ministerial engagement to inform the plan. Most recently, officials met the chief executive of Inverclyde Council on 8 November, when there was an opportunity for the council to further shape and provide feedback on its draft contents in advance of publication.

**Stuart McMillan:** The minister is very much aware of the depopulation challenge that Inverclyde has faced and, as the projections indicate, will continue to face—the situation will only worsen over time. Although local government decisions have a role to play in making people want to stay in or relocate to an area, the Scottish Government also has a role to play. Does the minister agree that, as a first principle, all public bodies should consider Inverclyde to be the destination for future investment to help to address the decline?

**Emma Roddick:** The Scottish Government acknowledges the distinct challenges that Inverclyde and other urban areas in Scotland are experiencing in relation to population decline. That is why tackling urban depopulation is one of the core components of our forthcoming addressing depopulation action plan.

We are working with Inverclyde Council to support the design and delivery of key interventions that will support people to move to, or continue living in, the local area. We aim to be led by local priorities in deciding the shape of that work and upholding the principles of the Verity house agreement during the first phase of a targeted programme of work to address depopulation.

### Household Heating Costs (North-east Scotland)

**8. Alexander Burnett (Aberdeenshire West) (Con):** To ask the Scottish Government what action it is taking with Social Security Scotland to help with the heating costs of households in the north-east. (S6O-02821)

I refer members to my entry in the register of members' interests in relation to energy supply.

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** This winter, we will invest £22 million in our new winter heating payment to provide targeted, reliable support to

people who are most in need of help with their heating costs each winter. That will include people on a low income who are disabled, have young children or are older. That is in addition to our child winter heating payment, which is available only in Scotland and provides the families of severely disabled children and young people with much-needed financial support to mitigate the additional heating costs that they face in the winter months. This winter, both the winter heating payment and the child winter heating payment have been uprated by 10.1 per cent in recognition of the ongoing pressure on household budgets.

**Alexander Burnett:** Last December, the United Kingdom experienced its coldest day since December 2010, with the coldest temperature recorded in Braemar. However, my constituents now receive only a one-off winter fuel payment of £55.05, whereas previously they received about three times more under the UK Government's cold weather payment scheme. Communities across the north-east have already experienced snow this year, and the Scottish Government's payment will do nothing to support them with their energy bills. Will the cabinet secretary reform the winter fuel payment to bring it into line with the support provided by the UK Government?

**Shirley-Anne Somerville:** In essence, the member is asking us to take money away from people this year. I will give an example of that. In 2021-22, 11,000 people qualified for the payment administered by the Department for Work and Pensions, and those totalled—*[Interruption.]*

**The Deputy Presiding Officer:** Cabinet secretary, could you resume your seat for a second?

Mr Lumsden, I have previously warned you about making sedentary interventions. Could you please be quiet?

Cabinet secretary, please continue.

**Shirley-Anne Somerville:** Thank you, Presiding Officer. I will start again.

In 2021-22, 11,000 people received DWP payments that totalled £325,000. In 2022-23, 394,135 people benefited from the Social Security Scotland version of the payment. That is an investment of just under £20 million. In effect, in the year that the payment was devolved, which included last winter, 10,000 winter heating payments were made to people in Aberdeenshire alone. That is pretty much what the Conservatives managed to pay for the whole of Scotland in the final year in which they were responsible for the benefit.

**Clare Haughey (Rutherglen) (SNP):** Winter heating payment recipients will begin to receive support in the coming weeks in the form of a

reliable winter payment that does not depend on erratic weather conditions in the way that the DWP's cold weather payment did. Will the cabinet secretary set out how many more households are likely to benefit from the devolved Scottish system this winter compared with the old system?

**Shirley-Anne Somerville:** I have just set out some of that information, so I will stick to the very important summary, which is that the winter payment is something that people can depend on under the Scottish Government, unlike the situation under the DWP and the UK Government. That is because we recognise that many people on low incomes suffer from fuel poverty and need some extra assistance. That is exactly why about 400,000 individuals will benefit from the on-going investment of £22 million that the Scottish Government is putting into this area over the winter.

## Wildlife Management and Muirburn (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-11496, in the name of Gillian Martin, on the Wildlife, Management and Muirburn (Scotland) Bill at stage 1. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible. I advise the chamber that there is a little bit of time in hand, and I invite the minister to speak to and move the motion.

14:56

**The Minister for Energy and the Environment (Gillian Martin):** I am pleased to open today's stage 1 debate on the Wildlife Management and Muirburn (Scotland) Bill. I thank the Rural Affairs and Islands Committee for its scrutiny of the bill, and I thank everyone who gave evidence at stage 1. I want to reassure Parliament that I have paid close attention to all of that evidence and to the committee's views and recommendations in its stage 1 report.

The Scottish Parliament has a proud record of championing nature, wildlife and biodiversity. Therefore, although I look forward to hearing members' views on how the bill can be improved and strengthened at stage 2, I hope that, today, we can all agree to support its general principles.

I was the convener of the Environment, Climate Change and Land Reform Committee in 2020, when the independent grouse moor management group, which was led by Professor Werritty, presented its report on the environmental impact of grouse moor management practices. That report made it clear to me and my then committee colleagues that previous measures that Parliament had put in place to address raptor persecution were insufficient, and that we needed to consider further regulation of activities that are traditionally associated with grouse moor management, including muirburn, predator control and the use of medicated grit.

Sadly, since the Werritty report was published, the issue of raptor persecution has not gone away; even just last week, I read reports of missing hen harriers. On Monday, as other members will have done, I read a media report that, according to Police Scotland, a satellite-tagged golden eagle—Merrick—has come to harm in the south of Scotland, and on Tuesday we heard that a peregrine falcon has been found dead in an illegal trap in the Pentlands.

I, of course, recognise the important contribution that grouse shooting makes to the rural economy.

Grouse moors can be successfully managed in a way that does not negatively impact on the environment or biodiversity, and a great many estates act responsibly. However, we need to end the blight of raptor persecution that takes place on the few estates that give the sector a bad name, and, as the Werritty review says, we must

“change the culture of grouse moor management”.

The introduction of a licensing scheme for grouse is a proportionate measure to achieve the aims. It provides us with the means to take effective action against the destructive minority who continue to illegally target birds of prey, while allowing law-abiding grouse moors to operate without undue interference.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Can the minister give us evidence that the incidents that she is talking about are related to grouse moors?

**Gillian Martin:** In my response to the committee’s report, which Ms Hamilton will have sight of, I have included an appendix that outlines in detail that evidence, which I do not have time to go through right now.

I also refer Ms Hamilton to the Royal Society for the Protection of Birds report that was published last week. It outlines that there have been 35 disappearances of various raptors since 2017. The RSPB identified that quite a lot of those instances were, I am sad to say, on grouse moors.

The introduction of a licensing scheme for grouse is a proportionate measure. It will provide us with the means to take effective action against the destructive minority who continue to illegally target birds of prey and will allow law-abiding grouse moors to operate without undue interference.

**John Mason (Glasgow Shettleston) (SNP):** Can the minister clarify whether the licensing scheme will be self-financing so that it will not have to be subsidised by the general purse?

**Gillian Martin:** The Deputy First Minister and Cabinet Secretary for Finance will move a motion on the financial resolution after this debate. Some £500,000 per annum has been allocated. A lot of that will be for NatureScot to administer the scheme, but there will, of course, be a small fee associated with the licence as well.

I firmly believe that licensing is in the interests of the grouse moor sector in order to have it regulated in the same way as shooting estates across mainland Europe are regulated. I firmly believe that it will be good for the public reputation of the many estates that hold licences and abide by the licence conditions.

**Rachael Hamilton:** Will the minister take an intervention?

**Gillian Martin:** I have already taken an intervention from the member.

Introducing a statutory code of practice that will be developed in conjunction with stakeholders will allow us to build on the best practice that I know many grouse moor managers already employ.

I will move on to muirburn, which is a very complex issue. The research to date suggests that muirburn can have both beneficial and adverse effects. The provisions in the bill are therefore designed to ensure that muirburn will always be undertaken with the necessary care and expertise.

I know that everyone in the Parliament is aware of the essential role that our peatlands play in capturing carbon and enhancing biodiversity. That is why the bill includes provisions to strictly limit the making of muirburn on peatland.

However, the bill is not just about moorland management. We also have a very strong record in Parliament of promoting the highest standards of animal welfare and legislating to ensure that those standards are upheld. Accordingly, the bill addresses two key recommendations that were made by the Scottish Animal Welfare Commission: banning the use of glue traps and banning the use of snares.

**Kevin Stewart (Aberdeen Central) (SNP):** I think that we can all agree that a glue-trap ban is a good thing, but can I ask that the legislation not be aimed at use of sticky gels, which are designed to deter large birds such as urban gulls from buildings but not to trap them?

**Gillian Martin:** I understand the member’s interest in the matter. As an Aberdonian who lived in Torry in my younger days, I understand that Aberdeen City Council must have measures in place. The sticky gels that Mr Stewart referred to are not covered in the bill: we are talking about the type of glue traps that permanently trap rodents or birds, which will die as a result of struggling in them. The gel that Mr Stewart referred to is the sort that makes it uncomfortable for seagulls to nest on roofs. He has my assurances in that regard.

The Parliament can no longer ignore the weight of evidence that glue traps and snares lead to unacceptable levels of suffering—not just for wild animals but for domestic animals, which can become trapped in them. I know from the response to our consultations that there is very strong support from members of the public for a comprehensive ban, and I know that there are members here today who have long been pressing the Government to take that step; indeed, quite a



lot of parties had that in their manifestos for this session.

As was previously indicated to the committee, I intend, by way of amendments that will be lodged at stage 2, to introduce measures to extend the existing powers of the Scottish Society for the Prevention of Cruelty to Animals to aid in the proper detection and prosecution of wildlife crime.

However, I acknowledge that some animals can and do cause serious issues if they are not appropriately controlled and managed, and that that impacts on livelihoods and people's health and wellbeing. There is, therefore, a case for continued use of humane traps as part of a responsible approach to pest control and for others knowing that those should not be tampered with.

I therefore intend to lodge amendments to make it an offence to tamper with a trap, so that there is absolutely no dubiety on the point that criminal behaviour, wherever it happens and by whomever it is committed, will not be tolerated, particularly where such interference has the potential to cause unnecessary harm to animals.

**Edward Mountain (Highlands and Islands) (Con):** With regard to the disturbance of traps, can the minister clarify whether that covers all traps, including live-capture traps, live-capture traps for birds and spring traps, which are all considered to be perfectly legal?

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

**Gillian Martin:** I will lodge an amendment at stage 2 that will address interference, vandalism and anything that is damaging in any way to any legal traps. I have to say that my conversations with gamekeepers' representatives were fundamental in my coming to that decision. The distress that such disturbance causes gamekeepers was palpable in those conversations, and I commend them for the testimony that they gave me.

The bill is just one of the elements of the Scottish Government's ambitious programme to protect and restore our natural environment and improve animal welfare, but it is a vital one. Taken together, the measures in the bill will strengthen the protections for our wildlife; ensure that our grouse moors are managed in a way that enhances biodiversity and the natural environment; improve the reputation of Scottish shooting estates; and provide greater protection for our precious peatlands.

During my time in Parliament, I have long been involved in wildlife and animal health and welfare matters. I am therefore proud to lead on the bill on

behalf of the Scottish Government, and to move the motion on the general principles of the bill.

I move,

That the Parliament agrees to the general principles of the Wildlife Management and Muirburn (Scotland) Bill.

**The Deputy Presiding Officer:** I invite members who intend to participate in the debate to ensure that their request-to-speak buttons are pressed. I call Finlay Carson to speak on behalf of the Rural Affairs and Islands Committee.

15:06

**Finlay Carson (Galloway and West Dumfries) (Con):** As convener of the Rural Affairs and Islands Committee, I am pleased to speak to the committee's report on the Wildlife Management and Muirburn (Scotland) Bill. I thank my committee colleagues for their diligent work in scrutinising the bill, and I thank colleagues on the Delegated Powers and Law Reform Committee for their report and helpful conclusions and recommendations. I also thank the Finance and Public Administration Committee for the responses that it sought on the financial memorandum to the bill.

During our inquiry, many individuals and organisations gave evidence in person or in response to our calls for views, and I thank each and every one of them for their time and their contributions.

The Government states that the bill is intended

"to address raptor persecution and ensure that the management of grouse moors and related activities are undertaken in"

a manner that is

"environmentally sustainable"

and conscious of animal welfare. The bill contains a number of provisions. It would ban the use and purchase of glue traps; introduce licensing schemes for using certain types of wildlife traps for the killing and taking of certain birds on grouse moors; and limit muirburn, particularly on peatland, to only a very limited circumstance.

In addition, the Government has confirmed its intention to amend the bill at stage 2 to ban the use of snares and to extend the powers of the Scottish SPCA to investigate wildlife crimes. The committee notes those intentions, but a number of concerns were raised by various stakeholders, which we reflect in our report.

The committee agreed to seek greater clarity from the Government in response to those concerns about certain provisions in the bill. I thank the minister and her officials for their response to the report, which we received

yesterday and which picked up on a range of issues that we had raised.

I turn to our report and recommendations. Sections 1 to 3 of the bill will create offences of using and purchasing glue traps. We heard that there is “significant and ongoing concern” regarding the animal welfare implications of the use of glue traps, which can prolong suffering and trap non-target species. The committee agreed, therefore, that all members of the public should be banned from using or purchasing glue traps.

That said, the committee also heard evidence from pest control professionals that, in settings where there is a high risk to public health, such as schools and hospitals, and where quick and effective rodent control is essential, glue traps will still be needed as a last-resort method of rodent control. We heard conflicting evidence on whether there are currently available alternatives to glue traps that would serve as an effective solution to rodent problems in those high-risk settings. One witness claimed that the rat population in some Scottish cities was almost at “pandemic levels”, so it is important that professionals have access to effective rodent control.

The committee explored the option of a licensing scheme to permit the limited use of glue traps. The minister told us that that would not be workable, as there is no accreditation scheme for pest control professionals, but the industry disagreed, citing the existence of a licensing scheme for gull management. In her response, the minister provided more detailed information about why a licensing scheme would not be workable for the professional pest control industry.

The minister also responded to a request for clarification about the available alternative forms of rodent control that would be appropriate for high-risk settings, with a letter detailing the various rodent control methods that she believed would be as effective.

In relation to the remainder of the bill, which covers the three licensing schemes—for the use of certain wildlife traps, to kill or take red grouse and to make muirburn—two overarching issues were raised by potential licence applicants in their evidence to us. I will set those out in turn before I look at the three schemes in more detail.

First, there was a concern that raptor persecution in moorland, which was given as the rationale for the proposed licensing scheme, is no longer as prevalent as it was historically. Therefore, there was a call for any licensing scheme to be proportionate and workable.

Secondly, there was a concern that a licence could be suspended by NatureScot in certain circumstances, despite NatureScot not being satisfied that a relative offence had been

committed. Potential licence holders expressed strong concerns that a minor breach of licence conditions or a vexatious complaint could result in the loss of a licence and, therefore, a loss of income and, in the worst scenario, a loss of jobs. The minister and NatureScot gave reassurances that a licence would be suspended in that way only in serious circumstances. However, in our report, we asked what safeguards could be added to the bill to reflect that reassurance.

Turning to each individual licensing scheme, the committee was content with the bill’s proposal—

**John Swinney (Perthshire North) (SNP):** Will the member give way?

**Finlay Carson:** I will.

**John Swinney:** Has the committee given any consideration to what role it might perform, in the event of the bill passing, in considering the operation of the licensing arrangements to provide wider and broader satisfaction with them or in raising issues about how they are operated?

**Finlay Carson:** Yes, that was a serious consideration. We have seen the failure, in my view, of the work that NatureScot has done with the sector in relation to hunting with dogs. We asked how the committee could get involved, but there appears to be a limited opportunity for the committee to look at any proposed code of practice before it comes into effect. There were also concerns about the length of time between the code of practice coming into effect and the licensing scheme coming into force. We certainly had concerns about that.

The committee was content with the bill’s proposals for a licensing scheme for wildlife traps. The main issue that came up was the suggestion from stakeholders that the bill should include an offence for wildlife trap vandalism. Vandalism of wildlife traps is reasonably common and, as well as the serious animal welfare risks, it can prevent legal predation control and result in costs for replacing or repairing traps. The committee accepts the evidence that it heard, that trap vandalism would be covered by existing offences and that it would be difficult to obtain evidence to secure a conviction. However, land managers and the SSPCA made representations that a specific offence of trap vandalism should be recognised, because of the animal welfare consequences. I therefore welcome the minister’s commitment to lodge amendments at stage 2 to create a specific crime.

There were a number of aspects of the licensing scheme for red grouse shooting on which we made recommendations. In response to strong concerns voiced by the industry, we recommended a longer licensing period than the proposed annual scheme. I am pleased to note

the minister's agreement to that recommendation. The concern that I mentioned earlier relating to the fears that a licence could be suspended by NatureScot in certain circumstances, despite its not being satisfied that a relevant offence had been committed, were made most strongly regarding this licensing scheme.

I note that the committee's request for a time limit for licence suspensions might have more relevance given the decision to have a longer licensing scheme. We also note the minister's commitment on behalf of her officials and NatureScot to consultation and engagement with industry ahead of the related guidance being drawn up. That touches on the point that John Swinney raised.

Part 2 of the bill would introduce a new licensing scheme for making muirburn in Scotland and would apply more restrictions on making muirburn on ground with a peat depth greater than 40cm. The committee recognised that muirburn has, to date, been subject to limited statutory oversight and that the provisions of the bill lead on from the grouse moor management group's recommendations for increased regulatory control. The committee noted the complex, contested and inconclusive evidence that is currently available about the impact of muirburn on biodiversity, climate and wildfire.

The committee heard evidence that a wide variety of practitioners make muirburn in a range of contexts, so we urge the Government to ensure that any licensing scheme is workable and appropriate for all, particularly crofters and other smaller practitioners, and that an effective and adaptive approach is taken for licensing on peatland as the evidence base evolves. We agree with the proposal to put the muirburn code on a statutory footing to ensure that best practice is followed.

On the definition of "peatland" as land with a peat depth greater than 40cm, which is a change from the current definition of 50cm, the committee noted the Government's reasoning of achieving a balance among the views of a range of the stakeholders in bringing the management of peatland under greater scrutiny. We heard concerns from stakeholders about the practical challenges of measuring peat depth, especially over a significant land area. I welcome the minister's commitment that the guidance on methodology will be published in good time, ahead of the licensing scheme coming into force, to give clarity to stakeholders.

Looking ahead to stage 2, the Government informed the committee of its intention to introduce amendments to ban the use of snares and to give additional powers to the SSPCA. On the ban on snaring, trap operators emphasised that the more

modern devices, called modified cable restraints, do not have the same welfare implications as earlier snare models, and they called for the continued use of the modern devices to be permitted under licence. That issue became the focus of an evidence session that addressed animal welfare organisations' view that those devices are, in their words, "rebranded" snares and practitioners' view that predation would have a significant impact without their use, especially in areas where shooting is not a practical or safe alternative.

**The Deputy Presiding Officer:** You need to wind up, Mr Carson.

**Finlay Carson:** I will, Presiding Officer. I have not touched on some of the amendments but, before I finish, I would like to speak to the fact that our report did not include a view on the general principles.

As members will know, the bill contains a number of provisions spanning a wide range of wildlife and land management issues. There was a lack of detail relating to various aspects of the policy proposals, especially those on significant additional powers for the SSPCA and on snaring, which we still have not seen and will not see until stage 2. I did not feel that I could agree to the general principles of a bill on which we will see no certainty until after stage 2. While—

**The Deputy Presiding Officer:** Mr Carson—

**Finlay Carson:** I am sorry, Presiding Officer, but this is quite an important point. Although I support—

**The Deputy Presiding Officer:** It should have been made earlier in your contribution, then, Mr Carson, because you are somewhat over time. If you could begin to conclude.

**Finlay Carson:** I will. I agree with the general principles of the bill overall, but not with how the bill will affect those things. The committee has not taken a view, but we have presented all the arguments and our considered conclusions and recommendations to enable members to reach their own conclusions this afternoon.

15:17

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I congratulate the clerks on putting together our stage 1 recommendation report.

I will begin by explaining the significance of the brooch that I am wearing. If members can see it, they will see that it is very beautiful. Iona Macgregor, a talented young artist from Perthshire, designed it and made it for today's debate to represent the diversity of the land uses

in Scotland's countryside sports. The grouse feathers represent the protection of rural livelihoods, the heather is for biodiversity gain and the tweed is for upland sustainability. Today, we debate all the issues in the bill that have the potential to change everything that the brooch represents.

We all agree that high standards of wildlife welfare should be paramount, and we all agree with protecting the environment. The minister has highlighted the dreadful news of the recent disappearance of a golden eagle and the death of a peregrine falcon, which has brought unanimous condemnation across the board. In the case of the peregrine falcon, there is clearly no link to grouse moor management, but it is important that we acknowledge that it is a live police investigation and it must be allowed to run its course.

I reiterate that we absolutely condemn the persecution of raptors. It is right that the bill tackles that issue, but we must acknowledge that the bill goes way beyond that objective. By going too far, the bill has, I believe, fallen short.

The flagship recommendation of Professor Werritty's report was to introduce a licensing scheme if there was no improvement in the populations of three key species five years after the publication of his review in 2019. However, the Government has ploughed on with introducing a licensing scheme, without monitoring raptor populations and providing that evidence.

**Gillian Martin:** Will Ms Hamilton reflect on the evidence that was given to the committee by Professor Werritty and those who were involved in the grouse moor management group? They said that they were content with the fact that we are continuing with our licensing scheme.

**The Deputy Presiding Officer:** I can give you the time back, Ms Hamilton.

**Rachael Hamilton:** In my opinion, there has not been enough evidence to suggest that the incidents of raptor persecution are linked specifically to grouse moors. I could rebut the evidence that the minister provided to the committee. In her response, the minister discussed areas in Scotland that are occupied—or not occupied—by some species of raptors. The existence of areas that are not occupied by raptors in some parts of Scotland does not automatically equal persecution. That lack of occupation could be because of a predator aspect, an environmental aspect or other reasons, such as food or habitat availability. With a severe lack of evidence, it is disingenuous to cast aspersions and create a licensing scheme as well as other things that are provided for in the legislation.

A recent peer-reviewed study showed that the red-listed Eurasian curlew raised nearly four times

more chicks on moorland that is managed for grouse shooting than on unmanaged moorland.

In evidence to our committee, Professor Ian Newton said:

"We have no interest in reducing the area of grouse moors."—[*Official Report, Rural Affairs and Islands Committee*, 14 June 2023; c 16.]

In reality, I am resigned to the fact that operating grouse moors will become a licensed activity, because it sounds as though the minister wants to plough on with that. However, there must be some movement from the minister if she wants the scheme to be "practicable and workable".

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I certainly assent to what Ms Hamilton says. We received evidence that some species thrive in grouse moor habitats. Will she accept that that is an entirely separate matter from the question of whether a minority of grouse moors do not operate in a way that tackles raptor persecution?

**Rachael Hamilton:** Alasdair Allan knows that we heard evidence to suggest that raptor persecution is at a historical low. We will not tackle illegal persecution of raptors through the lens of the bill. The bill goes way beyond the scope of its intention.

According to gamekeepers, there are a number of concerns. Licence holders could lose their licence without the need to produce evidence of criminality or wrongdoing and without, in the bill's term, NatureScot being "satisfied" that a "relevant offence" has been committed. That would expose operators to vexatious claims by those who are against country sports and seek to disrupt lawful activities through malice. I am pleased that the Government will lodge an amendment to deal with tampering of traps, for which I thank Gillian Martin.

Concerns have been raised that parts of the bill will be in contravention of the European convention on human rights. In her closing speech, we would value the minister's categorical reassurance that that will not be the case.

The bill will require operators to renew their licences annually, which is inconsistent with the type of investment and long-term decision making that is associated with moorland management. That short-sighted provision would harm that vital socioeconomic element.

In her response to the committee's report, the minister addressed concerns about the potential duration of the suspension of a licence, given that it is not specified in the legislation. She claims:

"This is because the maximum duration for a section 16AA licence for the taking of birds is one year. Therefore ... the maximum suspension period"

could be no more than one year. Yet, a couple of pages later, the minister agrees with the committee's recommendation to extend the licence period to three to five years.

**Gillian Martin:** Given that I said that I will look at the duration of the licensing, it follows that we will look at the duration of the suspension. Does Ms Hamilton appreciate that I am taking time to look at the best duration for the licences? I have said that on various occasions to the committee.

**The Deputy Presiding Officer:** I can give you the time back, Ms Hamilton.

**Rachael Hamilton:** I appreciate the minister's confirmation of her commitment, because it is very important. At the moment, there are two conflicting statements. She must be clear about her intentions, because the proposal would affect the livelihoods of thousands of rural workers. An anti-rural rhetoric from members on the opposite benches means that there is a lack of confidence and trust from rural communities.

When political rhetoric takes precedence over evidence-based policy, we will get things wrong. That was a message that I heard loud and clear from a round table with academics this morning on the Agriculture and Rural Communities (Scotland) Bill. Those academics said that they believe that the Scottish Government has abandoned the view of grass-roots practitioners, which demonstrates a blatant disregard for evidence and the bill's potential consequences. The bill, like the Scottish Government's approach to rural-related matters, is disproportionate and disingenuous. It poses an existential threat to Scotland's rural estates and the very wildlife that it aims to protect. Muirburn is a fine example of that.

I know that I am running out of time, but do I have a little bit of time left, Presiding Officer?

**The Deputy Presiding Officer:** I can give you a bit of time.

**Rachael Hamilton:** Thank you.

I believe that the bill illogically focuses on the underground metric of peat depth to arbitrarily dictate how professional land managers can conduct overground activity. We know that muirburn is an essential tool that allows land managers to nurture wildlife, control the fuel load and reduce the risk of wildfire. We heard that point made strongly by the Scottish Fire and Rescue Service.

I close on the issue of snaring, the banning of which is expected to be included in the Government's approach to stage 2 of the bill. It is important that we highlight the threat that that poses to our ability to protect vulnerable and endangered species and livestock. Just because other countries are doing it does not mean that

those countries are not suffering from severe declines in the population of ground-nesting birds.

The bill is an example of potentially unworkable legislation. There is a similarity with the Hunting with Dogs (Scotland) Act 2023, and the fact that, with lambing season round the corner, licences continue to be rejected.

The bill is illogical and disproportionate. It will affect livelihoods, it ignores rural voices and it goes much wider than its intention.

15:26

**Rhoda Grant (Highlands and Islands) (Lab):** Before I begin my speech, I will take a moment to put on record our sadness at the passing of Alistair Darling. He was a public servant who served his country and his constituents, and he will be missed by all of us. I offer our condolences to Margaret, Calum, Anna and the rest of his family. [*Applause.*]

I also take this opportunity to thank the clerks to the committee, who helped to produce the report, and everyone who provided the evidence that is included in the report. We, in the Scottish Labour Party, support the general principles of the bill, which draws from the Werritty report on grouse moor management. I know that the issue was passionately followed by Claudia Beamish, who was a member of the Scottish Parliament and instrumental in pushing for the Werritty review to be set up. Ms Beamish was pleased to see the report come to fruition and, I am sure, will be glad that the bill has been introduced.

The grouse moor management group was set up due to concerns about raptor persecution. As other members have said, persecution is on-going and must be investigated. However, we must also put on record that that appalling practice is carried out by a minority. Those responsible have been warned time and again that action would be taken if they did not change their behaviour. Their behaviour has not changed, and we are therefore forced to legislate in this area. At the same time, though, we need to be careful to balance legislation against jobs and consider rural economies that are dependent on grouse moors for their livelihoods.

I want to mention the handling of the bill. It was difficult to scrutinise a bill that came in different stages, with decisions being made after the bill had been published and when the committee was gathering evidence. It is not good practice for a Government to introduce a bill and then start amending it mid-stage 1.

**Gillian Martin:** I am grateful to Rhoda Grant for taking my intervention and allowing me to state that one of the reasons why we undertook the

snaring consultation was that we were asked to do so by stakeholders. A particular stakeholder wanted us to look at the issue of humane cable restraints, so we undertook to provide the time for a consultation on that issue and to consider the issues that they wanted us to address in terms of a licensing scheme around that. I hope that that clarifies why that happened in that instance.

**The Deputy Presiding Officer:** Rhoda Grant, I can give you the time back.

**Rhoda Grant:** I accept that, but those stakeholders have been calling for those pieces of legislation for a lot longer than since the bill came to fruition.

The bill will ensure that grouse moors will be licensed. I appreciate the minister indicating that she agrees with the committee that those licences should be for longer than one year. Given that the licences can be suspended, there is no need to have one-year licences. We took evidence from organisations and stakeholders who talked about three-year or five-year licences or possibly even longer ones, if there were the right checks and balances in place to ensure that they were reviewed reasonably often. The licences could be suspended if there is bad practice and raptor persecution happening or any other illegal activity.

We have to bear in mind that the management of grouse moors has positive environmental and natural impacts, too. Members have talked about curlews, golden plovers and other bird species that flourish in moors that are managed for grouse. They enjoy the same habitats, which adds to their numbers. We need to be careful that we do not throw away the good with the bad.

I will turn to muirburn, on which the science and knowledge need to be improved. Professor Werritty said:

“the science base underpinning a lot of moorland management is incredibly fragmented, contested and incomplete”.—[*Official Report, Rural Affairs and Islands Committee*, 14 June 2023; c 17.]

We heard about wildfires in evidence. Indeed, at that time, we saw what was happening in Cannich, where there was a major wildfire. Wildfires are worse when there is a large fuel load. When we were taking evidence, it was suggested that muirburn could be an essential part of moorland management. If we do not deal with the fuel load, we will have more wildfires that will have a greater environmental impact. Obviously, burning on degraded peat causes carbon release, but we also saw that, with burning on good-quality wet peat, the peat itself remains largely unscathed. Licensing will help to share that best practice, but the code of conduct and changes need to adapt with the science. We must have conservation and the restoration of the natural environment at the

heart of licensing while enjoying the land management benefits that muirburn brings.

Many stakeholders talked about peat depth and how it could be measured. We cannot measure in detail every inch of the land on which we carry out muirburn, so we must ensure that there is a workable solution to how land is termed—whether it is peatland or moorland.

There were concerns about expertise. It was hoped that licensing of muirburn would ensure that practitioners were trained, but it became clear during the Cannich fire that there is a huge amount of expertise held by gamekeepers. The Scottish Fire and Rescue Service made it clear that it could not have brought the fire under control without the help of neighbouring gamekeepers. We need to ensure that that expertise is protected and disseminated to all those who practise muirburn.

There was discussion about the muirburn season and how it needs to be adapted to keep up with climate change because of the earlier nesting of birds. All those regulations need to be kept in check but, more importantly, they need to follow the science.

Presiding Officer, you indicated that you would give me some time back.

**The Deputy Presiding Officer:** You had six minutes. I have given you quite a bit of time back—I have given you more than the time that the intervention took—so you need to conclude.

**Rhoda Grant:** Okay. There are many other important issues that I could speak about, but I simply put on record the fact that we support the general principles of the bill and look forward to making it more workable at stage 2.

**The Deputy Presiding Officer:** Thank you very much indeed, Ms Grant. I echo your comments about the sad passing of Alistair Darling, as well as the comments earlier in the day about the passing of our former colleague Lord James Douglas-Hamilton.

15:35

**Beatrice Wishart (Shetland Islands) (LD):** I am pleased to speak for the Scottish Liberal Democrats on the Wildlife Management and Muirburn (Scotland) Bill at stage 1. As others have done, I extend my thanks to my Rural Affairs and Islands Committee colleagues and the convener for their work on stage 1, and I particularly thank the clerks for their work behind the scenes and on the stage 1 report. I also thank all the individuals and organisations that provided briefings, attended committee evidence sessions and submitted evidence to the committee.

The Scottish Liberal Democrats are broadly supportive of the bill. The Scottish Government states that the bill aims to address raptor persecution by implementing the recommendations of the independent review of grouse moor management. To that end, the bill introduces a licensing scheme for land that is used for the shooting of red grouse. Most estates are run responsibly, but there is not sufficient evidence that the situation regarding raptor persecution overall has improved since the Wildlife and Natural Environment (Scotland) Act 2011 was passed, so action is needed to ensure that good practice is followed.

When licensing schemes are introduced, rather than placing undue burdens on the people who must apply, they must be workable and proportionate to their aims. Scottish Liberal Democrats support licensing as a method to raise standards, but I ask the minister for an assurance that the licensing schemes in the bill will be pragmatic and focused on the stated aims.

In the bill as introduced, the licence for grouse shooting is granted for only one year. There was consensus among stakeholders that a longer licence period would be preferable. Scottish Land & Estates considers that a period of a year is inconsistent with the long-term investment and land management that are associated with moorland management for grouse shooting. NatureScot stated that a licence period of three to five years would correspond with the arrangements under similar licensing schemes. I therefore welcome the minister's commitment to amend the bill to create a longer licence period.

**Edward Mountain:** On the issue of licensing and the removal of licences, if a licence is to be removed, does Beatrice Wishart think that it is important that the estate or the landowner knows for how long the licence will be removed, so that they can ensure that the people on the ground who rely on it, whether keepers or farmers, know that they will have some security in the future?

**Beatrice Wishart:** I think that clarity is key to the bill.

I turn to the other wildlife management aspects of the bill. I acknowledge the arguments for banning glue traps and snaring on animal welfare grounds. The minister has concluded that there will be a full ban on the use of snares, which will mean that there will not be a licensing scheme for any purpose, and she has indicated that there are more humane alternative methods available.

I have reflected on the evidence on humane cable restraints that the committee heard at its meeting on 8 November. People who are involved in land management indicate that such devices are a necessary tool in the box when shooting is

not possible, and they express concern about the future viability of ground-nesting birds. Accordingly, I am anxious about the potential impacts on ground-nesting birds of a complete ban on snaring. I am reassured that RSPB Scotland does not use snares on its land, but I ask the Scottish Government to keep the proposed change under tight review and to assess the impact of the ban on ground-nesting birds in the long term.

I note with concern the evidence that the committee received regarding the lack of alternatives to glue traps and the potential impact on the ability of professional pest controllers to respond to rodent problems in high-risk settings such as hospitals and schools. I draw the minister's attention to the committee's request for the Scottish Government to provide further information about alternative forms of rodent control that are appropriate for use in settings where an enhanced public health risk exists.

I also note the minister's response to the committee's point that the suggested two-year transition period be set out in the bill. Although I agree that we need to stop using glue traps, because of the concerns that have been raised about the lack of alternatives in high-risk settings I ask the Scottish Government to consider delaying commencement of the relevant section until credible alternative methods of pest control are available for such situations.

The second part of the bill deals with extending the licensing requirements for muirburn. I am persuaded, on the balance of evidence, that there is a risk of negative environmental consequences if heather moorland burns out of control but that muirburn benefits heather moorland and biodiversity and is a vital part of wildfire prevention, which is something that we must acknowledge in the light of changing weather patterns. The licensing scheme for muirburn must therefore enable its use by trained practitioners.

I regret the discord around this and similar bills. Countryside stakeholders perceive bills that address wildlife and land management as creating a cumulative restrictive impact on those who work and live in rural communities. However, the issue is not one of countryside management versus environmental protection. Rather than one or the other, we must have both, for the future success and viability of our rural areas. I believe that it is key for all stakeholders to be able to voice their concerns and to engage meaningfully with the policies that affect them. I also believe that, because of the implications for nature and for people working and living in rural Scotland, that is essential.

**The Deputy Presiding Officer:** We move to the open debate.

15:40

**Karen Adam (Banffshire and Buchan Coast)**

**(SNP):** I commend the Scottish Government for its approach to the bill. The engagement of the minister, Gillian Martin, with stakeholders throughout the bill process demonstrates a commitment to creating informed and balanced legislation. That process has been particularly well navigated in the sensitive field of animal welfare. I know how sincere the minister is in her dedication to the welfare of animals.

This type of legislation, which intertwines modern environmental needs with traditional practices, is challenging but vital for Scotland, which is a nation that has a deeply rooted love and respect for animals. As a long-standing advocate for animal welfare, I welcome the general principles of the bill. It is not a mere set of regulations but represents Scotland's commitment to safeguarding the lives and wellbeing of animals, particularly our cherished birds of prey. The bill exemplifies our collective responsibility to protect and preserve the natural world, ensuring a harmonious and respectful coexistence with wildlife.

The issue of raptor persecution demands urgent attention. Despite stringent laws, the persecution of Scotland's majestic birds of prey, including our golden eagles, hen harriers and peregrine falcons, remains a blight on our environmental record. The alarming findings of the Whitfield and Fielding report, alongside subsequent RSPB data, highlight the urgency of the situation.

As well as protecting wildlife, the bill makes a commitment to enhancing biodiversity and strengthening environmental stewardship, particularly in areas associated with driven grouse shooting. There has been substantial debate about the management of grouse moors, and the committee heard from witnesses who spoke about the economic importance of grouse shooting. It is imperative that that is conducted responsibly and sustainably. I noted during our evidence sessions that, contrary to some opinions, the bill seeks not to condemn the practice but to evolve it, making it more fitting for a modern and conscientious world. The aim is to ensure that grouse moor management can contribute positively to our biodiversity goals and our efforts to mitigate climate change.

One aspect of the bill is the prohibition of glue traps. The potential impact that a ban on glue traps might have on public health and on business was highlighted and noted during discussions with the British Pest Control Association. Although some pest controllers may employ those traps in line with strict guidelines to minimise suffering, enforcement and oversight are still matters of concern.

I acknowledge that some pest controllers who employ glue traps have strict policies to mitigate unnecessary and prolonged suffering, but I, along with many animal rights and veterinary organisations, still have serious and unresolved concerns about the enforcement and oversight of those policies. Instances of non-target species, including birds and domestic pets, being trapped and subjected to agony emphasise the need to outlaw those devices. I have heard horrific stories of animals chewing off their own limbs to escape traps. We cannot turn away from such agony, so I wholly welcome the Government's plans to outlaw glue traps.

**Douglas Lumsden (North East Scotland)**

**(Con):** Beatrice Wishart spoke earlier about possible public health issues, especially in places such as hospitals and schools, where there is no real alternative to using glue traps. Does the member share that view? Does she have any concerns about hospitals, for example?

**The Deputy Presiding Officer:** I can give you the time back for the intervention, Ms Adam.

**Karen Adam:** Absolutely. That is why I took the time to meet the British Pest Control Association, away from the committee, to get absolute clarity on that. There are alternatives. They may cost a little more, but that is the issue here. We have to look at a way in which we can control pests in such areas that considers animal welfare as well.

**Stephen Kerr (Central Scotland) (Con):** Will the member give way?

**Karen Adam:** No. I want to make some progress.

In a similar vein, the Government's plan to ban snares has been the subject of extensive discussion. I wish to bring a personal dimension to the issue. A couple of months ago, my beautiful wee ginger tabby cat, Tabitha, went missing. Over a week passed and I feared the worst. I was at the point of rehearsing how I would broach with the kids the subject of her possibly never returning. She had never been missing for that long, and it had been almost two weeks. While I was out at a surgery, my son texted me to say that she had returned, and he sent a shocking picture. She was so thin that her bones were protruding, and she looked in shock. He said that she was incredibly thirsty and hungry. The most distressing part was that the fur round her neck was missing. Her neck was not just bald—it was raw, with open sores. My family and I were heartbroken at her state. When she was examined, we were told that the wounds inflicted on Tabitha looked like those inflicted by snares, and that such a trap might explain her absence from home for so long.

I will never forget the suffering of my animal, but I stress that my pet is no more valuable or entitled



to compassion than a wild animal just because she has a name and a human family. I hope that that incident illustrates the broader implications of such traps for pets and wildlife. I am delighted that the bill sends a clear message that the inhumane treatment of animals through the use of snares is intolerable in Scotland.

Alongside those actions, the bill also introduces a comprehensive licensing regime for muirburn. That practice, if unregulated, poses risks to our delicate peatlands and diverse wildlife populations. A new licensing system will ensure that muirburn can be conducted in a manner that prioritises environmental sustainability and safety.

The bill is testament to Scotland's resolve to protect its natural heritage and it represents our commitment to future generations. It will ensure that Scotland is a place where wildlife thrives and our rural practices are in harmony with nature. By endorsing the general principles of the bill, we are taking a significant step towards a Scotland that is an exemplar in wildlife management and environmental stewardship.

15:47

**Oliver Mundell (Dumfriesshire) (Con):** Today, we again see an Scottish National Party-Green Government not just turning its back on rural Scotland but attacking it. We should make no mistake—the bill is another attack that is dressed up in the cloak of so-called animal welfare without the evidence to back it up. Far from protecting the countryside, this SNP-Green Government is overseeing its destruction. In the place of positive measures, all that we get is ban after ban. It is all quite sad.

The bill exposes the new reality once and for all. Rather than listening to those who get their hands and their boots dirty looking after our natural environment, the SNP now takes its direction from extremists. If members do not believe me, they need only look at the Green Party, which has been welcomed into Government with open arms. These are people who claim that they want to save the planet but who champion the wholesale industrialisation of our uplands. They seem wilfully oblivious to the impact that carpeting our uplands with Sitka spruce and wind turbines actually has on nature and the habitats that many of our most vulnerable species rely on. I say to them that, if they truly care about raptor persecution, they might start asking why it is okay for raptors to be taken out by wind turbine blades.

These are people who claim to care about our moorlands but who want to see them diminished and even abandoned, and who see no problem in forcing those who do more for biodiversity than almost anyone else out of their jobs and off the

hills. Let us not kid ourselves. That is what the bill risks. The grandstanding of members in this Parliament on countryside issues that they do not understand has real-world consequences, but I guess that, if they never leave the central belt, they would not know that.

The madness goes beyond that. Even though rats are increasingly common in our urban communities in SNP Scotland, concerns about tackling rodent infestations have been ignored. How hard would it have been to agree a rethink on the modest request from pest control representatives for a glue-trap licence for professionals, even as a measure of last resort? A similarly heavy-handed approach and excessive measures are peppered throughout the bill, including vast and unnecessary delegated powers.

However, those are not the only reasons for smelling a rat. It is clear that some really nasty politics are also at play. The countryside and the people living in it are being used as a political football. Increasingly, our way of life is demonised. False divisions are stoked up. Fragile communities have never felt more abandoned and ignored. Twenty-five years into the new Scottish Parliament, life is worse for many who live in rural Scotland. Increasingly, the very viability of their communities comes into question. How can SNP MSPs who represent rural communities go along with that? Do they really want more wildfires, rodent infestations, and foxes wiping out ground-nesting birds? Are gamekeepers and land managers to be endlessly tied up in bureaucracy and dealing with vexatious reports of wrongdoing instead of actually managing the landscapes that they love and care about?

That is what the bill means in reality and what lots of the evidence points to. No doubt, those same colleagues would tell us not to worry, and will justify their support for the bill this evening by saying that it can be amended later. The problem is that we cannot trust this Government or this minister. We have recently seen the reality of how the Government's legislate-now-license-later approach plays out, following the recent changes brought about by the Hunting with Dogs (Scotland) Act 2023. Political considerations are put before the practicalities. Animals are left to suffer. Foxes are out of control ahead of the lambing season. That is just not right, not good enough and not what was promised, so how on earth can any weight be placed on the assurances that we have been given in relation to the Wildlife Management and Muirburn (Scotland) Bill?

In addition, during stage 1, we saw what listening to stakeholders really means for the minister. Rural stakeholders were marched to the top of the hill, only to be ignored by the minister when she decided to go ahead and ban the use of

snare and cable restraints without any licensing scheme for any purpose. That followed what seemed like a genuine request for a detailed proposal on a licensing scheme, but the game was given away by the minister when she rejected that just 24 hours after stakeholders gave evidence to the Parliament on the need for it. That would seem pretty discourteous and somewhat suggestive of predetermined thinking. However, most shockingly, a response to a freedom of information request showed that, before making that decision, the minister did not undertake any detailed consideration of the evidence that was put to the committee.

The bill is just the latest in a long line of betrayals. SNP colleagues will no doubt nod it through at decision time tonight, but we must not allow ourselves to become desensitised to what is happening. Thread by thread, the very fabric of rural Scotland is being unpicked. If we are not careful, it will be lost forever. Our country will be the poorer for it. At some point, we have to say, “No more”. Enough has to be enough.

I cannot support the general principles of such a deeply flawed and unevidenced bill; nor could anyone who claims to stand up for rural Scotland.

15:53

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** I speak as somebody who has been elected by voters in rural Scotland to stand up for them.

This summer, there were two massive wildfires in my constituency, at Cannich and at Daviot. It was reported at the time that the Cannich wildfire might be one of the largest in the United Kingdom—certainly, it raged for days. Firefighters, local farm workers, forestry land workers and gamekeepers all turned out in force to combat the fire. Anybody who has seen images and video footage of the fire will have been shocked as, mile after mile, the flames spread, fuelled by the density of bushes, heather and trees above ground, which had not been tackled in a long time.

The impact on the climate was catastrophic. Not only did the fire burn mile after mile of valuable peat, but it emitted thousands of tonnes of carbon into the atmosphere. The smoke was, reportedly, visible from space. It destroyed habitats and our biodiversity. Those fires are more devastating to our flora, our fauna and our net zero ambitions than any other activities on land.

The committee on which I sit has supported the general principles of the bill, but I want to unpack the importance—

**Finlay Carson:** Will the member take an intervention?

**Kate Forbes:** Yes.

**Finlay Carson:** I suggest that the member correct that. The committee did not, in fact, take a position on the general principles.

**Kate Forbes:** I thought that I heard Finlay Carson say in his comments that the committee had largely done so. I apologise. I thought that that was a quote.

I generally support the general principles of the bill, but I also hope that the Government is able to respond to people’s fears that the bill will reduce the tools that are available to combat wildfires and that it is able to commit to keeping the matter under constant review and is willing to reconsider some of the timescales and the requirements around muirburn in order to ensure that we have all the tools that we need to respond to wildfires.

In the weeks immediately after the wildfires that I described, I arranged a wildfire summit. The warning from representatives there, particularly from the Scottish Fire and Rescue Service, was stark. They said that we are likely to see such wildfires growing in intensity and magnitude and that we need every possible tool to control them.

In the aftermath of the fire, I spoke to several local landowners, many of whom have thriving businesses. They recalled their horror and fear as the fire crept ever closer, threatening their businesses and livelihoods. In one situation, a brand-new environmental low-carbon business in a state-of-the-art building was under threat as the fire crept closer. I saw that business only a few weeks later and the ring of charcoal around it, but it was saved—and it was saved because local gamekeepers turned up. Many had no personal or professional incentive to help—it was not their land or their livelihoods—but they turned up because they care. They care about the land, about biodiversity and about their neighbours.

**Rachael Hamilton:** I attended a meeting that Kate Forbes was at about wildfires. One of the key things is that farmers create firebreaks, which is—exactly as she is saying—integral to protecting biodiversity and properties, but the bill could remove the people who do that.

**Kate Forbes:** I was going to go on to unpack what is critical when it comes to the bill, because it still allows for muirburn to take place. The important point that I made earlier is that the Government is able to demonstrate that gamekeepers will still have the tools that they need. Gamekeepers are trained in muirburn. I met one landowner who told me that, despite perhaps having been sceptical about gamekeepers’ practices in the past, they had been left in no doubt at all that it was gamekeepers’ unique abilities that had saved them and their business,

because they had tried all other means of fighting the fire, to no avail.

**Stephen Kerr:** Will the member take an intervention?

**Kate Forbes:** I have taken quite a few, and I am keen to make three points that need to be articulated loud and clear by the Government.

The first point is that, if we are to control fire, we cannot allow the fuel load to build up. We cannot allow trees, bushes and heather to build up in a way that allows wildfires to literally run wild—as we saw in Cannich—because the fires are getting ever closer to people’s homes and businesses. Other approaches to reducing the fuel load, including cutting, are, of course, recommended in the bill. However, cutting leaves brash, which can then dry out and become tinder. Muirburn may, therefore, be the only tool available to reduce the fuel load.

Secondly, we must allow gamekeepers to continue to develop their experience of and expertise in carrying out muirburn, because that is the very experience and expertise that many Highland communities will increasingly depend on when wildfire breaks out.

I get that members will have varying views on estates and field sports. I am a long-standing champion of land reform and of making diverse use of our land. However, I also care enormously about land managers, because they are integral to our rural communities. Indeed, in one such community that I visited just a matter of weeks ago, the local primary school roll predominantly comprises estate workers’ children. Without them, the school will close. I do not want to see livelihoods being threatened by a reduction in investment in our rural communities.

I realise that the bill is still at stage 1, but I want to say on the record that we owe gamekeepers—some of whom are in the public gallery today—an enormous debt of gratitude. In my constituency, there are homes and businesses that would have been burned to the ground had not gamekeepers, with all their experience, turned out. We should work with them rather than against them. I know that the minister is committed to engaging with them, understanding the position and ensuring that the legislation, and the guidance that will follow it, particularly on licensing, are cognisant of their views and practices, to ensure that we are all safer because they are able to carry out their professional activities, which they should be permitted to do.

16:01

**Colin Smyth (South Scotland) (Lab):** The bill has been a long time coming. It is eight years

since reports, first by RSPB Scotland and then by Scottish Natural Heritage, showed that raptor persecution is often linked to driven grouse moors. It is seven years since that conclusion prompted the Scottish Government to commission the Werritty review. It is four years since that independent review reported to the Government with clear recommendations, including that a licensing scheme be established for the shooting of grouse, and that all muirburn be subject to increased legal regulation. It is three years since the Government responded with a commitment to action.

However, many people believe that that action does not go far enough, and that the killing of an animal to protect another solely for the purpose of then killing that animal for sport—the so-called “circle of destruction” that Revive has described—is itself cruel. I am certainly on the record as saying that we cannot license cruelty. However, I recognise that the bill is not about restricting grouse shooting; it is primarily a modest proposal to license it and to regulate an inadequately regulated sector. However, we could be forgiven for thinking that it was much more, given the hysterical opposition to these modest proposals.

Licensing is not a new thing. It is what NatureScot does, professionally and robustly, on a daily basis for a variety of purposes. Law-abiding businesses have nothing to fear from licensing, and it is frankly remarkable that, before now, we have never had a licensing scheme for grouse shooting.

However, the bill, which in many respects seems unfinished, could—and should—be strengthened in many ways. I welcome the Government’s commitment to do so by lodging at stage 2 an amendment to deliver a comprehensive ban on snares. I congratulate stakeholders, including OneKind, that have championed that cause for many years.

Back in 2017, one of the first members’ debates that I brought to the chamber was on banning snares. The Government opposed a ban then. On the many later occasions on which I raised the subject, it wasted years defending cruel, unnecessary and indiscriminate behaviour. Snares and glue traps both cause immeasurable suffering to animals that have been caught in them, and their use cannot be justified. That is why the Scottish Animal Welfare Commission has recommended that both be banned. It is also why a comprehensive ban has just been introduced in Wales and why a ban exists across much of Europe. Let us get on with it in Scotland. Let us see through attempts to rebrand snares as “humane cable restraints” and through any pretence that setting a glue trap somehow makes the process any less cruel.

We should strengthen the bill's provisions on traps—not just through licensing them and requiring training in their use, but through making it a requirement to provide data on all trapped and killed animals. We should aim to expand the types of traps that are included in the bill, through reviewing all types that are used in Scotland to assess their animal welfare impacts and the reasons for their use.

We should also ensure that licences are granted only where there is a robust reason for traps' use, which—I am sorry—should not be to help in rearing grouse for shooting. That position is backed by the public. Independent polling by Diffley Partnership for Revive showed that, although there was support for use of traps for conservation and livestock protection, there was none for its use in enhancing grouse numbers.

I have spoken previously on the need to incorporate the international consensus principles for ethical wildlife control into our policies on wildlife management. We could start by using those principles in assessing any licence application for use of traps.

A licensing scheme also needs to be properly resourced. Given that, whenever we raise issues in this Parliament, we are always told that there is no money, the Government should make the licensing scheme in the bill fully recoverable. NatureScot is experienced in running schemes, but the addition of trapping licensing and licensing of grouse moors, as well as the burden of licensing that has been brought in by the Hunting with Dogs (Scotland) Act 2023, will need an expansion of licensing teams, which should be funded through the scheme.

I also have a lot of sympathy for the argument that licensing should be for longer than one year, which is a period that would be burdensome for applicants and NatureScot. A period of up to three years might be more realistic, with scope for appropriate review and updating during that time.

In the short time that I have, I want also to touch on muirburn. As I have said, the proposals are modest. There are no plans for a ban on muirburn, even on peatland, but, again, the bill can be improved. If we are to support the principle of having a muirburn season, the RSPB makes a powerful case for ending that season on 15 March in order to protect nesting birds, given that, due to climate change, several species are breeding earlier than has been the case historically, and the current suggested conclusion of the season on 15 April overlaps with nesting by eagles, curlew and red grouse.

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** I have some information about the concerns about nesting that the member is talking

about. Golden plover could be nesting by 15 April, as could stonechat, but they will not be nesting in the areas where muirburn will be happening. Peregrines could be nesting earlier, but they are far more likely to be in crags, where there is not likely to be muirburn. The vast majority of the ground-nesting birds that we are trying to protect will not properly start nesting down until 30 April.

**Colin Smyth:** There is evidence to say that the date of 15 April for a conclusion of the season overlaps with nesting by eagles, curlew and red grouse. There is a discussion to be had about whether, given the fact that we know that a lot of birds are nesting earlier because of climate change, 15 April is the most appropriate date.

The RSPB also makes a strong case for lowering the depth definition for peat to 30cm, in line with the UK peatland strategy and the peatland code.

There are many issues that I have not had time to touch on, so I look forward to contributing to discussions at stages 2 and 3 to improve a bill that still requires a lot of work. I also look forward to supporting the principles of the bill at decision time, because, at long last, the bill provides a tangible deterrent to the on-going problem of raptor persecution. It will not solve it, but it does—

**Finlay Carson:** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is winding up, I am afraid.

**Colin Smyth:** I would have loved to give way to Mr Carson. I am sure that his comment would have been supportive.

**Finlay Carson:** On a point of order, Presiding Officer. Could I take this opportunity to invite Mr Smyth to refer to his entry in the register of members' interests, which states that he is a member of the League Against Cruel Sports?

**The Deputy Presiding Officer:** That is not a point of order, Mr Carson. It is up to members themselves to indicate that they have interests that they need to declare.

Mr Smyth, could you conclude, please?

**Colin Smyth:** I am perfectly aware of the rules around voluntary interests. Perhaps Mr Carson wants to read those rules himself before he makes such comments.

The bill will provide accountability when it comes to land management practices such as muirburn and trapping, and it will help us to begin to tackle the problem of raptor persecution. It will take a small step towards the giant leap that we still need to make in improving animal welfare.

16:09

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** The bill is the latest iteration of our response to the completely heinous and unacceptable practice of raptor persecution in Scotland's countryside. The aims have undoubtedly grown in scope since the Werritty report, but that is no bad thing as long as we get the balance right with regard to protecting wildlife, tackling climate change, creating biodiversity and meeting the needs of the hard-working men and women who are the bedrock of our rural population: the farmers, the shepherds, the cattlemen, the tractor men, the keepers, the estate workers and all the associated downstream sector workers.

In the spirit of recognising those rural workers, I am delighted to be wearing a handcrafted piece from my constituent Iona Macgregor, whom Rachael Hamilton mentioned. She lives in the Logiealmond hills in the very same glen that I farmed before I came into the Parliament. I am proud to wear that today in support of all those workers, who are an essential component of our rural population. They help to keep open local schools, pubs, shops, garages and, in winter, rural roads. They are also the fourth emergency service—my colleague Kate Forbes alluded to that. We should not only discourage but actively seek to reverse depopulation in our rural communities.

There is no doubt that some areas of the bill will be contentious. The stage 2 debate will undoubtedly be an exercise in negotiation and compromise. I encourage everyone in the chamber to negotiate and compromise, because the negotiations and compromises will be with the people who are sitting in the gallery.

I very much welcome the minister's plan to lodge an amendment to the trap tampering legislation that we talked about earlier.

I will support the general principles of the bill without hesitation, and I look forward to the stage 2 sessions in order to shape the bill so that it works in the spirit of what it sets out to do, given its functions and the acceptance of almost the entire population of this country not only that climate change and biodiversity loss are serious matters but that it is essential to manage them. However, it is sometimes very interesting to hear the outcry from people when they realise that that means that actions in their area are needed to tackle the issues. All of a sudden, the enthusiasm and agreement that we need to get something done change, usually to the point at which it is said, "Yes, we need to agree to do something, but just not here."

With that in mind, I am heartened by the conversations with, almost to a person, the farmers, land managers and keepers, who not only accept the challenges that we face relating to climate change and biodiversity loss but are looking to actively play their part in reversing the decline and delivering for nature, the climate and—just as important—rural communities, whose very existence relies on the viable, healthy, working rural environment that we are all striving to deliver.

As a boy, I had a total preoccupation with birds—in particular, birds of prey. My favourite was the peregrine falcon. I was deeply miffed when Bob Doris, the MSP for Glasgow Maryhill and Springburn, was made the wildlife champion for the peregrine falcon.

**John Mason:** Does the member accept that we have birds of prey in Glasgow and that we look after them very well? [*Laughter.*]

**Jim Fairlie:** John Mason should have waited. I questioned the validity of bold Bob Doris getting in before me to pinch my peregrine falcon from out in front of me. After all, he is a city boy, and I am a Teuchter. Surely it is only right that the country loon gets the majestic peregrine falcon to champion. However, as I sat in my office in the Parliament looking out of the window for inspiration, I was more than a bit surprised to witness a peregrine falcon flying over the buildings of our capital city. I had to concede that Bob, the city boy, was absolutely entitled to his peregrine given that peregrines are now in such rude health that they hunt city pigeons over our capital city.

Mind you, I got the curlew, which is the most iconic of moorland birds. I am delighted to be the curlew champion. Protecting all ground nesters is what the bill is all about.

I might have made light of some of the serious issues that we need to tackle and which we seek to tackle in the bill, but I am determined to work with all stakeholders as we progress through stage 2 at committee to try to find the right compromises, in the same way that we did with the Hunting with Dogs (Scotland) Bill, so that we continue to represent our rural constituencies and tackle the issues.

**Stephen Kerr:** Jim Fairlie talks about compromises. He has not addressed some of the other issues in the bill. In which areas is he looking for the Government to make some compromises?

**Jim Fairlie:** There are numerous things that will be decided through compromise, conversation and quiet negotiation with the stakeholders at hand. There are many of those to get through.

Finlay Carson, Rachael Hamilton and Oliver Mundell have all said that the licensing scheme for

hunting with dogs has been a disaster. I can tell them that the first licence for hunting with dogs has already been granted. It is happening today. Atholl and Breadalbane has its licence. NatureScot is working with the practitioners to ensure that they can make that work.

Finally, I cannot mention the peregrine falcon today without passing comment on the perpetrators of the heinous crime that was committed in the Pentlands this week, when an illegally set pole trap was used to catch and kill one of those magnificent birds. I do not have the words in me to express my disgust at the perpetrators. I hope that, in the fullness of time, they are caught and the full force of the law is brought upon them.

16:15

**Ariane Burgess (Highlands and Islands) (Green):** Earlier this month, I had the pleasure of attending the Revive coalition's national conference. The event brought together a great number, and a wide variety, of people, many of whom live and work in rural Scotland, to ask us to consider what land management practices best serve the needs of Scotland's people and natural world in this century, and what changes can help us in the face of the nature and climate crises.

Those are the very questions with which the committee grappled as we considered the core aspects of the bill. I thank my fellow committee members, along with the witnesses, the stakeholders and the Parliament clerks who supported us during stage 1.

I make it clear at the outset that I and the Scottish Green Party fully support the measures in the bill and, for context, so do the majority of people in Scotland. Polling from Revive shows that the majority of Scots oppose the use of wildlife traps and muirburn for the purpose of increasing grouse numbers and that six in 10 are opposed to grouse shooting.

Events just this week, as have been mentioned, further underline how vital the legislation is. On Monday, Police Scotland announced that a young golden eagle—one of the success stories of the south of Scotland translocation programme—has been missing since 18 October, when it was last located in the Scottish Borders. The police statement said:

“officers believe the bird has come to harm and are treating its disappearance as suspicious.”

Barely 24 hours later, another police appeal was issued regarding the peregrine falcon that, as Jim Fairlie mentioned, was found dead in an illegally set pole trap just outside Edinburgh.

Our protected birds of prey are not safe under the current law. RSPB Scotland's latest “Birdcrime” report found that, in 2022, at least 64 per cent of the total incidents of raptor persecution across the UK were linked to land managed for pheasant, partridge and grouse shooting. That is the same evidential link that led the Scottish Government to consider legislative options in the previous session of Parliament.

The grouse moor licensing provisions in the bill will set basic requirements for sporting businesses to comply with, guided by a co-produced code of practice. That will ensure that the majority of businesses that currently follow the law can continue to operate above suspicion while raising the bar for those who persist in undertaking illegal management practices.

I am particularly pleased that the Government has committed to bringing forward additional provisions at stage 2 to extend the Scottish SPCA's powers and to fully banning snares. Although the committee could not reach a consensus view on the snare proposal, I am convinced by the overwhelming evidence that we heard from the Scottish Animal Welfare Commission and others that the very real harm that is caused by snares, whether they are of a traditional or more recent design, cannot be mitigated.

A ban is warranted on the weight of the animal welfare impact alone. An animal that is caught in a snare is injured and highly stressed, exposed to the elements and other predators and denied food and water. Snares are completely indiscriminate—a fox can be trapped, but so can species such as otters, and even pets, as we heard from my colleague Karen Adam, which is not the intention. Conservation organisations spoke about the alternative approaches that they employ to protect important bird species from predation. A ban on snares will be a mark of the high regard that this country has for its iconic wildlife.

Again, I am in full support of the minister's plans to extend the Scottish SPCA's powers. We heard in evidence on several occasions of scenarios in which an SSPCA officer who is called to attend an injured animal that has been caught in an illegally set trap cannot investigate or seize appropriate evidence of illegal activity because the animal has died by the time that they arrive. The SSPCA's current powers do not cover that type of situation, but the proposed extension of powers would allow evidence of wildlife crime in such circumstances to be gathered by inspectors. That change would expand our ability to bring more of those who perpetrate wildlife crimes to justice, and it would protect the reputations of businesses that abide by the law.

I will turn to other aspects of the bill in my remaining time. I agree with the proposals to require those setting wildlife traps to—

**Edward Mountain:** Will the member give way? You never give way.

**The Deputy Presiding Officer:** Could you resume your seat for a second, Ms Burgess?

Mr Mountain, that falls well outside the courtesy and respect requirements that are on all members throughout the course of their business in the chamber.

**Edward Mountain:** If I can comment, I apologise profusely if I have overstepped the mark. I would like to make an intervention.

**Ariane Burgess:** I will continue, as I am concerned about the time.

I agree with the proposals to require those setting wildlife traps to register with NatureScot, undergo training and display identification numbers on their traps.

Last but by no means least, the provision on licensing muirburn takes us a step further in responding to the climate emergency by protecting Scotland's peatlands and their vital role of locking up carbon emissions. We have heard debate about the extent of peatlands that should be included in the licence schemes—

**Finlay Carson:** Will the member take an intervention?

**Ariane Burgess:** We have heard debate about the extent of peatlands that should be included in the licence schemes—whether it should be a depth of 50cm, 40cm or 30cm—but many scientists recognise that all peat is peat and that all of it merits protection.

The proposals before us strike a balance in limiting what muirburn occurs and when, while allowing the Government to gather better data on why muirburn is practised, by whom and where.

I will take an intervention from Finlay Carson.

**Finlay Carson:** Thank you for giving way. Can you tell me whether we heard any evidence of peat being damaged under controlled muirburn conditions?

**The Deputy Presiding Officer:** Mr Carson, please speak through the chair. Ms Burgess, I can give you the time back for the intervention.

**Ariane Burgess:** Thank you. As I said, from my perspective, peat is peat, and we should be considering seriously whether we should be burning anywhere. I will seek further discussion with the minister at stage 2 on the proposed dates for the muirburn season to ensure that burning activity does not interfere with the bird nesting

season, which occurs earlier each year due to climate change.

The Parliament must legislate for the Scotland of the future—a future that will see us grappling with the consequences of the climate and nature crises. The bill gives the Government the tools that are needed to better protect Scotland's wildlife and ensure that peatlands are restored and our uplands are fit for the future. I am pleased to support the principles of the bill.

16:22

**Stephen Kerr (Central Scotland) (Con):** Ariane Burgess is quite wrong—we legislate for the Scotland of the present. We have to deal with the present realities, which is something that the members who are proposing and supporting the bill do not seem to have a grasp of.

I would love to have heard from Karen Adam what the British Pest Control Association said was a better way of controlling the rat population, which is exponentially increasing in our cities, particularly in hospitals and other sensitive places. I tried to intervene to ask her to tell us about that, but she did not accept.

**Karen Adam:** Will the member take an intervention?

**Stephen Kerr:** I would be delighted to hear what those better ways are.

**Karen Adam:** The member says that I did not say what would be a better solution. We know that there are alternatives, but perhaps it is because we are consistently using glue traps and not the alternatives that we cannot get a better bearing on that.

**Stephen Kerr:** I think that the *Official Report* will show that Karen Adam said that she had met the British Pest Control Association outside the committee and that it told her that there were better methods, even if they were slightly more expensive. That suggested that something very specific had been shared with Karen Adam, and it should be shared with the whole chamber.

I always enjoy listening to Kate Forbes—she is an excellent speaker in the chamber, whatever position she takes. However, she gave a very political speech and said very little about the areas of the bill that I am sure, in her heart of hearts, she knows are absolutely not what rural Scotland wants.

Likewise, Jim Fairlie gave a very clever speech. For Jim Fairlie especially, it was a wonderfully clever speech, which said absolutely nothing about the things in the bill that he will know that the people in his constituency who work the land do not want.

**Kate Forbes:** Will the member take an intervention?

**Stephen Kerr:** I will always give way to Kate Forbes.

**Kate Forbes:** That is very good of the member, because I appreciate that I did not let him intervene on me.

What I tried to say in my remarks—I will say it again—is that the licensing scheme cannot be onerous. If it is onerous and overly bureaucratic, we may not end up with the muirburn that we need. That is an example of an area that I would like to see some compromise on.

**Stephen Kerr:** That is welcome, but, of course, there are many other things in the bill.

**Jim Fairlie:** Will the member give way?

**Stephen Kerr:** Of course I will give way to Jim Fairlie, because I mentioned him and he is entitled to have his say.

**Jim Fairlie:** I thank Mr Kerr for taking an intervention. The point of my speech was to support the general principles of the bill. However, I talked about the fact that an awful lot of negotiation is to be done and that there are areas of the bill that will have to be looked at, but that will be done quietly and properly, and without the yah-boo politics that seem to be going on in here.

**Stephen Kerr:** Jim Fairlie is in favour of the principles of the bill, but then he says that a lot of it will need to be changed. If that is the case, he cannot be in favour of the principles of the bill and he would have to vote against it, but I am sure that that will not happen, because I have been around here for long enough to know that that is not how the SNP works.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I am not on the committee, and I have been listening with great interest to the debate. One thing that I picked up on from the report was about

“the tension between the ‘expert’ knowledge of scientists ... and ‘local’ knowledge held by practitioners based in the field”.

In my view, the comments that Jim Fairlie made were absolutely appropriate in that there has to be discussion and consideration given by all sides.

**Stephen Kerr:** Of course there does. However, if somebody says that they are in favour of the principles of the bill but then says that there will be a lot of compromising and discussion—a “lot” of it—that means that a lot of the bill is not what is needed by rural Scotland. The SNP members who represent rural constituencies know that very well.

**Alasdair Allan** rose—

**Stephen Kerr:** I am not sure that I will be allowed to take many more interventions—

**The Deputy Presiding Officer:** I will not be able to give you back all the time, Mr Kerr.

**Stephen Kerr:** —as much as I love a good and proper debate, which we occasionally have in the chamber.

The fact is that the bill shows, writ large, the blinkered and dogmatic thinking of this Green-led SNP Government—because that is what it is. It reveals a Government that is unwilling to listen. We heard the story about how stakeholders came to my friend the convener’s committee—the Rural Affairs and Islands Committee—and gave their evidence. Less than 24 hours later, without that evidence ever being considered, everything was overturned.

**Gillian Martin:** Will the member take an intervention?

**Stephen Kerr:** I would love to. Can I?

**The Deputy Presiding Officer:** It is up to you, Mr Kerr. I can give you some of the time back, but I cannot give you all the time.

**Gillian Martin:** Mr Kerr will be forgiven for not realising, because he is not on the committee, that the committee asked me to make a decision on snaring when I gave evidence the week before. I committed to giving the committee that decision, which happened the day after the stakeholders gave evidence on snaring. It was the committee that asked for that decision.

**Stephen Kerr:** I was advised that the minister would say exactly that. The reality is that there were many other issues that the minister was asked to come back to the committee on for which she did not abide by its timetable. She could easily have said to the convener—who is one of the most reasonable people in Parliament, by the way—that she wanted more time to consider the evidence that had been presented the day before in the committee. [*Interruption.*]

**The Deputy Presiding Officer:** Minister!

**Stephen Kerr:** This is a Government that is driven less by pragmatism—in fact, it is driven not at all by pragmatism but completely by ideology. It shows itself again today as caring nothing for the views of people who live and work in rural Scotland. I think that the SNP members opposite me know that in their heart of hearts. The Government is in thrall to that ideology, and it is dangerous.

Muirburn is an essential part of managing the countryside, but the SNP-Green Government’s proposals, which aim to protect Scotland’s peatlands, are a perfect showcase of how



prioritising optics over expertise leads to dangerous legislation.

The idea that somebody in Edinburgh knows better than people who have been stewards of our land for generations is downright offensive. Curiosity and rigorous fact finding before making decisions used to be a prerequisite for entering public service, but the SNP-Green Government is different. It will sit on any back bencher who dares to ask difficult questions and to be curious, but it rewards blind loyalty. If members on the Government benches continue to refuse to heed the warnings and insights of those who truly understand the matters that are before the Parliament in the bill, all of Scotland will suffer the consequences.

The bill, like many others pushed by the SNP-Green Government, falls shockingly short in substance and, at the same time, overreaches itself. In fact, it significantly elevates the risk of wildfires, a point that was made by the Scottish Fire and Rescue Service, which has warned that restricting muirburn locations could leave a larger fuel load unmanaged and heighten the risk of devastating wildfires that could harm peatlands.

I have taken a lot of interventions, and the Presiding Officer has been very generous with me. I would have liked to mention many other things, such as licensing and the idea—which I do not support—that we need to extend the SSPCA's powers. There are many other issues, but the bottom line of my appeal to members on the Government side of the chamber is that, when we come to decision time, they vote according to what they know is right for their constituencies and not what they have been told by a chief whip.

16:30

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** As other members have pointed out, the bill deals with very disparate subjects, but its title attempts to deal with that fact honestly. No such bill will please every interest group but, in this case, it does what it says on the legislative tin.

More importantly, it is a genuine attempt to address several real concerns around animal welfare and biodiversity, while balancing those needs against the genuine interests of those who work in the countryside, pest control and other areas of the economy.

With that in mind, as a member of the Rural Affairs and Islands Committee, I am happy to support the general principles of the bill and to recommend it to Parliament for further consideration. Incidentally, there is no contradiction between supporting the general principles of a bill and recommending it for further consideration.

I thank other members of the committee, the committee clerks and the many individuals and organisations who have provided us with evidence, both in person and in writing. Collectively, they have allowed the committee to produce the stage 1 report that we are debating today.

In the time that is available to me, I will not get round every aspect of the bill, but a substantial part of its scope deals with wildlife crime and, in particular, the issue of raptor persecution, as the minister mentioned. Raptor persecution is, by its nature, a crime that is largely committed without human witnesses. We received significant evidence that, as a consequence, the criminal standard of evidence that currently applies in raptor persecution cases is proving hard—indeed, perhaps virtually impossible—to meet. That is true even in situations where significant concerns exist about activities on a particular landholding.

In contrast to the rather fevered contribution that we heard from Mr Mundell, RSPB Scotland's evidence pointed to

“an overwhelming weight of peer-reviewed science, innumerable police investigations and a considerable amount of witness evidence proving that crimes against raptors are inextricably linked to grouse moor management.”

The organisation highlighted a May 2023 study that analysed data from more than 140 satellite-tagged hen harriers. According to RSPB Scotland, the study revealed

“very low survival rates”

and showed that

“mortality hazards due to illegal killing were higher for birds using upland areas managed for grouse shooting.”

The committee heard significant evidence that, although the vast majority of land managers—including the vast majority of grouse moor managers—are working within the law, a licensing scheme around grouse moor estates is a proportionate response to ensure that raptor persecution, where it happens, is being tackled.

As I said, in the time that is available to me, I will not speak about everything in the bill. I am sure that other members will speak about snaring and other issues. However, I will briefly mention muirburn, which is one of the other major subjects of this bill.

The committee heard evidence from a variety of sectors, including crofting, which is relevant to my area. The Scottish Crofting Federation raised questions about how any new regulation would be designed and implemented with crofting in mind, as well as estates. Whatever system we use, it will need clarity around the responsibility for applications for muirburn on common grazings and

how that might impact liability. I am sure that we will return to those issues.

On another completely different subject, one of the more unlikely questions about the bill that the committee took evidence on was, as other members have alluded to, the trapping of mice and rats, and how welfare concerns can be reconciled with legitimate pest control practices, not least in the health and hospitality sectors. It is undeniable that glue traps pose significant animal welfare concerns. Their indiscriminate nature means that, as well as rodents, unintended targets can be trapped, such as small birds or other animals. The committee heard evidence of the inappropriate use of such traps by members of the public. There is a general agreement that glue traps should not be available for the general public to purchase.

The committee also heard from the pest control industry about its preference for a licensing scheme to permit the continued use of glue traps in high-risk settings where, as others have alluded to, it may be difficult to find alternative solutions. Although the Scottish Animal Welfare Commission told the committee that a couple more years should bring better solutions for those settings, it has recommended a fallback option of a fixed term—a maximum of three years—of very strict licensing schemes for pest controllers while those alternatives are being investigated.

That is, incidentally, one area of the bill where it will be interesting to see whether the United Kingdom Internal Market Act 2020 imposes constraints on the ability of this Parliament's legislation to have practical effect. I appreciate that I have made this point before, but it is somewhat incredible that this place, which some members have disputatiously claimed to be the most powerful devolved Parliament in the world, should require the blessing of the UK Government before it can effectively change the law on rat traps—but there you go.

As the committee report indicates, there are questions to which Parliament will have to return with further scrutiny and debate. I point out, for those who do not seem to understand it, that that is what happens at stage 2 of legislation. In the meantime, I am happy to support the general principles of the bill and recommend it to Parliament for further consideration.

**The Deputy Presiding Officer:** We move to the closing speeches. I advise members that the time that we had in hand has now been pretty much exhausted, so I will require members to stick to their time allocations. I call Sarah Boyack, who has up to six minutes.

16:36

**Sarah Boyack (Lothian) (Lab):** I thank everyone on the committee, and the clerks and all those who gave evidence on the Wildlife Management and Muirburn (Scotland) Bill, because it is clearly a set of legislative proposals that has generated responses with a wide range of views. It is also clear from reading the committee report that much more still needs to be done on the topics that the bill addresses. Essentially, the bill is unfinished, and the committee and Parliament will have to do a lot more work to make sure that it delivers on the ambitions that were set out by the minister in her opening remarks.

It is rare not just to see detailed submissions from such a raft of stakeholders but for the committee's recommendations to identify a range of areas where more work needs to be done before the bill is finalised. Today has been very useful in highlighting those debates. Humane wildlife control and land management that enables rural businesses to be successful while supporting biodiversity are vital principles, but we also need to join up some of the other debates that we are having in the chamber and address the challenge that is posed by climate change and extreme weather. That means a more joined-up approach not just in policy terms but in action, to ensure that the management of our land is sustainable, whether it is dealing with increased incidence of flooding or the impact of droughts, which lead to more and more fires across land when it dries out or is degraded. Kate Forbes's comments were quite important in highlighting that.

What I take away is that we need to involve and support land managers in managing moorlands and peatlands. That is critical if we are to support rural jobs and livelihoods, but it is also important for safety, and the long-standing contribution that we can make in relation to climate change. There is also a key issue in relation to resources, which I will come back to.

On the key aspects of the bill, Scottish Labour very much supports the principles of humane wildlife control and biodiversity and the proposals to ban glue traps, tackle raptor persecution and ban traditional snares. The committee received powerful evidence from animal welfare groups and nature conservation organisations on the need for legislation. Alasdair Allan made important points about the peer-reviewed evidence that was highlighted by RSPB Scotland. There is a key issue about not only considering existing evidence but collecting more evidence as the legislation is implemented, and as the licensing regimes are developed and implemented, because a lot more work needs to be done to make those ambitions successful.

That goes back to the point that I made about a joined-up approach to working with land managers and farmers to ensure that the implementation of the bill works. The recommendations from the grouse moor management group and the research by the national wildlife crime unit and RSPB Scotland all need to feed into the bill so that there is a pragmatic approach to the licensing that is being suggested and to ensure that that is managed as it is introduced.

It is clear from looking at the evidence that there is a major challenge in resourcing the bill's implementation. Our police are already under huge financial pressures, so it is important that there are resources for new obligations that follow from the bill, whether for the police or NatureScot. An issue to pick up is that, although we can see merit in giving additional powers of investigation to SSPCA officers, Scottish Labour believes that, having looked at the evidence, the police have to retain primacy over wildlife crime investigations. There were concerns raised by legal stakeholders that need to be addressed. The new obligations will require more investment and additional training, with protocols being developed that are transparent and do not undermine our criminal justice system.

There have been quite a few discussions this afternoon about the licensing schemes that are being proposed. They need to be implemented successfully, and it is important that they do not create unintended consequences. Again, they must be designed effectively.

**Rachael Hamilton:** As the bill stands, NatureScot requires nothing more than an accusation of crime to suspend a licence, and that will affect jobs and livelihoods. Does the member agree that it could also contravene article 6 of the European convention on human rights?

**Sarah Boyack:** We need to look at the evidence. There is clear evidence of wrongdoing out there, which must be challenged. Standards must be raised, but there needs to be proper and effective enforcement. The points that were made about not doing annual licensing rounds and making licences longer are the kind of details that came out in the committee evidence, and that is important. There is a lot of work to be done by the Scottish Government to ensure that, by the time we get the bill through stage 2 and into stage 3, it has been effectively amended so that it will cover the areas of uncertainty that have been highlighted by the committee.

The points that Rhoda Grant made about muirburn must be considered, because we need the new regime to be effective. It requires a joined-up approach with stakeholders—the Scottish Fire and Rescue Service, land managers and NatureScot—because we critically need well-

managed moorlands and peatlands that not only support biodiversity but support rural jobs. That is the discussion that has been had in the chamber today, and it needs to keep going into the committee.

We may not get unanimous agreement on the bill, but we need to use stage 2 to improve it so that we have monitoring and reviewing of the licensing regimes. There is a commitment from ministers on that to ensure that the regimes are proportionate. To address the points that Colin Smyth made, I note that the regimes are really important because they will make a difference in our communities. They will improve biodiversity, improve wildlife and stop the abuse of wildlife that we currently see. It is critical that those who implement the new regimes have the staff and resources to make them effective.

Scottish Labour will support the bill this afternoon. However, we have been listening to the comments that have been made by a range of stakeholders.

**The Deputy Presiding Officer:** You need to conclude.

**Sarah Boyack:** We support the bill's ambitions but, in crafting amendments and thinking through how the bill will be implemented, we must listen to the evidence that has been given to the committee and that has been discussed and flagged up in the chamber today.

16:43

**Edward Mountain (Highlands and Islands) (Con):** I reiterate my apology for my intemperate intervention on Ariane Burgess. I will, of course, be prepared to give way to her if she wants to interrupt or make an intervention during my speech.

I declare that I have no registered interest in the moorland and muirburn aspects of the bill. However, I want to make it clear that I have an interest in what the bill aims to do, especially in relation to trapping.

For many years—probably more than 40—I have been involved in upland management. I have learned that achieving a balance is what is best for the environment. No one wants a desert, and that is often the consequence of overmanagement or undermanagement.

I will admit to getting blood on my hands from controlling and fighting moorland fires, culling deer, creating and defending habitats, and protecting lambs and ground-nesting birds from predation. I have got dirt under my fingernails and I have been covered in soot. I am proud of what I have done and what I have achieved, and I am

proud of what I have achieved and led others to do.

Some of that might seem unacceptable to those who seek to make changes to the way we manage our countryside, but those are the people who have often become instant experts by reading biased briefings. Their hands are dirty from the ink on the paper of those briefings, and the blood that they have shed is from the paper cuts that they have got from turning the pages, not from working in the countryside. They have never spent freezing cold, wet nights out, waiting for foxes that steal their lambs, or spent days fighting fires. That is why people in the countryside feel ignored and marginalised.

Let me be clear: managing wildlife is gruelling hard work, and it requires the striking of a balance between giving life and ending life. People in the countryside know that and accept it. I am somewhat disappointed by the arguments that I have heard during the evidence sessions, which have often been ill informed and based on arguments put forward by single-issue pressure groups that do not promote balance.

I turn to the points that have been raised in the debate. I do not believe that the minister is right in her belief that grouse moor licensing will prevent illegal raptor persecution. I believe that illegal raptor persecution is a scourge, and I have always said that. I do not think that licensing will make a difference, but I think that, because of the way in which the bill is being forced through, it will come. If the minister is to make that law—

**Kate Forbes:** I ask this question in all sincerity. What would the member suggest to the Government that it could consider as a way of ending raptor persecution?

**Edward Mountain:** I think that a huge amount has been done. On raptor persecution, which I will cover separately, the fact that there were only six incidents last year shows the huge decline that there has been. In my opinion, the fines should be increased and there should be increased policing.

To return to grouse moor licensing, I believe that the minister needs to consider making the length of a licence much longer. I think that five years should be the minimum period. A huge amount of investment is required in the countryside. In addition, I personally do not like the idea of NatureScot being judge, jury and executioner. What I have seen of NatureScot in the past indicates to me that it is not always fair, and those who fall under its clutches and are met with disapproval often do not feel that they have been treated fairly. I would be more convinced about supporting a form of licensing if I believed that NatureScot would be taken out of the equation, but I do not believe that I can be convinced,

because I do not believe that NatureScot is an honest broker.

**Rhoda Grant:** I am interested in what the member is saying. Who should be in charge of the licensing regime if not NatureScot?

**Edward Mountain:** As we know from the European courts, it is never considered a good thing to have one person responsible for issuing a licence, for regulating it and for prosecuting those who do not follow the licensing regime. I think that we need to find a new body. I do not know what the answer is.

Let me turn to raptor persecution. I believe that we will hear—indeed, many will have heard—the RSPB saying that the six birds of prey offences that were recorded in 2023 were the tip of the iceberg. They perhaps were the tip of the iceberg, and they were unacceptable, but I know from freedom of information requests that I have made to NatureScot that, in 2021, 11 birds of prey were chopped up by wind turbines, and they were the tip of the iceberg. Those birds included two golden eagles and a white-tailed sea eagle. That is unacceptable, in the same way as it is unacceptable that people persecute raptors. Oliver Mundell was right to bring up that issue.

When it comes to muirburn, I am probably one of the few people—I will take an intervention from anyone who wants to make one—who has done a considerable amount of muirburn. There are 25 pages in the muirburn code, and I think that I know them pretty well. It is a pretty good code. In fact, I have gone to arbitration over the muirburn code with NatureScot, and I won, because NatureScot did not understand it as well as I did. Abiding by the muirburn code is the right thing to do. There is no doubt in my mind that burning bits of heather that are on short peat—that is, small peat—is probably the wrong thing to do, because it is probably on higher ground.

I am conscious that I am running out of time, but I want to mention snaring before I close. I have not heard of a logical alternative to snaring. I am clear that placing live traps around the countryside does not really work. I believe that snaring works and that, if the snares are operated correctly and within the law, they should not cause suffering. I heard Karen Adam's comment and am deeply disturbed to know that that happened. My response is that, if that had been a legal snare and had been operated within the guidance and rules that people are trained to use, that could not have happened, so someone must have done something wrong.

I believe that the argument for banning glue traps is a bad one but that the argument for banning their use by the public is a good one. Therefore, I would like to see regulation to allow professionals to use those traps. I do not accept

the Government's view that it cannot do that for the simple reason that it has done so with snaring, where there are rules and people must pass a course to be allowed to snare.

I cannot support the bill, and neither could the committee, but I know that it will be forced through by a majority of urban MSPs who have the best of intentions but have never faced some of the issues that we are discussing. Muirburn is a vital tool in our armoury to prevent wildfires, but there ain't much heather round Edinburgh and Glasgow. Snaring might seem cruel, but is it more cruel than letting a fox or badger eat the rear end of a sheep that is in the process of lambing? Is chopping up birds of prey with wind turbines as unacceptable as poisoning and shooting them? I believe that it is.

Therefore, I cannot support the bill, because I do not believe that it supports the countryside and environment that this Parliament should support.

**The Deputy Presiding Officer:** I call the minister to wind up the debate.

16:51

**Gillian Martin:** In closing the debate, I thank all the stakeholders who have engaged with me and who have contributed to the development of the bill by giving evidence. I also thank the members who have spoken in the debate. We have heard varied contributions. I enjoyed some more than others, but I will reflect on all the points that have been made.

The convener mentioned dispensation for pest controllers to use glue traps, but that is inherently problematic. I have looked into that and there is no actual accreditation. Other countries have banned glue traps: Wales did so recently, and other countries banned them years ago. I point to the example of New Zealand, which had a licensing scheme in place but never actually awarded any licences. A report that was written by pest controllers said that they had moved on from using glue traps and have not really missed them.

The convener also mentioned the suspension of licences following vexatious complaints. I have said to the committee that I will consider the relevant wording in the bill and decide whether clarity is needed regarding what an official investigation would mean. However, it is not true to say, as Rachael Hamilton did, that a licence will be suspended on the basis of an accusation. That is not true in any sphere of law. Evidence and an investigation are needed. What she said is not true and that kind of rhetoric is deeply worrying.

**Rachael Hamilton:** Will the minister accept an intervention?

**Gillian Martin:** I will, because I mentioned the member.

**Rachael Hamilton:** There are two standards of proof in Scotland: the civil and criminal burdens of proof. It is categorically correct to say that the bill introduces a power to punish without proof.

**Gillian Martin:** I whole-heartedly disagree with that. NatureScot will look at every case on its merits, working closely with Police Scotland and reacting in line with the seriousness of the potential breach of the licensing conditions.

I will move on to speak about some other contributions. Rachael Hamilton spoke about the evidence that the committee took, but did not, in answering my intervention, recognise that the committee was privileged to have Professor Werrity's team come to talk about the benefits of a licensing scheme.

Alasdair Allan's intervention was spot on: no one is saying that all grouse moors play host to illegal activity—far from it. I hope that I have made it clear that I know that there are estates in Scotland that do a great deal of excellent work to improve biodiversity. I have spoken on many occasions about the contribution that they make to rural life, tourism and local economies.

Ms Hamilton mentioned the human rights implications. Any ECHR implications have been carefully considered and we have been informed by the need to strike a balance between the rights of individuals and the general public interest, as always. I also point out that the Presiding Officer has ruled that the bill is ECHR-compliant.

I will move on to Rhoda Grant's speech. I was pleased to hear of Labour's support for the bill. Members will have seen that I raised a smile when Claudia Beamish was mentioned. I genuinely wish that she was with us in the chamber today, because she has long been a passionate campaigner for the measures that the bill proposes. I wish her well. Claudia was one of my friends in the previous session of Parliament and we worked together very well on the Environment, Climate Change and Land Reform Committee.

Rhoda Grant talked about following the science on muirburn—the muirburn season, in particular. I am following the science on that; it is something that I am actively considering. Ariane Burgess, too, mentioned the timing of the muirburn season, which is important because climate change means that the birds' nesting seasons could be changing. I am actively looking at that.

Beatrice Wishart mentioned the importance of licensing schemes being proportionate and workable. I have taken on board—very much so—the suggestion of a longer licensing duration. Of course, the duration of the suspension of licensing

will depend on decisions that we make about licence duration and a range of other factors around duration of investigations. I will work closely with NatureScot and the police wildlife crime unit on that.

I absolutely hear what was said about glue-trap alternatives. There is flexibility in relation to commencement in that regard, because the bill specifies no date and no duration. However, I draw Ms Wishart's attention to what happened in New Zealand, which I have already mentioned.

Karen Adam talked about the sustainability of grouse shooting and its positive contribution to the natural environment when it is managed well. I absolutely agree with her, but I go back to my point that I believe that licensing will be a good thing for the whole sector.

**Finlay Carson:** A crucial element that we really want to hear about is whether the minister will give serious consideration to bringing in proper legal safeguards against vexatious or third-party claims, which could result in a licence being suspended and, on the back of that, job losses and income losses.

**Gillian Martin:** I refer Mr Carson to the comments that I made on that when I was in front of the committee. That will be taken into consideration when the licensing scheme is developed. NatureScot will work with the Police Scotland wildlife crime unit on that. Vexatious allegations happen in every area of justice. It is for the police to determine whether something is without foundation and is vexatious.

**Finlay Carson:** Will the minister take an intervention on that point?

**Gillian Martin:** I need to move on.

Karen Adam mentioned other species that snares can catch unintentionally. The situation that her cat was put in was horrible. My parents have had such experiences as well, with their cats. However, it is not just about cats: other protected species are caught in the traps, including badgers, as is mentioned in written evidence that has been provided.

I do not want to dwell too much on Oliver Mundell's speech—not least because I felt that it was personally attacking in a way that I found unpalatable in a parliamentarian. I reject his comments about the central belt. I am not from the central belt; I am a rural MSP. I have given stakeholders time to put forward a proposal on humane cable restraints. I say on the record again that ample time was given to those who wanted to propose a licensing scheme for humane cable restraints. Unfortunately, when it came in front of me, I did not feel that it answered significant questions about what were being proposed as the

conditions of that licensing scheme. It did not meet the standard that I would have expected, given some of the arguments around banning them.

On the argument that I have not listened to evidence and that I have made a snap decision, I have to say, "My goodness—can't you do better than that?" For goodness' sake—I had people talk to me about humane cable restraints. Since the moment when I took on the environment portfolio, I have listened to all the evidence, I have looked at all the evidence and I have met stakeholders over a period of months.

Rightly, Kate Forbes mentioned wildfires. In her portfolio question to me yesterday, she mentioned the gamekeepers who stopped the fires at Cannich. In response, I mentioned that, when dealing with an emergency situation such as that, people would not have to have a licence for muirburn in order to put firebreaks in place.

I am glad that Colin Smyth spoke today, because his interest in the subject is long standing. He said what a lot of people have said to me: licensing should not worry anyone who is law abiding. As, I think, he said—businesses have nothing to fear.

I remember his members' business debate on snaring, back in 2017.

**The Deputy Presiding Officer:** You need to conclude, minister.

**Gillian Martin:** Colin Smyth criticised the Government for hesitating, but I hope that he understands why we needed to take robust evidence. Who should members believe—Mr Mundell, who says that I made a snap decision, or Colin Smyth, who says that we are dilly-dallying?

I will wind up now. I thank everyone for their contributions and I apologise to those whom I have not had time to mention.

**Rachael Hamilton:** On a point of order, Presiding Officer. The minister has been disingenuous with regard to her consideration of the evidence that was given on humane cable restraints on 8 and 9 November. The freedom of information response specifically states that she did not consider that evidence. That is what my colleague Oliver Mundell stated in his contribution today.

**The Deputy Presiding Officer:** That is not a point of order, but it is now on the record.

That concludes the debate on the Wildlife Management and Muirburn (Scotland) Bill at stage 1.

## Wildlife Management and Muirburn (Scotland) Bill: Financial Resolution

17:01

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is consideration of motion S6M-11498, in the name of Gillian Martin, on a financial resolution for the Wildlife Management and Muirburn (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Wildlife Management and Muirburn (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—  
[*Gillian Martin*]

**The Deputy Presiding Officer:** The question on the motion will be put at decision time.

## Decision Time

17:01

**The Deputy Presiding Officer (Liam McArthur):** There are two questions to be put as a result of today's business.

The first question is, that motion S6M-11496, in the name of Gillian Martin, on the Wildlife Management and Muirburn (Scotland) Bill at stage 1, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

There will be a short suspension to allow members to access the digital voting platform.

17:02

*Meeting suspended.*

17:04

*On resuming—*

**The Deputy Presiding Officer:** We come to the vote on motion S6M-11496, in the name of Gillian Martin, on the Wildlife Management and Muirburn (Scotland) Bill at stage 1. Members should cast their votes now.

The vote is closed.

**James Dornan (Glasgow Cathcart) (SNP):** On a point of order, Presiding Officer. I was unable to connect. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Dornan. I will ensure that that is recorded.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** On a point of order, Presiding Officer. I could not connect. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Beattie. I will ensure that that is recorded.

**Alex Rowley (Mid Scotland and Fife) (Lab):** On a point of order, Presiding Officer. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Rowley. I will ensure that that is recorded.

**For**

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)  
Baillie, Jackie (Dumbarton) (Lab)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Boyack, Sarah (Lothian) (Lab)  
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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dorman, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 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)

Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (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)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (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)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 82, Against 32, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees to the general principles of the Wildlife Management and Muirburn (Scotland) Bill.

**The Deputy Presiding Officer:** The final question is, that motion S6M-11498, in the name of Gillian Martin, on the financial resolution to the Wildlife Management and Muirburn (Scotland) Bill, be agreed to.

### *Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Wildlife Management and Muirburn (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.

**The Deputy Presiding Officer:** That concludes decision time.

*Meeting closed at 17:07.*



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