



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Net Zero, Energy and Transport Committee

Tuesday 19 March 2024

Session 6



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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
AUTOMATED VEHICLES BILL	2
SCOTLAND'S RAILWAYS.....	18
SUBORDINATE LEGISLATION.....	68
Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2024 (SSI 2024/192).....	68

NET ZERO, ENERGY AND TRANSPORT COMMITTEE

11th Meeting 2024, Session 6

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

COMMITTEE MEMBERS

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

*Jackie Dunbar (Aberdeen Donside) (SNP)

*Monica Lennon (Central Scotland) (Lab)

*Douglas Lumsden (North East Scotland) (Con)

*Mark Ruskell (Mid Scotland and Fife) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kathryn Darbandi (Caledonian Sleeper Ltd)

George Henry (Transport Scotland)

Alex Hynes (Scotland's Railway)

Fiona Hyslop (Cabinet Secretary for Transport)

Joanne Maguire (ScotRail Trains Ltd)

Liz McLeod (Office of Rail and Road)

Robert Samson (Transport Focus)

Liam Sumpter (Network Rail Scotland)

Liana Waclawski (Scottish Government)

Jim Wilson (Scottish Government)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Net Zero, Energy and Transport Committee

Tuesday 19 March 2024

[The Convener opened the meeting at 09:01]

Decision on Taking Business in Private

The Convener (Edward Mountain): Good morning, and welcome to the 11th meeting in 2024 of the Net Zero, Energy and Transport Committee. The first item on the agenda is consideration of whether to take items 5, 6 and 7 in private. Item 5 is consideration of the evidence that we will hear today on the United Kingdom Automated Vehicles Bill; item 6 is to consider the evidence that we will hear today on Scotland's railways; and item 7 is to consider correspondence relating to the appointments to the Scottish Land Commission. Do we agree to take those items in private?

Members indicated agreement.

Automated Vehicles Bill

09:01

The Convener: Our next item of business is an evidence session with the Scottish Government on the UK Automated Vehicles Bill.

The bill implements the recommendations of a joint report by the Law Commission of England and Wales and the Scottish Law Commission on the regulation of automated vehicles. On 20 December, the Scottish Government lodged a legislative consent memorandum that reserved its position on whether the Scottish Parliament's consent should be given. On 29 February, a supplementary memorandum was lodged, which recommended consent to all the provisions outlined in the LCM, other than clause 50. I note for the record that there seems to be a difference of view between the Scottish and UK Governments about whether certain clauses require legislative consent and that clause 50 is one of those.

Our committee has been designated lead committee for scrutiny of the LCM. In the limited time that is available to report, we are having this one evidence session with the Scottish Government. We have also had written evidence from the Confederation of Passenger Transport.

I am pleased to welcome Fiona Hyslop, the Cabinet secretary for Transport. She is joined today by Liana Waclawski, a Scottish Government lawyer; Jim Wilson, the licensing team leader for the Scottish Government; Oi Hang Chu, the UK bill and legislative consent manager for Transport Scotland; and George Henry, the operational manager for road safety policy and education for Transport Scotland. Thank you all for joining us today.

Cabinet secretary, I will give you the opportunity to make a brief opening statement.

Fiona Hyslop (Cabinet Secretary for Transport): Thank you for inviting me to discuss the LCM and supplementary LCM for the UK Government's Automated Vehicles Bill.

The bill implements the recommendations of a four-year review of regulation of automated vehicles that was carried out jointly by the Law Commission of England and Wales and the Scottish Law Commission. The bill prescribes a new framework for the safe deployment of self-driving vehicles in Great Britain.

Autonomous vehicles represent a vital part of mobility of the future, and the focus on public safety is required to support that. I welcome the necessary legislative framework, albeit that there is concern over some clauses. The late

engagement by the UK Government on the bill has also been challenging, given the complexity, novelty and technical nature of the bill. The Scottish Government considers that a number of provisions engage the LCM process.

Clause 40 will require Scottish ministers to provide the Secretary of State with reports from police and local authorities. That is in line with our current policy on sharing safety information with partner agencies to allow us all to learn from incidents. Therefore, we recommend consent.

Clauses 46 to 51 establish the legal liability of the “user in charge”, who is a person in a position to exercise control of a vehicle that is being operated by an authorised automated function. The Scottish Government is in disagreement with the UK Government, as we consider those clauses to relate to devolved matters. Our view is that determining the liability of a user in charge, or any other person, for devolved offences involving the use of a vehicle would be within the legislative competence of the Scottish Parliament. However, we agree with the policy position of the user-in-charge provisions and recommend consent to clauses 46 to 49 and clause 51 only.

Clause 50 provides the Secretary of State with the power to change or clarify existing legislation, including acts of the Scottish Parliament, without a mechanism to get consent from or consult the Scottish Ministers or Scottish Parliament, so we do not recommend consent on clause 50.

Clauses 82 to 90, excluding clause 86, provide new powers for Scottish ministers in relation to a system of interim passenger permits over the use of automated vehicles within the private hire and taxi regulatory regime. Those clauses are an appropriate approach that reflect the devolved nature of private hire and taxi licensing and, therefore, we recommend legislative consent.

I conclude by saying that extensive engagement has been taken forward by officials with the UK Government’s Department for Transport, the Crown Office and Procurator Fiscal Service and Police Scotland. That ensured that we were provided with the expert advice to allow us to consider and take an informed view on the policy intent of the bill.

The Convener: Thanks, minister. Committee members have some questions, the first of which will come from Mark Ruskell.

Mark Ruskell (Mid Scotland and Fife) (Green): Good morning, and thanks for that explanation.

I want to ask about clause 50. My understanding is that there might be certain traffic regulations that the UK Secretary of State for Transport could choose to amend. Could you go into a bit more

detail about what the scope of that power might be and what your concerns are, specifically around the nature of those regulations and the changes that may or may not happen in Scotland as a result?

Fiona Hyslop: I ask you to bear with me as I explain the position. I might bring colleagues in, too, as the issue is fairly complex.

Clause 50 contains a broad power for the Secretary of State to change or clarify the application of existing relevant legislation, including acts of the Scottish Parliament, to a user in charge, and states that that legislation is relevant if it relates to the driving or use of a vehicle. The UK Government maintains that those provisions are reserved because they relate to the subject matter of the Road Traffic Act 1988, which is reserved under the Scotland Act 1998, in so far as it is concerned with the use of vehicles on roads. The UK Government acknowledges that the provisions will apply to devolved dynamic driving offences but considers that impacts on devolved matters are incidental to that reserved matter. In the most recent letter—as you can appreciate, there has been correspondence back and forwards between us and the UK Government—dated 13 March 2024 from the UK Government, this has been summarised as the reserved policy on use of automated vehicles on roads.

The Scottish Government considers that that takes too broad a view of the reservation. Any and all regulation of the use of conventional vehicles is not reserved. For example, traffic regulation under the Road Traffic Regulation Act 1984 is not reserved. Therefore, any and all regulation of the use of automated vehicles is not a reserved matter. Our view is that the provisions in the Road Traffic Act 1988 that are quoted by the UK Government in relation to the construction and use of vehicles are connected with the regulation of minimum standards for the safe use of vehicles. That is why part 1 deals with the regulatory regime.

I will conclude on this point. The provisions of this user-in-charge immunity, which is dealt with in clauses 46 to 51, do not appear to relate to the regulation of minimum standards for the safe use of vehicles. Instead, the Scottish Government’s view is that the primary purpose of those provisions is to clarify liability for traffic offences. In the case of clause 50, that is civil penalty contraventions of persons in an equivalent position to the driver of a conventional vehicle. Accordingly, modifying offences to remove or clarify liability, which clause 50 gives powers to the UK Government to do in reserved and devolved areas, cannot be incidental. Rather, it appears to be the primary reason why those provisions are being made. Some examples of what would be in

the legislative competence of the Scottish Parliament include issues in relation to civil penalties, but also bus-lane issues, things that are to do with offences under devolved legislation and offences that would be part of devolved areas. Those are the areas that the provision would allow the UK Government to legislate on or to make provision for in the future in relation to the user-in-charge immunity.

I know that that is quite complex and I apologise to colleagues if I have not quite got that right—they can correct me if that is the case—but that is the explanation of what the difference of opinion is. We think that it is a genuine issue of concern. I know that the committee stage of the bill is taking place today, and that is one of the issues that is being debated there, as well.

Mark Ruskell: I am just wondering whether there is any more detail or any more examples that you can give. Is there a potential for divergence in the way that that liability is treated across the UK? There is a point of principle here, which is that the Scottish Parliament needs to be able to decide on this, but I am just wondering whether there are any practical issues that may arise in relation to that liability regime.

Fiona Hyslop: My colleagues can give any examples of practical issues that they want to mention, but I will say that this is a framework bill. There is a desire to have a consistent approach across the UK for what is a new policy area for automated vehicles. We agree with that approach, which makes sense. However, when it applies to devolved areas that is where we think that there needs to be, at the very least, consultation of Scottish ministers about issues that may impact on us. Of course, the user-in-charge immunity is a brand-new concept, but the issue about what can happen to the vehicle in respect of devolved areas is similar to what might happen in respect of a vehicle if it had been driven by a human being. Therefore, it is the consequences of that and the penalties or the civil offences that are at issue. I will ask colleagues—

The Convener: I ask you to help me, as this issue seems quite abstract. I am still trying to get round the fact that I will get into a car and there will be no driver and I will put my life in the hands of a computer, which I have some fears about—although people may say that about my driving anyway. What I am trying to work out is what an example of an offence would be. If one of your officials could give a real-life example that I can understand, it would probably make things less abstract for me.

Fiona Hyslop: I was about to bring in George Henry, who will, I hope, help to illustrate what this could mean in practice, which might bring it to life. I know that, conceptually, this might be quite a

challenging area, but we do need to move with the times, convener, and there are already automated vehicles in use, so we need the framework legislation, but we also need to set it out in a sensible way and anticipate what the implications will be.

George Henry (Transport Scotland): This will include various devolved legislation in the criminal sphere in relation to dynamic driving offences such as contraventions to traffic orders under the Road Traffic Regulation Act 1984. Speed limits could be one of them, as well as other examples, including low-emission zones as well as parking and bus-lane contraventions. If the user in charge in the vehicle is travelling along a road and the speed limit is different, they could end up having a speeding offence that is attached to them when they have not been in charge of the vehicle. Again, that relates to devolved powers that sit within the Scottish Parliament.

The Convener: Just help me. The user in charge is muggins—me—driving the vehicle, and, if I park in a bus lane or I enter an LEZ, I will have committed an offence. However, if it is an automated vehicle, I am not in charge of the vehicle, so the responsibility lies with somebody else. Is that what you are saying?

George Henry: Yes—responsibility will lie with the manufacturer.

The Convener: What I do not understand is why there is any difference or why there is a difficulty here.

09:15

Fiona Hyslop: We agree with you, because we think that, conceptually, it is the same thing, whether the act involves you as an individual or the automated vehicle. However, the UK Government is saying that there is a difference and that, because there is an automated driver, the offence does not apply in the same way. You are right; that is why we agree with you that—

The Convener: No, I understand that if you have one vehicle that is designed to be used across the United Kingdom and it an offence is committed because of some fault in the software, the responsibility cannot lie with the person who is nominally in charge of the vehicle but not driving it at the time.

Fiona Hyslop: Yes, that is correct, because the problem would be with the vehicle and the manufacturer of the vehicle. The issue with clause 50 is about changes to devolved legislation. It would give the UK Government powers over speeding or other aspects that would be offences.

The Convener: Did the 1988 act anticipate automated vehicles?

Fiona Hyslop: That is the problem. I suspect that it did not. Therefore, this is retrospective. How do you fit in what is novel legislation in a situation where you are bolting it on to existing traffic provisions? Quite clearly, many of the existing traffic provisions are devolved. All we are trying to do is to respect those devolved issues. You bring up an important point that I have not referenced, which is the need to review the legislation precisely because it is new legislation. It is an issue that we have raised with the UK Government.

The UK Government says that clause 38 is sufficient because it reviews the practice and the experience of automated vehicles, whereas we think that, because this is a framework bill, the secondary regulations will be important areas as well. The UK Government has said that it will engage with Police Scotland and the Crown Office, but it is new territory. Therefore, we think that a more established formal review of the legislation will be needed precisely because we have a new piece of legislation that is working with old pieces of legislation in a brand new area that is novel to us all.

The Convener: We could get into the inadequacies of framework legislation if you like, but I trod on George's toes, as it were, when he was speaking. Sorry, George—do you want to complete what you were saying?

George Henry: I will just try to provide an explanation or an example. There will be devolved legislation that has been brought in either by roads authorities or even through the Scottish Parliament that clause 50 allows the Secretary of State to change. That is the reason why we are not supportive of that. This Parliament could make a decision to implement a measure for good reasons—such as a low-emission zone in an area—that could potentially be changed through clause 50.

The Convener: Thanks. Mark—it was your question, so back to you.

Mark Ruskell: It was my question, indeed—you have done well to dine out on it.

The position is clear from my point of view. It is a complex area, and it is a new and emerging technology, but it would be odd to have two sets of rules, effectively: a set of rules for automated vehicles and a set of liabilities and regulations relating to that; and a completely different set of rules for everybody else. It feels like there is the potential for mismatch. I hope that that would never happen, but clause 50 raises the spectre that that might happen, which would be problematic. If that summarises your concerns, along with the real examples that you have just

given us, I can understand where the Scottish Government is coming from.

Fiona Hyslop: Yes, it does.

Mark Ruskell: I think that clarity is what is needed right now rather than a confusing introduction of a technology that apparently has a different set of rules from everything else.

Fiona Hyslop: There is the potential for change in the future, and, if we are to have consistency across the UK, there should be a basic assumption that the UK Government will talk to us about those changes or consult us formally. That is all that is being asked for by the Scottish Government. We do not think that that is unreasonable, bearing in mind that we are giving consent to the rest of the bill. The UK Government would probably not want to consider clauses 46 to 51, for example, to be LCM issues, but we do, although, as it happens, we agree with the policy content, so we are not objecting to the them, apart from clause 50, for the reasons that you have set out.

The Convener: There are lots of questions. Next, we have Monica Lennon followed by Ben Macpherson, then Bob Doris.

Monica Lennon (Central Scotland) (Lab): I think that my questions will be quite boring now, compared with what we have just heard.

We know that the bill will create a new system for the regulation of bus and taxi services that are provided using automated vehicles. Cabinet secretary, can you tell us a little bit more about the Scottish Government's consultation of bus and taxi industry representatives on the proposals? What key issues emerged from that and how have any concerns been addressed?

Fiona Hyslop: With regard to the consultation, you will remember that this work has taken a number of years; it was the Scottish Law Commission that did the work and conducted the consultation, and there is probably a list somewhere of the people whom it consulted.

We should remember that this is a UK Government bill. Quite often legislation comes out of Law Commission reports, and this legislation has come out of its recommendations, too. However, I will bring in Jim Wilson to talk about the issues and what I suspect will be a need for on-going attention to be paid to licensing issues with regard to the taxi and bus industry in this respect.

Jim Wilson (Scottish Government): I thank Ms Lennon for the question.

We have had pretty strong engagement with a range of stakeholders in relation to taxi and private hire car policy more generally, so we have that

pool of key stakeholders that we can tap into for regulations that will come further down the line.

Some of the concerns from a policy-making perspective that I want to highlight to the committee generally revolve around the need to think about unintended consequences. Perhaps I can use an analogy from the retail sector; I am sure that, when self-scanning till points came in, retail workers would have had some concerns about the impact on their jobs and livelihoods if the store's intention was simply for the customer to go to the self-scanning point. Similarly, what about those who rely on taxis and private hire car licensing and who make some provision in their communities for travel from point A to point B? What if, suddenly, there is a real desire for behavioural change so that no driver is required? We need to be mindful of the impact not only on citizens but on the taxi sector more generally.

Indeed, I remember a debate in Parliament many months ago on the challenges with providing taxi services in Glasgow. From an employment perspective, technology might be a wonderful thing, but we need to be mindful of the sectors that will be directly impacted by it.

Perhaps I can give you a flavour of some of the key stakeholders with whom we are engaging. In view of the fact that this would disapply the taxi and private hire car licensing provisions, we have a strong working relationship with Society of Local Authority Lawyers and Administrators in Scotland, which provides the legal advice to licensing boards for alcohol and licensing authorities for civic licensing, including taxis and private hire cars. We also have good engagement with a range of other stakeholders, including representatives from Unite the union, private hire car operators and some key taxi stakeholders, too.

I will be brief, but for me, there are two key points, the first of which is in relation to accessibility. I appreciate that the devil will be in the detail when it comes to the regulation-making powers, but we just want to ensure that there are no unintended consequences and that services that have no driver do not have an impact on accessibility for those who want to use them. We need to look at policy development through that equality lens, as we go forward.

Secondly and more generally—this picks up on Mr Ruskell's point—I would say that another concern is consistency of approach. If we have an interim permit regime, it will look odd to an operator with a UK-wide presence if the system in England and Wales is completely different from that in Scotland. We absolutely need to do what is right for Scottish policy interests, but we must also closely collaborate and work with the Department for Transport on the make-up of the regime.

The communication channels are well in place with regard to engaging with taxi and private hire car stakeholders but, as I have said, we need to go wider than that and ensure that, when we are trying to develop or design a new system, we place users at the heart of that development.

Monica Lennon: Thank you, Mr Wilson. That was helpful. I am encouraged to hear that there has been perhaps not formal consultation but wide engagement. You also mentioned a number of key stakeholders including unions, whose involvement is important.

Given what you have said, I have a wider question. Obviously, there are the provisions in this bill—which is not a Scottish Government bill—but, more generally, concerns have been raised about the impact of automated vehicles on workers. Jim Wilson gave the good example of self-scanning checkouts in supermarkets. I am sure that we have all had our ups and downs with those.

I believe that, in Scotland, there was a trial involving self-driving buses in 2023, and concerns were raised about what such a move might mean for workers not just from a safety perspective but for future workforce planning. Cabinet secretary, could you speak to the issue of workforce planning? We know that there is a shortage of bus drivers, but have you picked up on any other particular issues? On Mr Wilson's point about the importance of collaboration and discussion with the Department for Transport, are you satisfied that there is good dialogue with the UK Government on these matters?

Fiona Hyslop: There were quite a lot of questions in there, and I will try to recall a number of them.

The CAVForth project ran from May 2019, with the bus service itself operating from May to August 2023. The partners in the project were Fusion Processing, Stagecoach, Alexander Dennis, Edinburgh Napier University and Bristol Robotics Laboratory, and I think that it was supported through Innovate UK. Transport Scotland has not been directly involved in anything subsequently, but a number of trials are taking place in different parts of the UK, so exchange and monitoring in that respect will be really important.

I am trying to remember your other questions. Jim, do you want to come in on anything that you might have been asked about?

Jim Wilson: Ms Lennon asked two questions about the workforce ramifications, which is a hugely important point that needs to be worked through.

Again, it will come as no surprise if I say that, when I was thinking about the opportunities

offered by this framework bill—and they are significant—I was thinking, too, of the need to be mindful of the safety aspect. When they take this leap of faith and go into a vehicle without a driver, citizens will want to have absolute confidence that safety is at the heart of the permitting regime.

I will be brief, but I think it worth drawing the attention of committee members to one of the key recommendations in the Law Commission report, which called for

“A new in-use safety assurance scheme to provide regulatory oversight of automated vehicles throughout their lifetimes to ensure they continue to be safe and comply with road rules.”

We recognise safety of passengers, and certainly those who use private hire cars and taxis, as being paramount and, as the bill progresses, there will be an opportunity to have wide-ranging discussions with the Department for Transport on ensuring that safety remains at the heart of the process. A change will be required if we are to persuade the general public that this is the right way to go, because I think that there will be nervousness among certain individuals about moving from the safety of the vehicles that they drive to jumping into a vehicle that has no driver.

Fiona Hyslop: I think that that is where the user-in-charge aspect becomes quite important, because it means that somebody else is in the vehicle. The vehicle might be automated, but there will be times where there might be an instruction from, say, the computer that there needs to be a transition and a person needs to take over, because of whatever circumstance. As for deployment of people and the issue of drivers working, I think that there is likely to be a transition, with control going to a user in charge instead of the vehicle just driving itself, with no other human there.

With regard to socialising the issue around the implications for jobs, we all have a responsibility to raise such matters. Last June, I think, the Parliament had a debate, in which I took part as a back bencher, on artificial intelligence and what it means generally. We cannot give you all the answers, because it is a developing area, but if we do not prepare for it and anticipate things, the market will just take over. That is the interesting aspect—that is, how you regulate in this sphere—and that is what the UK Government has done after the law commissions’ quite extensive study of the issue and report.

The Convener: Thanks, Monica. I call Ben Macpherson, to be followed by Bob Doris.

09:30

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Good morning to the cabinet secretary and her officials.

I want to go back to clause 50 of the bill, about which I share the concerns that you have expressed on behalf of the Government. You said that there had been some engagement and correspondence prior to the bill’s publication, but I would be grateful if you could comment further on how meaningful that engagement with the UK Government was on clause 50, both prior to and since publication, and what the timescales were.

Fiona Hyslop: The bill was announced in the King’s speech, and it is fair to say that it is moving quite rapidly, even though it was anticipated as a result of the collective work of the law commissions. The time period in that respect has been quite tight.

There are issues not just for ourselves but for the Crown Office, Police Scotland and policy officials. In that short period of time, there has been as much engagement at official level as there could be; I have to say, though, that I had not spoken to the minister in charge—although we have had various pieces of correspondence, some of which came in the past week. If that correspondence has not been copied to the committee, I am happy to have that done.

In our engagement, the main points that we have been reinforcing include the fact that clauses 46 to 51 fall within devolved areas—although I say again that we will agree to them all from a legislative consent point of view. The UK Government, though, disputes our view. There are also issues with regard to review and clause 38 not being sufficient, because it reviews only what is happening on the roads rather than whether the legislation is fit for purpose or needs to be reviewed.

That has been the tenor of our engagement. We have been as co-operative as we can be. Nevertheless, as I have been trying to explain, the regulations and secondary legislation will, I suspect, be as important as the substantive framework aspects of the UK bill. That legislation will be needed.

As I have said, the bill is moving fairly rapidly; indeed, it had been in its committee stage in the House of Commons this morning. I suspect that this is a staging post in what will be a continuous dialogue, but perhaps my other colleagues might want to add something.

The Convener: Before you bring anyone else in, cabinet secretary, I want to go back to your generous offer with regard to the correspondence that you mentioned. The committee would like to

see that, because I think that it would be useful for us.

Ben Macpherson: I also want to add that if the Government wants to relay any further comment to the committee following the committee stage in the House of Commons, we would be interested in that, too.

It strikes me that the engagement prior to the bill's publication with regard to devolved matters was not as meaningful as it could have been. Would that be a fair assessment?

Fiona Hyslop: It could have been better, but I recognise that this is a complex area. At the heart of this is a failure to differentiate between the technology of the automated vehicle and the rules of the road. The rules of the road are, in effect, devolved, whereas the monitoring of the technology is, as we appreciate, a reserved matter under the provisions in the Road Traffic Act 1988 on standards of vehicles. The issue is that now there is this bridge to the vehicle becoming the driver as opposed to what happens in the cars that you and I drive, regulation of which is reserved. The issue is the interaction with the rules of the road.

I do not want to put officials in the position of having to say where they are with that discussion. To be fair, it is a challenging area.

Ben Macpherson: We empathise on the challenge.

Fiona Hyslop: I am just disappointed that there is no appreciation from the UK Government that, in such a challenging, new and novel area, there must be a good understanding of such issues and some preparedness to consult us on clause 50. That addition would show that it understood the difference with regard to devolved competence under the Road Traffic Regulation Act 1984, which is the traffic offences legislation—that is, the rules of the road. Those rules are still devolved matters, not reserved, and that clause opens up an opportunity for them to become reserved.

I do not even know whether that is the UK Government's intention. It might well be, but we might start to get completely conspiratorialist about the reach of the UK Government's powers. Perhaps I will just leave it at that.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Mr Henry was very helpful in bringing clause 50 to life, because it can be quite abstract until we see the detail. When I was listening to some of the explanations, I was furiously googling bus-lane infringements to see what the clause could mean in practice and I think—I could have it wrong—that the Scottish Parliament sets the maximum fine for breach of a bus lane by statutory instrument to a maximum of

£60, with variations of £30 if you pay early and an additional 50 per cent if you do not.

In the rest of the UK, the fine is £130 in London, and I think it is up to £70 elsewhere. Just hold that thought for a second. If clause 50 was applied to automated vehicles and used to set the fines regime for infringement across the UK, could we end up with a two-tier system in Scotland, in which drivers of vehicles pay one set of fines and the liable individual for the automated vehicle pays under a different fines regime? Is that a two-tier system that would be undesirable within Scotland?

Fiona Hyslop: Yes, and that is exactly what clause 50 could lead to. I am not saying that it will lead to it, but it could.

Some local authorities have requested to increase the amounts of fines for bus-lane infringement in Scotland, which are a devolved matter. What you have described is a good example of what the UK Government bill, as it is currently drafted, would enable. If you had a judgmental view about trying to drive the market towards use of automated vehicles, for example, you might want a differentiated system, but I do not think that that makes sense.

On the point about the rules of the road, it would be easier for everybody if they are consistent and there will be a period where there will be hybrid use. There will be us, then there will be everybody else as well as user-in-charge vehicles and so on. There will be a period of hybrid activity and I do not think that it would make sense for that differentiation between rules of the road, fines and so on, to happen.

I am not saying the UK Government would do that, but it is exactly what clause 50 would enable and allow.

Bob Doris: That is helpful. Just for clarity—Mr Henry might want to come in on this—I will give an example of a two-tier system in Scotland between automated vehicles and vehicles that have to be driven in the way that Mr Mountain would drive his vehicle, or perhaps in a safer way than Mr Mountain would drive his vehicle. We could have a two-tier system for bus-lane fines, and for parking infringements, speeding and low-emission zone breaches. The list of where there could, within Scotland, be a two-tier system for vehicles committing the same infringements is quite extensive.

Fiona Hyslop: Yes. George Henry may want to come in on that. Is that a good explanation, George?

George Henry: I agree with you, Mr Doris—that is exactly what clause 50 could do, which why we do not accept that it is the right thing to do. From the point of view of the rules of the road, the

understanding of Scottish motorists and road users, and safety, I do not think that a two-tier approach is beneficial.

Bob Doris: I am sorry for labouring the point, but I had to be clear in my own head. Thank you.

The Convener: We are running short of time, but I am going to give Mark Ruskell a short question.

Mark Ruskell: Further to that, I was thinking about speed limits. Could there be two tiers on speed limits for automated vehicles and conventional vehicles? In the devolved context in Wales, there is a national speed limit of 20mph in built-up areas. Could automated vehicles be run at different speeds under a different set of rules of the road under clause 50?

Fiona Hyslop: That would be allowed if the UK Secretary of State were to use his powers under clause 50 to do that. That would be a policy decision in that hypothetical situation.

Mark Ruskell: So, in theory, clause 50 would grant those powers.

George Henry: I just want to be clear on that. If the Secretary of State was to change the speed limit on a road, the change would apply to all vehicles, not just automated vehicles, because changing the speed limit on the road changes it for everything. There is a bit of concern about speed limits because we are going through the national strategy for reducing the speed limit to 20mph in built-up areas in Scotland at the moment. If there was a suggestion of a change in UK legislation, that could impact on legislation that we have already approved in Scotland.

Mark Ruskell: Okay, I will let that sink in a bit.

I have a final question about the broader policy context. I will play devil's advocate and say that I see automated vehicles as a bit of a costly distraction. Where do they sit within the Scottish Government's transport policy? We have major issues with infrastructure investment for conventional bus travel and I know that the Government is working hard to support the bus sector in that. Is bus operators investing in automated bus technology a realistic tangible option right now? Will the cost of redesigning streets and systems to accommodate such vehicles not be astronomical? I am interested in where we are right now and where we think this might be going in the future.

The Convener: Cabinet secretary, I would be happy if you answer that question briefly. The issue is not part of the LCM but I think that it is a legitimate question for a two-sentence answer.

Fiona Hyslop: We will all have to consider those things as we go forward, as AI and

automated vehicles increasingly become part of our everyday life. As I say, it is a journey for everybody to go on. Is that sufficiently short for you, convener?

The Convener: That is definitely short enough for me. I think I am with Jim Wilson; I am a bit concerned about the whole thing, anyway.

I am looking around the room but it does not look as though there are any further questions. I have two questions for you, cabinet secretary. You said that the Scottish Law Commission had been involved from start to finish. Does it have a view on clause 50, if it has been involved?

Liana Waclawski (Scottish Government): It would not be for the Scottish Law Commission to do that kind of analysis. What aspect of clause 50 are you thinking of?

The Convener: Clause 50 seems to me to be like hypothetical bears hiding behind trees becoming a threat. It is hypothetical. If the Scottish Law Commission has been involved throughout the process, does it share the Scottish Government's fear or is it more sanguine about it on the basis that the situation is developing and what happens today could change tomorrow, with the speed of AI development?

Liana Waclawski: I am not aware of the Scottish Law Commission's having taken a particular view. I understand that its recommendation was for the bill to contain a power that would enable clarification of the application of existing legislation to the new concept of a user in charge of an automated vehicle, as you say, because once the operation starts, it will become apparent where there are gaps and where existing legislation does not make sense with regard to the user in charge. I think that is the intention of clause 50, but the issue is how that will apply to devolved offences and devolved legislation in the sphere of civil sanctions. In so far as clause 50 would be used to amend that legislation, the Scottish Government's view is that that engages the LCM process.

The Convener: I understand that. What do they think about this in Wales? Are the Welsh signing up to it?

Fiona Hyslop: I have a briefing about where Wales is, but I would rather come back to you on that. I do not want to misrepresent the Welsh position.

The Convener: Yes—that is a dangerous thing to do, cabinet secretary. I am trying to find out whether other people share the Scottish Government's concerns, or they are just the Scottish Government's concerns.

Fiona Hyslop: Remember, however, that Wales has different devolved and reserved

responsibilities. I am not an expert on Welsh traffic legislation. I am happy to come back to the committee on your question once we have checked it out. I think that we have some indication of their general views, but I do not want to misrepresent the Welsh.

The Convener: Okay. I think that Wales would say that they have rolled 20mph speed limits out across Wales quicker than we have in Scotland, so they must have some powers that could be affected by this.

Fiona Hyslop: I assume that they have, but you asked me about what their view is about clause 50 and I do not want to misrepresent them on that.

The Convener: We must write a report by next week. Things are moving that quickly, so a quick response on that and the correspondence would be helpful.

Fiona Hyslop: We will get the correspondence to you right away. We will check what we know about the Welsh position and if we do not know about it, we will also let you know that.

The Convener: Thank you very much, cabinet secretary. That concludes our evidence session. As I said, we will consider and agree a short report to the Parliament next week. Thank you for your time this morning.

I briefly suspend the meeting to allow a changeover of witnesses.

09:45

Meeting suspended.

09:50

On resuming—

Scotland's Railways

The Convener: Welcome back. Our next agenda item is an evidence session on Scotland's railways. The committee has held evidence sessions on rail services annually since ScotRail entered public ownership in 2022. Our aim is to take stock of the state of rail services in Scotland over the past year.

I put on record the committee's thanks to the three trade unions that provided us with written evidence for the session. They are the Associated Society of Locomotive Engineers and Firemen, Unite the union, and the National Union of Rail, Maritime and Transport Workers.

On our first panel, we will hear from two of Scotland's independent watchdogs for rail services. I am pleased to welcome Liz McLeod, who is head of regulatory analysis at the Office of Rail and Road, and Robert Samson, who is senior stakeholder manager at Transport Focus. Thank you for joining us this morning.

We will ask a series of questions, and I will start things off with a very simple question, to get you into the flow of it. How has ScotRail's performance changed since the committee last considered the issues in May 2023, and are passengers getting a noticeably better service?

Robert Samson (Transport Focus): The service has improved from a passenger satisfaction point of view over the past 12 months. The previous rail customer experience survey was published in January. On five out of seven key factors—overall satisfaction, punctuality, frequency of trains on the route, level of crowding, cleanliness, value for money and information during a journey—ScotRail is in the top 20 per cent of train operating companies in Great Britain and its score is not significantly lower than average on any of those factors. From a passenger perspective, although passengers by and large only travel on the ScotRail network, when you compare it with other operators, satisfaction levels were quite high in the past 12 months.

The Convener: Has the position changed?

Robert Samson: Yes, it has improved in the past 12 months. Overall satisfaction was about 88 per cent 12 months ago, and has increased to an average of 90 to 91 per cent, so there has been a small improvement.

The Convener: Is there nothing in the survey about reduction in services? Does it just cover customers' satisfaction levels?

Robert Samson: The satisfaction survey is of travelling passengers; it is not a survey of those who are not travelling because of a reduction in services. However, we have recently published a piece of work on motivations and barriers to rail use. The top barriers are the cost of using the rail service, the perceived reliability of the rail service, the frequency of trains and whether trains are going to the places where people want to go. For example, travelling by train might not be a viable alternative to a car or a bus if someone is going to an out-of-town shopping centre or somewhere else that does not have a train station close by.

The Convener: Liz McLeod, do you want to add to that?

Liz McLeod (Office of Rail and Road): I will just pick up on train performance, including on whether passengers are getting to their destinations on time. ScotRail is measured by the public performance measure, which is the proportion of trains arriving at their final destination early or within five minutes after the scheduled time. As we close out this financial year, that measure is sitting at 89.81 per cent, which is below the regulatory target of 92.5 per cent. That target, which was set by Scottish ministers, is the high-level output specification for control period 6. There is definitely room for improvement. There has been some improvement since we met last year, but there is still a good way to go to achieve the 92.5 per cent target.

The Convener: Do you want to comment on that? I am slightly confused by that. ScotRail is running fewer trains and is still not meeting the target. The Government said that that was the reason for nationalisation. How are things getting better as a result of nationalisation?

Liz McLeod: I need to clarify ORR's role in monitoring performance in Scotland. We hold Network Rail—the infrastructure manager—to account; we do not hold ScotRail Trains Ltd to account for its delivery. Elements of delay are caused by the infrastructure manager and, as you know, elements of delay will be caused by the train operator. I can speak only to the Network Rail element.

Without a shadow of a doubt, weather is one of the big drivers in performance in Scotland. Since around 2019 to 2020, the trajectory for weather-related delay has increased, and it is the biggest cause of delay in Scotland. Although fewer trains are running, the impact of extreme weather hampers recovery of performance and achievement of targets.

The Convener: In fairness, that is not leaves on the line. It is serious weather conditions—storms and such like—which, very unfortunately, have caused loss of life some years ago.

We have a heap of questions. Mark Ruskell is next.

Mark Ruskell: Welcome back to the committee. I would like to ask you about ScotRail's off-peak all day fares pilot that will run until June. What are your thoughts on that? Could or should that be made permanent? Is that a good use of public investment, or are there other ways to support people's return to the railways?

Robert Samson: There are two parts to that. We welcome the pilot. Passengers like it, and their top priority is value for money. However, value for money is linked not just to the fare but to having a good service in terms of punctuality, reliability and visible staff presence.

The pilot must be evaluated to identify whether it has delivered overall value for money. It is a new approach, so the analysis on it will be very interesting. I think that the Scottish Government estimated that it will cost £15 million for the initial six-month pilot, which, as I said, has been extended to the end of June.

It will be interesting to get information about passengers. Are existing passengers making additional journeys? Are passengers transferring from another mode of public transport? If they are transferring from buses, what would be the consequences for bus funding? Are they transferring from active travel for weather-related reasons because it is affordable? Are they transferring from cars, which would help to meet the Government objectives in that regard? How many passengers are making journeys and what is the impact on revenue? Is the measure cost-neutral? Is it costing more money for the Government? That must be evaluated in order to find out.

Passengers whom we speak to welcome the off-peak pilot not just because it is cheaper, but because it is simpler. We know that passengers have been caught out in the past. In the east of the country, there is a morning peak fare and an evening peak fare, but in Strathclyde there is only a morning peak fare. We know that passengers travelling back from Edinburgh did not realise that there was an evening peak fare. There is no evening peak fare in Glasgow, so that was confusing for passengers.

Off-peak fares all day make it simpler and more affordable for passengers, so we welcome the pilot, and we want to see, through its analysis and evaluation, whether it can continue as part of the fair fares review.

Liz McLeod: The ORR does not have a role in that regard. We would not have a view on how the price of tickets are set.

However, I will add one thing. On 21 March, we will publish statistics on passenger numbers. The previous publication did not pick up the change, so we can share that with the committee. That could have some interesting detail in it.

Mark Ruskell: That would be interesting. Do you see the need for a simplification of the fare structures across the UK? My understanding is that the UK has some of the most complicated rail fare structures in Europe. Sometimes, we have the most expensive fares; sometimes, we have fares that are very good value. However, as Mr Samson said, it is quite confusing for commuters and travellers to work out how to get those good-value fares.

10:00

Liz McLeod: I recognise that the system is complex, especially when travelling across Britain with different operators and so on. Simplification is ultimately good for good outcomes for passengers.

Mark Ruskell: I go back to my original question. Is there another option that the Government could take to help, such as subsidising some other form of price support or fare capping for the railways, or was removing peak-time fares the obvious thing to do?

Liz McLeod: That would be a decision for Government.

Robert Samson: Ultimately, that would be a decision for Government, within its funding envelope. As I mentioned in my opening remarks, the latest piece of work that we published about motivations and barriers to train use showed that cost had the biggest impact on motivation. If you lower the cost, you remove a barrier and increase rail use. Again, in that context, it will be interesting to see the analysis of the pilot, as well as the figures that ORR is due to publish, to make a comparison.

However, it is not just about the numbers. I believe that Transport Scotland is doing a deeper analysis of where the passengers are coming from, including whether, as I mentioned earlier, people are making additional journeys and the mode of transport that they have come from to make that journey. That will be interesting to see and it will inform Government decisions going forward.

Monica Lennon: Good morning to our panel. On the back of Mark Ruskell's question, I was reading a media comment by Mike Robinson, who is the chair of Stop Climate Chaos Scotland, on the issue of value and affordability. On behalf of the coalition, he said:

"Reverting to expensive tickets would be a hugely retrograde decision and would be bad news for workers, passengers and the climate."

When you are taking the temperature of the travelling public, are you picking up on that desire to do the right thing by the climate and the environment in addition to having more affordable train travel?

Robert Samson: Yes. Our research shows what passengers welcome in relation to fares. They want them to be affordable, to be easy to understand—which is a point that we have been arguing for years—and to be simplified, so that there is a window from 6 in the morning until midnight in which there are no peak restrictions and the fare is the same price throughout the day. In relation to those aspects, the pilot is definitely welcome.

The Convener: Because of how things have panned out, I will bring in Jackie Dunbar now, with Douglas Lumsden to follow.

Jackie Dunbar (Aberdeen Donside) (SNP): Good morning, panel. On Liz McLeod's comment about weather disruption and the increase in extreme weather, how satisfied are you that Network Rail and the train operators have the required skills and resources to cope with that increasing disruption?

Liz McLeod: I recognise that that is a major challenge for Network Rail in Scotland. Since Carmont, there has been a huge focus, particularly by Network Rail, on the steps that are needed to improve the network's resilience. That includes operational aspects, such as having dedicated meteorologists in the control room to try to predict the weather and to understand what the right course of action is for the railway. We also use a dedicated helicopter to do aerial surveys, including looking at the condition of earthworks.

In addition, Network Rail's plans for the next control period, which is the next five-year funding cycle, starts from April. The plans include £500 million for climate change work. All of Network Rail's regions have produced a significant document, which includes scrutiny of Scotland. The 70-page document sets out their approach to climate change adaptation and resilience. In some aspects, that is future proofing the railways. For example, when Network Rail does a drainage renewal, it might fit a bigger catchment because, unfortunately, greater rainfall in the future is predicted.

A lot is going on. It is the same on the operator side, too, but I can speak better to the Network Rail side of things.

Jackie Dunbar: You are confident with what is being put in place.

Liz McLeod: Yes. We think that the Network Rail climate change adaptation plans for CP7 are credible.

Douglas Lumsden (North East Scotland) (Con): I will ask a question about peak fares, first. I listened to a radio phone-in yesterday on which most people said that the trial is a good thing, but one person called to say that it was the worst thing that has happened because now her train is jam-packed at peak times because people are changing their behaviour. Robert, is that something that you are seeing and does the Government need to look at timetables?

Robert Samson: Yes. When the fares trial started in October we had meetings with ScotRail about what it would do if trains were crowded in the morning and more passengers were travelling before 9 o'clock. It said that it must monitor that. The situation is brand new: we do not know where passengers are coming from, or what will happen in Fife or in the north and west of the country. We must look at what happens and move our train services around accordingly.

From talking to the train performance people at ScotRail, I hear that there have been one or two incidents of crowding, but it has not happened to the extent that was predicted. They did not know what would happen. They were trying to move carriages around to suit, but there is a limited number of trains. Most trains are out in the morning, so there is a limit to what can be done, but if the policy is to be adopted for the long term the timetable must reflect where passengers are coming from. We must ask whether we have to improve the frequency of the service on some routes or provide longer platforms for longer trains. There are solutions to the welcome problem of more people wanting to use the network.

We did a piece of research a few years ago and found that passengers in Scotland expect a seat on the train, whereas in the south people are more willing to stand and expect space to stand. We have to have seats for passengers in Scotland.

Douglas Lumsden: You are right that it is a good problem to have.

The committee has heard concerns that passengers cannot access the cheapest tickets through apps or vending machines at stations. We have also heard concerns about potential ticket office closures. What is the future of rail in terms of vending and procuring tickets? If you had a crystal ball, what would you see us doing in the future?

Robert Samson: We should mix and match according to what passengers want. We went through a consultation two years ago about changes to ticket office opening hours. The Scottish Government still has to make a decision on how it will take that forward.

I was involved in a large consultation last year in England that included almost every ticket office and which got feedback from about three quarters of a million consultation responses. Ticket vending machines have to be easy to use, understandable and meet the needs of passengers with disabilities.

A lot of passengers appreciate apps and mobile technology, but due to the complex nature of the fares system, many passengers seek the reassurance of there being someone on the train or at the station to tell them about the best value ticket for their journey. Until the fares structure is simplified, there must be a staff presence to help passengers.

Douglas Lumsden: Is it the case that you might get a ticket cheaper using the app than you would using a vending machine, or are tickets cheaper mainly through purchasing them ahead of the journey time?

Robert Samson: Some ticket vending machines sell advance tickets, but most passengers use ticket vending machines to purchase on the day on which they are travelling or to pick up tickets that they have booked in advance. Through apps and at the station, tickets can be bought on the day, or the app can be used to buy, in advance, a ticket that might be cheaper, but ticket vending machines will be more expensive because most passengers use them to purchase tickets on the day rather than for travel in four or five weeks' time.

Douglas Lumsden: I guess that that relates to what we were saying earlier about the fares structure being simplified.

Robert Samson: Yes. People who go to a station to buy a ticket four or five weeks in advance of the journey want to speak to a person in a travel centre rather than go to a ticket vending machine, because they feel reassured that they will get the best information from a person.

Douglas Lumsden: Liz McLeod, is that outwith your scope?

Liz McLeod: I agree with the comments that have been made. I use the ScotRail app: I buy a ticket in the morning and am usually running late and it works for me, but it will not work for everyone. I agree with Robert Samson's sentiment that there must be solutions for everyone: the railway has to be accessible to all. From our perspective, the focus is accessibility and passenger information, so I agree with what he said.

Douglas Lumsden: I guess that people who have an app are more likely to get cheaper tickets because they book in advance. Elderly people, for example, might not have enough confidence in

using an app and will always go to the ticket office just before the train is going and so will potentially pay more.

Robert Samson: Yes, that is potentially the case. Using the internet and the app, tickets can be booked six, eight or 10 weeks in advance, whereas people using the station would have to go there eight or 10 weeks in advance to speak to a ticket clerk. It is easier for many people to use the app and it might also be difficult for people to get to a station. The ability to make a journey to inquire about the kind of ticket that they need depends on where the person lives.

Douglas Lumsden: Thank you.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Good morning.

I will go back a little bit to dig beneath the statistics on performance and satisfaction. First, the good news is that although we are not there yet, both are improving, which is positive. I note, on performance, that ScotRail contends that two thirds of delays are for reasons that are outwith its control. Getting to 91.2 per cent compliance is positive, although of course we do not know what the figure is if we strip out, for example, failings with Network Rail, trespassing on the line and adverse weather. Should we report on performance, having stripped out matters that ScotRail is reasonably not able to deal with directly, in order to see what its performance is as Scotland's national operator that is now in public control? I am not sure whether that is reported on anywhere.

Liz McLeod: We try to report on delays that are caused by Network Rail. The delay that an operator causes for another is known as TOC on TOC. I have the statistics here: Network Rail is currently causing about 54 per cent of the delays on the Scottish network. We do not strip out the delays that are caused by Network Rail because that is a whole-industry measure. We know that Network Rail will inevitably cause some delays, so the solution is about reducing the types of delay that each operator is causing in order to get performance to a better place—if that makes sense.

Bob Doris: It absolutely makes sense.

The current situation is that ScotRail is doing pretty well. It has to do better, and things are improving, but where statistics show a need to do better, it will sometimes be the case that Network Rail needs to do better, rather than ScotRail. Sometimes the cause of delay will be severe weather, and not ScotRail. It seems that it would make sense to have a performance statistic that was based on matters that ScotRail can directly control.

That is not just so that the numbers would look better for ScotRail. In a few years, Network Rail could be organised and do a lot better, with its performance improving. ScotRail's performance could diminish, which could be masked by improved performance by Network Rail or by a particularly mild winter. How do we report so that we can hold Scotland's national train operator to account—or commend it for improved performance, as is the current situation. Do we have any such stripped-out data reported consistently?

10:15

Liz McLeod: We get lots of data.

Bob Doris: There is no shortage of data.

Liz McLeod: You are right that we have to understand what level of delay Network Rail is causing, so we use a metric that allows us to do that. It strips out those delays and focuses on Network Rail. There are targets relating to such delays. If Network Rail is achieving its targets, that will enable achievement of the 92.5 per cent PPM target.

We obviously do not regulate the operator, but one lesson that we are probably learning from the past year since ScotRail has been in public ownership is that we should interact more with Scottish Rail Holdings Ltd, which is the company that sits above ScotRail, in order that we can appropriately challenge each other on whether, from a regulatory point of view, we are taking the right action or there is more to do. We have kicked that off with Scottish Rail Holdings Ltd and that will help us to understand each other's position and to challenge and improve, where we can.

Bob Doris: That is very helpful.

Mr Samson, before I move on to my next line of questions, I know that passengers just want trains to run on time according to schedule, and to get to where they want to go efficiently and in comfort. People here in Scotland like to get a seat more than people elsewhere in the UK do. We still have to improve the passenger experience, of course. What are your reflections on whose fault or responsibility delays are, or are you just focused on the overall passenger experience?

Robert Samson: I am focused on the overall passenger experience. It is infuriating for passengers on a train that is delayed to hear the announcement that it is not a ScotRail fault, but is a fault that is down to Network Rail. Passengers do not care whose fault it is.

The ORR got Network Rail, Scottish Rail Holdings Ltd, ScotRail and Transport Scotland all together to deliver the high-level output specification for the railway. We hope that there

will be a clear trajectory in Network Rail's delivery plan when it is published, and that the plan for CP7 will show how Scotland's railway in its totality will get to 92.5 per cent PPM, which is the target. That would improve the passenger experience. Passenger satisfaction should then go up because the biggest drivers of passenger satisfaction are reliability and value for money.

Bob Doris: Absolutely.

My next line of questioning is about accessibility for passengers on Scotland's rail network. I will mention that Springburn station in my constituency will—fingers crossed—get access for all funding, because if you have a small child, as I have, it is more of an assault course than a train station. I am conscious that there are accessibility issues for families with small children and disabled passengers, and that there are issues about lone females feeling safe to use the network. From the past year, what are your reflections on accessibility on Scotland's rail network generally? I am not directing you to those particular aspects, but do you want to make observations on them before we move on to the next line of questioning?

Liz McLeod: I will focus on Network Rail. You mentioned access for all funding. The ORR regulates the railways in the whole of Britain, so we can compare with how regions in England and Wales are doing. Network Rail in Scotland is doing really well in terms of delivery of access for access for all projects. We are aware that there are projects ongoing, such as the one in Anniesland, and we have seen substantial progress.

Another element to touch on is raised tactile paving on platforms. I have figures that say that 148 stations will be upgraded with tactile paving. So far, 140 have been done, and 148 will be done by March 2025. Work is well ahead of schedule on that, so it is a good news story.

Bob Doris: Thank you. I will not indulge myself by asking questions about my local rail network. I will leave you there, Ms McLeod.

Mr Samson, do you have any reflections on accessibility for passengers on the rail network?

Robert Samson: We know from Network Rail's strategic business plan that it is looking to develop a better-accessibility strategy that does not just consider infrastructure but also looks at the passenger experience. That is not just about the experience at the station; it is also about how people get to the station. It takes a start-to-finish passenger journey point of view, rather than just an operational view.

It should be noted that there are fewer passengers travelling on the network now than were travelling pre-pandemic, and the number of people needing passenger assistance is only 2 or

3 per cent lower than the number pre-pandemic. There are more passengers booking passenger assistance.

How to deliver passenger assistance 100 per cent of the time needs to be considered—the handover from the departure station to the arrival station, and how that applies to the person on the train and to the ticket examiner or the train guard. We have talked about use of passenger assistance apps so that the chain from one member of staff to another is not broken and the passenger is not left frustrated and cannot get off or on a train at a station. We know that in the new rolling stock procurement that is coming down the line one of the key specifications for new trains is that there is level boarding at all stations. That would help in relation to passenger assistance and will be welcome, but it is some years off.

Bob Doris: I mentioned Springburn station; this is not specifically about Springburn station, where I went for a site visit. On that visit, Scotland's Railway was there—rather than Network Rail or ScotRail, so both were represented—as was Sustrans, Glasgow City Council and a local charity of which I am a trustee that is interested in town centre regeneration. The jury is out on whether the work will bring the positive outcomes that we all want, but there seemed to be much closer collegiate partnership working than I have seen previously. Are you aware that that is the case, Ms McLeod, or was I just fortunate on that particular day?

Liz McLeod: I think that that experience is probably a good reflection of what is happening. Alex Hynes is the managing director of the ScotRail Alliance: we see, on the performance base in particular, really good engagement between the operator and the infrastructure manager in challenging each other on what is wrong with performance and what we need to do to improve.

Bob Doris: Thank you.

Monica Lennon: I want to pick up on the issue of accessibility before I move on to a question about the safety of women and girls, in particular. Bob Doris asked about accessibility, and Robert Samson talked about rolling stock procurement and future opportunities. I remind the committee that I am a patron of Disability Equality Scotland.

Even at this quite early stage, is there positive engagement with disability organisations and disabled people about their experiences? You have talked not just about reliability but about perceptions about reliability. Obviously, the point about passenger assistance is key. I would like a brief answer to that question before I move on to other matters.

Robert Samson: The rolling stock procurement programme is still to be rolled out. However, we have spoken to Transport Scotland, Scottish Rail Holdings Ltd and ScotRail, and the procurement teams say that the procurement has to be informed not just about the lump of metal that will transport passengers but about the seating, toilet provision, information systems, lobby space and wheelchair space that will be on board. That can be done only by asking the people who are affected.

We have a range of insights from other operators on what passengers wanted to see as interior features of new trains, and we have talked to organisations such as Disability Equality Scotland and the Mobility and Access Committee for Scotland. All of them can inform the plans so that we get new trains that work from day 1 in respect of what the passengers want rather than having to retrofit later because an issue was not thought of to begin with. Let us get it right from the start.

From speaking to Transport Scotland, ScotRail and Scottish Rail Holdings Ltd, I know that there is willingness to engage on that to ensure that the specification is correct. The trains will be on the network for 20 to 30 years, so we have to get it right.

Monica Lennon: That is encouraging to hear, as it is important to build that in very early on to inform the specification for procurement. Thank you for that.

I want to go back to the point about safety. We know from your research with passengers that you hear often that they like and value having staff around. Research that was published by Transport Scotland last year on the safety of women and girls found similar things.

The rail unions continue to express concerns about antisocial behaviour and violence on Scotland's rail network and, in particular, about how they impact on women and girls. I should remind the committee that I am a member of Unite the union and a member of the RMT parliamentary group. With that background, I want to get a sense of what you think is happening around antisocial behaviour and the discussion about the safety of women and girls. We know that Transport Scotland's report recommended increasing the number of station staff. Do you agree with that? What practical steps can be taken to improve safety and tackle unacceptable behaviour?

Robert Samson: A lot of issues are involved in that. From all our research over the years on personal security and safety, we know that passengers welcome a visible staff presence at stations and on board trains. They welcome

someone walking through the train or someone being at the station.

The travel safe teams that ScotRail has introduced are to be welcomed. It is also about good lighting at stations, adequate room for car parking, safe walking routes, closed-circuit television and help points at every station.

One question that came through from our research with passengers was about whether they are monitored in real time in Scotland. They are, and getting that message across to passengers can give reassurance. Although there might be a CCTV camera, people do not know that someone is looking at things in real time. Will things be checked tomorrow morning for evidence if something has gone wrong rather than people being proactive and helping them? There are such issues.

Stations and trains should also be clean and well maintained. A lot of community groups in Scotland help at stations. That gives a sense of the stations being well looked after. It is about small things such as there being planters and a station getting a coat of paint if that is needed. If a station looks unloved or uncared for, there is a perception that the environment is not safe. A range of issues are associated with safety.

ScotRail or Network Rail will not get plaudits for keeping a station clean, because passengers expect that. That is basic. The same goes for trains. However, that helps to foster a safe travel environment. Visible staff and a British Transport Police presence after major sporting or cultural events do the same. Passengers are also reassured by there being other passengers at stations.

There is a wide range of issues, and there is no magic bullet that will make a journey safe.

Monica Lennon: That is helpful. You have given lots of examples. Communication to the public that CCTV is monitored in real time is important.

Do you have any up-to-date views on women and girls having experienced sexual assault or sexual harassment? Is that getting worse or better, or is it staying the same? Do you recognise that visible staffing must be part of the solution?

10:30

Robert Samson: Visible staff have to be part of the solution. Research not only in Scotland but across the whole of Great Britain shows that the personal safety of passengers is an issue that has to be addressed. I think that numbers six and eight of the top 10 passenger priorities relate to personal security for all passengers on trains and at stations.

Last year, we did a piece of work on perceptions of safety for women and girls travelling in Birmingham. I will write to the committee about that. A lot of the issues that arose in that also arose in the Transport Scotland report about women and girls travelling safely that was published last year.

Monica Lennon: I think that Mark Ruskell wants to come in on this theme, too. I want to pick up on another point about staffing. I understand that around two thirds of ScotRail stations are unstaffed—that is higher than the UK average of around 45 per cent—and that over half the Scottish network is operated via driver-only operation. Although there is always a second person rostered on services, there is no guarantee that a second person will be on board all services. There are currently proposals by ScotRail to extend driver-only operation to the Barrhead and East Kilbride lines—I am not sure about other areas. There appears to be a bit of a difference between Scotland and the rest of the UK on that. Can you speak about that? Do you have a view on it?

Robert Samson: On the problem of there being a larger proportion of unstaffed stations in Scotland than in much of the rest of the network, it depends on the location. Because of the rurality of a lot of its locations, Northern Rail also has a lot of unstaffed stations. A recent report said that, even if a station is unstaffed, CCTV and help points have to be there, it must have good lighting, and it has to be well maintained. It is clear that those things give passengers a sense of security.

We would expect ScotRail trains to have second members of staff: that is in its rail contract. We expect there to be a second member of staff on all trains. That not only gives people a feeling of security, but it helps with general matters such as giving information and selling tickets from unstaffed stations. A lot of people buy their tickets on board. We want a second member of staff on every train.

Monica Lennon: There is no guarantee at the moment that that will happen. Do you think that there should be a guarantee that a second person will be on a train?

Robert Samson: A second person should be rostered. We expect that to happen on all occasions because it helps with not just security or a feeling of safety for passengers but with other aspects to do with information, selling tickets and helping with accessibility.

Monica Lennon: Is that an area for improvement?

Robert Samson: Yes, it is an area for improvement.

The Convener: Mark Ruskell wants to come in on the back of that.

Mark Ruskell: I think that that broadly covers matters. Have you had any feedback from passengers who use driver-only operated routes? Have there been particular concerns about antisocial behaviour or feelings of insecurity if no additional staff are on trains to support people?

Robert Samson: That has not come through: it is about having a second member of staff in uniform on board going through the train and reassuring passengers. People in the know will know whether someone is a guard who is responsible for opening the doors or just a ticket examiner. However, for most passengers, it is about a second member of staff helping them—a second member of staff who is there, whatever their job title is, to sell tickets, give information and help passengers with accessibility needs. Passengers look at matters from the point of view of there being a second member of staff rather than from the point of view of the duties of that person.

Mark Ruskell: Okay. Thanks.

The Convener: I smiled slightly to myself when you talked about a second member of staff. At some railway stations on the north line, people still have to hail the train if they want it to stop at the station. The staff numbers are quite light.

Douglas Lumsden: I want to continue on the theme of safety. The trade unions have raised concerns about the class 43 high-speed train rolling stock. Do your organisations have any concerns about continued use of high-speed trains?

Liz McLeod: If the ORR had concerns about their safe use and thought that there was an imminent threat of danger, we would have served a prohibition notice to stop the trains running. We have not done that. I hope that that answers your question from a health and safety perspective.

We are also monitoring. A number of recommendations were made as a result of the Carmont incident. The HSTs were looked at. The driver's cab and tables were looked at. Specific aspects were looked at. We observe those things and are happy with the progress that has been made.

Robert Samson: I have nothing to add to that point.

Douglas Lumsden: I think that the report said that the outcome could have been better if the train was more modern, as opposed to its being an HST. Is that correct?

Liz McLeod: I think that the Rail Accident Investigation Branch recognised that, if another

train had been used, the outcome would have been the same, unfortunately. In the Carmont incident, the drainage was at fault: that is what caused the accident. The RAIB has said that, with another train, there would have been the same outcome, unfortunately.

The Convener: Mark Ruskell has a question.

Mark Ruskell: It is about the decarbonisation programme and the objective to decarbonise Scotland's railways by 2035. Is that on track, given current levels of investment?

Liz McLeod: Enabling works are being done in feeder stations to ensure that the network is capable of supporting future electrification. Transport Scotland is responsible for specifying and funding the enhancement projects that will be needed to deliver electrification, so it would need to answer the question about whether the programme is on track.

I will add, however, that a lot is going on elsewhere. In Network Rail's plans for control period 7, there are carbon emission reduction targets. Throughout the current control period, we have seen good work between ScotRail and Network Rail on simple things including recycling, reducing pollution at stations and so on. That is on-going. There is also biodiversity work and targets associated with carbon reduction and biodiversity in the next control period. That is an area of focus. From a regulatory perspective, the question of the enhancements that are needed to electrify the network is one for the funder.

I also add that there is now a good focus across Britain on freight growth. Obviously, modal shift is important. The more produce we can get on freight trains, the better, and there are now targets for that. In the control period over the past five years, we had a target only in Scotland. Westminster's specification for CP7 includes a freight-growth target for all the Network Rail regions. That matters because, for example, if Network Rail is trying to grow freight in the eastern region, that will benefit Scotland as well.

Mark Ruskell: Are those freight opportunities regional in nature or are they more about UK freight operations?

Liz McLeod: It could be a bit of both. We said in our determination that it is important that each of the regions sets out the actions that it can take to deliver growth. We recognise that economic conditions are tricky at the moment, but there are steps that Network Rail can take to incentivise new entrants to the market. There are regional plans, but there are national things that can be done around the timetable, for example.

The Convener: I will go to Monica Lennon and then to the deputy convener, Ben Macpherson, to wrap it up at the end.

Monica Lennon: I have a final question for Liz McLeod on control period 7. We have heard from rail unions that they are concerned that a reduction in investment in renewals by Network Rail in CP7 in favour of investment in maintenance might have a negative impact on safety. Is that view shared by the Office of Rail and Road? What has been done to minimise any safety implications arising from that decision?

Liz McLeod: My answer to that is similar to my answer on HSTs. We go through a rigorous process that takes a year or longer. Network Rail submits detailed plans to us. With its initial plans, which we reviewed last summer, we did not think that those were capable of maintaining safety. We challenged Network Rail to spend circa £50 million extra on a specific asset. Network Rail accepted that challenge and we deemed its finalised plan to be safe.

As with the HSTs, if there is not enough funding to maintain a safe and reliable plan, which is what Scottish ministers want in their high-level output specification, there is a process for us to send a notification to ministers to say, "There's not enough money here to deliver what you want. Can you reassess and maybe take something away so that the plan is affordable?" We did not do that; we accepted Network Rail's plans.

However, you are right that there are challenges ahead. We have talked about climate change. The other challenge is rising inflation, which is eating away at the funding. You rightly said that there will be more maintenance and less investment in renewals in some areas in the next control period. We are all alive to the risks. We have worked closely with Network Rail, which has established a safety risk assessment model that we want it to use throughout control period 7. That will provide the evidence.

Inevitably, Network Rail's plans will change. We do not expect a perfect plan to be delivered five years in advance. When things need to change, Network Rail will have to demonstrate to us that it has gone through the issues. For example, if it decides to do less track work, we will need to see that the decision has been through that model and we will need evidence of what has been taken into account, the risk mitigations and so on.

So, yes—there will be less work on renewals. We are all alive to that. Measures have been put in place for the next control period and we will monitor them closely. Where we identify issues or concerns, either from a health and safety perspective or an economic regulatory perspective, we will take action on that.

Monica Lennon: That is helpful. Thank you.

Ben Macpherson: I have two questions that my constituents have raised with me, although they are relevant for the whole country. The first is regarding the Edinburgh to Inverness line. Issues about overcrowding on that line have been raised with me on several occasions. The line is an important artery for people living on the east coast and for tourist visitors. Do you have any comment or direct feedback on that?

My second question is on reliability. The Edinburgh to Glasgow connection, particularly between Waverley and Queen Street, has for certain periods been extended later into the night, such as during the Edinburgh festivals. That is a good thing, and I and many of my constituents think that there is a strong argument for it to happen more regularly so that people can go to concerts or football games and be able to come home later. Has that been raised with you? Is it part of your considerations and feedback?

Robert Samson: On your second point, back in 2012, when the First Group franchise was ending, there was a consultation exercise on the ScotRail franchise, which asked passengers about timetable provision and what they would like to see. In most franchise consultation exercises that we hold with passengers, we find that they would like more early morning services and more services late at night, to allow for the 24-hour economy and for cultural events. There is a definite pattern of feedback from passengers in favour of earlier and later services. That would eat into the time to maintain and renew the network in the control period and would have costs. However, passengers would like later night services. ScotRail did that to an extent on a Friday night when Abellio took over the franchise, and that has been sustained now that ScotRail is in public ownership.

The feedback from passengers on longer-distance services in Scotland is that they would like faster journey times and more carriages. It goes back to the general point that passengers in Scotland want a seat and want to travel in comfort on all routes, but that is particularly the case when there is a longer journey time. When passengers do not get a seat on a two-hour or three-hour journey, that is frustrating and inconvenient, and it leads to complaints and compensation.

10:45

The Convener: Liz, do you want to add anything?

Liz McLeod: I am not aware of any health and safety issues from the overcrowding perspective. I will take that away and check with colleagues in

the consumer team whether there are any trends in complaints.

Ben Macpherson: It is particularly on that line to Inverness.

The Convener: That is of great interest to me because, in the past 10 years, the journey time to Inverness has gone up by 20 minutes rather than coming down, and there are fewer services.

Ben Macpherson: On what Robert Samson said about a later service between Waverley and Queen Street, I presume that that would not be prohibitive in terms of undertaking maintenance and so on, given that the London underground runs all night on a Friday and Saturday. If they can do it, we can do it, right?

Liz McLeod: If you changed the hours of operation, that would restrict the times or the opportunities available to Network Rail to do its work, but it would take that into account. Historically, Network Rail did a lot of work over the new year period, but it recently changed that to reflect the fact that people might want to go from Glasgow to Edinburgh to shop for the new year sales. The plans can be changed to adapt if that is the best thing for passengers.

Ben Macpherson: That is interesting. Thank you.

The Convener: That brings us to the end of this session. I thank our witnesses very much for giving evidence to the committee this morning. Liz McLeod has undertaken to get back to us on a couple of points, so we look forward to receiving that.

I briefly suspend the meeting to allow for a changeover of witnesses.

10:47

Meeting suspended.

10:54

On resuming—

The Convener: Welcome back. We continue our consideration of Scotland's railways by hearing from a second panel, which is made up of representatives of rail operators. I am pleased to welcome Kathryn Darbandi, who is the managing director of Caledonian Sleeper Ltd; Alex Hynes, who is the managing director of Scotland's Railway; Joanne Maguire, who is the chief operating officer of ScotRail Trains Ltd; and Liam Sumpter, who is the route director of Network Rail Scotland. Thank you for joining us today.

I put on record the fact that I was one of the first conveners that Alex Hynes had the misfortune to come across when he took over his position in

2017. He has now accepted a secondment as director general for rail services for Transport UK, I think, which, to my mind, is recognition of the hard work that he has done. Congratulations on that appointment, Alex. It is fitting that I should get the last chance to have a go at you before you go. *[Laughter.]* I will be very gentle. I will not remind you about the bridge at Dalwhinnie, except to put on record the fact that you promised that it would be replaced and it still has not been.

I will begin with a question for Joanne Maguire about budgets. How much does it cost to run ScotRail a year? How do you go about sorting out the budget? Do you just say, "This is what we need," and that is what the Government gives you? How does that work? Could you please explain that to me, if you would not mind?

Joanne Maguire (ScotRail Trains Ltd): Good morning, convener, and thank you for the question.

If only we had the opportunity to say, "This is what we would like," and it was handed to us. A lot of scrutiny goes into our budget preparations. We work collaboratively across Scotland's railway, which involves looking across at Network Rail and the planning for its next control period.

In thinking about the budget year ahead, we work from the bottom up in our budget preparations and spend time looking at what we have achieved in the previous year. We aim to set stretching targets. In the first instance, our draft budget goes to the ScotRail Trains board. Normally, a number of iterations will go before and be challenged by that board. The budget will then go to the Scottish Rail Holdings board, before being presented to Transport Scotland. There is a high degree of scrutiny and challenge, both internally at ScotRail and through the agencies that govern us.

The Convener: I think that there was a line in last year's Transport Scotland budget that allocated around £14 million to cover wage increases. Will that happen every year or will that money be part of the overall budget? How will that work out?

Joanne Maguire: As with all organisations across the UK, our employees have not been immune to the cost of living increases that everyone has been impacted by. Over the past few years, we have worked very hard—as have our trade unions—to improve industrial relations at ScotRail. We also need to be governed by the Scottish public sector pay policy, the publication of which we keenly await. That will help to guide us in our pay negotiations for the coming year.

The Convener: I understand and accept all of that, but I want to understand whether, every time there is a wage increase—I think that the cost of

the 5 per cent increase was roughly £14 million—it will appear as a separate line in Transport Scotland's budget or be part of your budget as a whole.

Joanne Maguire: In our draft budget, we are making provision for pay increases. Depending on what the Scottish public sector pay policy says, we might need to review that line, but there is a line in the ScotRail Trains budget for pay reviews for the coming year.

The Convener: I am thinking about how a business would approach the issue. Most businesses would say, "Right, here's my budget." If they did not have enough money, they could not necessarily go to somebody else and ask for more money. Businesses have to make their budgets work, so they would have to make cuts in other areas to fund a pay increase, but it appears that you have simply gone to Transport Scotland to get that money. Have I got that completely wrong?

11:00

Joanne Maguire: To be fair to our employees and the organisation, there are lots of efficiencies that we look for alongside our pay increases. In the previous year, part of the deal that we negotiated involved our employees accepting technology. The organisation had been trying to achieve that for more than 10 years. Through that, we have reduced—

The Convener: I am absolutely not disagreeing with the negotiating process; I am simply saying that you did not have enough money, so you had to get more money from Transport Scotland to cover the pay increase. Is that what will happen every year or will you be expected to fund pay increases for your staff from the money that you are given?

Joanne Maguire: Alex Hynes wants to come in, but I was going to make the point that—

The Convener: He is itching to come in.

Joanne Maguire: —through technology, we have increased our revenue collection by having our ticket examiners and conductors scan more tickets. Through that, we have also decreased our refund numbers on our e-tickets, for example, which brings money back to our revenue line through efficiency.

The Convener: I do not think that that comes to £14 million, but there we go.

Alex Hynes (Scotland's Railway): In addition to everything that Joanne Maguire mentioned, we manage the costs and the revenues as a commercial enterprise in the public sector. In the first year of public ownership, the subsidy that we required was £708 million, which was down on the

previous year's figure of £730 million. If we ever get any cost trends that are adverse to budget, our first instinct is to see whether we can fill that gap ourselves through efficiencies in other areas and revenue growth.

One of the fantastic things about ScotRail right now is that it is the fastest-growing train operating company in Britain. The fact that we have huge rates of revenue growth is helping us to reduce the cost to the taxpayer and to cover some of the headwinds that have been related to inflation, which, of course, is not in anyone's control.

The Convener: I will ask some other questions towards the end of the session, but I will now bring in Mark Ruskell.

Mark Ruskell: I want to ask you about the new normal as regards post-Covid travel patterns. Is that picture settling down? Is the peak still leisure driven? What has the impact been on your services over the past year? Is it now more of a fixed landscape? How are you operating within that landscape? I put that to ScotRail and to Caledonian Sleeper.

Alex Hynes: I will go first for ScotRail, and then I will bring in Joanne Maguire, before handing over to Kathryn Darbandi.

I do not think that we have reached what might be described as a new normal, whatever normal is these days, because we are seeing such rapid rates of passenger growth. Passenger journeys are growing at rates of 10, 20 or 30 per cent per annum. The fact that we are the fastest-growing train operating company in Britain is great news, because we want our railway to be busier. Of course, every pound that we collect through the fare box is a pound that we do not have to get from the taxpayer through subsidy.

We are now at about 85 per cent of our pre-Covid passenger numbers—in other words, we are still 15 per cent down on where we were before the pandemic. That average figure hides huge changes in the market. Saturday is now the busiest day, which would have been unthinkable five years ago. That is influencing the way that we run the business—for example, it is influencing when we decide to close the railway to do engineering work.

Business has recovered relatively well but, of course, commuting has collapsed relative to what it was just five years ago. Therefore, the mix of our passengers has changed significantly. That means that we have had to change the way that we operate our railway, and our timetable reflects that. My favourite example of that is that we run more frequent trains between Edinburgh and Glasgow on a Saturday than we do from Monday to Friday, because Saturdays are busier than Monday to Friday.

As I said, passenger journeys are growing back strongly, which is great news. When we change the timetable in June, we will add in more services to reflect the market that is now there for rail. We are very proud of the fact that, between us, we are overseeing such growth.

Jo, is there anything that you want to add from a ScotRail perspective?

Joanne Maguire: I can confirm that, from June, our services will be at around 93 per cent of the pre-pandemic timetable. We are making improvements. We will be excited to see the Levenmouth branch opening. We are making improvements across Edinburgh, Fife, Perth, Dundee and Inverclyde, and we are adding additional services in other areas.

Kathryn Darbandi (Caledonian Sleeper Ltd): From the Caledonian Sleeper perspective, our business is different from ScotRail's—as, I am sure, everybody appreciates. We recovered from the pandemic faster than most other commuter TOCs in the UK, including ScotRail. That is because our guest base is very different.

It is worth mentioning a few nuances of the business. Eighty per cent of our guests are one-time travellers who are tourists or people who are visiting friends and family in Scotland. Just 20 per cent of our guest base is made up of business travellers. I will come back to that, because the position has changed ever so slightly.

Post-pandemic, Caledonian Sleeper was in the fortunate position of benefiting from the staycation boom in the first year, when many people travelled within the UK. In the second year, although the staycation boom tailed off a little, the international tourists came back. About 20 per cent of our tourism business is international tourism. We recovered very quickly, and quicker than most other TOCs. We were in a fortunate position in that regard.

We are very full. We are now in a better position than the one that we were in before the pandemic. Our forward revenue is up by 36 per cent. That is money in the bank, if you like, because we sell our tickets a year in advance—again, that is another nuance with the sleeper. The commuter TOCs can do that only 12 weeks in advance. Our forward revenue is up by 36 per cent. On 3 March just gone, we had our biggest sales day ever. The demand is there, and we are full to the brim, pretty much, every day and every night.

I have a little bit of trend information for the committee. Our highlander service—which, as it says on the tin, runs to the Highlands—recovered slightly better than our lowlander service. Our lowlander service, which runs to Glasgow and Edinburgh, is a bit more skewed towards business travel. However, both have now fully recovered.

For our business travel market, the big difference is that whereas, previously, people would have travelled on the Monday and come back on the Friday, we are now seeing a slightly shorter week. That is advantageous for us, because we can sell our weekend services to our tourism market. Therefore, the change in buying and travelling behaviour has not impacted us dramatically. We are in a very good position, and we were very fortunate post-pandemic.

Mark Ruskell: Thanks for sharing that picture.

Alex Hynes, the trial of off-peak fares being available all day will run until June. We are waiting for an evaluation of the trial, but what are the figures showing at this point? Is the trial bringing in significant numbers of new passengers, or is it just leading to savings for existing passengers? What has been the impact on both patronage and fare-box income?

Alex Hynes: It will not surprise you to hear that, as with most things on the railway, it is quite complicated to work out what the isolated impact of off-peak fares being available all day has been. That is for two reasons. First, we are growing so quickly anyway—by 10, 20 or 30 per cent per annum—so it is difficult to work out the isolated impact of the trial. Secondly, since we launched the trial, we have had 10 named storms, which has been more than ever before.

We have clever people in ScotRail working out exactly what the impact has been on revenue and patronage. We know that the trial has made the railway busier and that it has cost us money in the fare box, but we are trying to work out the exact figures.

Our Transport Scotland colleagues are doing an evaluation from a multimodal perspective. If the railway has got busier by X per cent, where have those passengers come from? For example, are those passengers taking new trips, or are they taking the train when they would otherwise have taken the car or the bus?

That work is being done as we speak, and we will provide the information to Scottish Rail Holdings and Transport Scotland so that Scottish ministers, who have always controlled the fares, can make a decision about what happens next.

Mark Ruskell: What would be your measure of success for the trial of off-peak fares being available all day? To put it bluntly, will there come a point at which, with an increase in fare-box income as a result of more people returning to use the railways, the Scottish Government will not need to provide any subsidy or will need to provide only minimal subsidy? Would that be a measure of success, or is there something else?

Alex Hynes: Obviously, we are in the business of moving customers around the country, and we want to see a growing railway. However, the trial is a Scottish Government-funded initiative to drive progress towards other policy objectives—whether it is providing help with the cost of living crisis, supporting decarbonisation or encouraging a modal shift—so it is not really for us to set the success measures, because the trial is a Scottish Government intervention. With ScotRail under public ownership, the Government has decided to give us some extra money in order to drive progress towards other policy objectives, so whether the policy has been a success is a matter for the Government.

Mark Ruskell: Do you think that the policy should continue and become permanent?

Alex Hynes: I have worked in railways for more than 25 years. Scottish ministers control the fares, because there is a genuine trade-off in relation to who pays for the railway. Is it passengers, or is it taxpayers? That decision is for politicians, not for railway managers.

Mark Ruskell: Okay.

Bob Doris: Is ScotRail taking part in other initiatives to grow the passenger market? I should declare that I am a new member of club 50, and the £17 return fares, where you can add a kid for a quid, mean that I use the railway for journeys that I would otherwise have taken by other means. I am not talking about that scheme specifically, but have other initiatives been successful in growing the market?

Alex Hynes: Absolutely. I will bring in Joanne Maguire shortly.

Revenue generation is a key activity for us. We have been free from industrial action in Scotland, and we are generally delivering a good service to our customers. We are investing a lot in revenue protection and in marketing. It is now difficult to pick up a newspaper, watch television or listen to the radio in Scotland without seeing or hearing a ScotRail advert. We are about to start a new financial year, and our marketing budget has gone up even further to about £5 million per annum. We have loads of great value offers, including club 50 and the kids for a quid scheme. A key part of our activity involves revenue generation and giving passengers excellent value for money for their fares.

Does Joanne Maguire want to add anything?

Joanne Maguire: We are building a stable operating environment, with nine out of 10 customers telling us that they are satisfied with our services, which gives us the platform to invest more in our marketing campaigns. I hope that you saw some of our Christmas campaigns on TV, and

we did a leaflet drop for households. Under the kids for a quid scheme, four children can travel return for £1 each with an adult. That is a great campaign that we will push, especially over the summer holidays. We are looking at lots of initiatives in addition to off-peak fares being available all day.

Bob Doris: Rather than ask a follow-up question, convener—

The Convener: You are not getting a follow-up question, because—

Bob Doris: I would not indulge myself, convener, as you know.

However, Ms Maguire, it would be helpful if you could set out in correspondence how Scotland's Railway reports on how successful or otherwise such initiatives have been. What you have said sounds very positive, but it would be good for the committee to be able to look at some of that information.

The Convener: The next question is from Douglas Lumsden.

Douglas Lumsden: Kathryn Darbandi, what has been the impact of bringing Caledonian Sleeper into public ownership?

Kathryn Darbandi: It is fairly early days for us. We are only six months into public ownership; we transitioned at the end of June. There has been very little impact in the business, because everybody transferred across under the Transfer of Undertakings (Protection of Employment) Regulations. Everybody who works for Caledonian Sleeper, including me, feels very passionate about what we do, and everybody wanted to remain in the business, so everybody transferred across.

Every day, we are doing exactly the same as we did before public ownership. We have the same focus and the same team, but there are differences in governance and meetings. It is important to say that Transport Scotland and Scottish ministers were always our customers anyway, even under private ownership, so we already had transparent and open dialogue, meetings and conversations. All of that has continued positively, with a few different ways of working.

11:15

We are looking forward to being able to contribute to policy, because we feel that we have a lot to bring to the table. We have formally submitted our first business plan, which outlines our focuses for the next year. We look forward to being able to plan for the longer term. We believe that there will be a more stable environment, so it will be easier to plan for, and do the right things

for, the longer term. It is really early days, but there has been very little change in the business.

Douglas Lumsden: You mentioned a business plan. How should we expect the service to develop in the future?

Kathryn Darbandi: There are many aspects to the business plan. Even though our services are full, it is important to note that 80 per cent of our guests are one-time-only travellers. We have a lot of focus on filling the trains, because we have to find guests again each year so that our revenue continues to grow positively.

We are ensuring that our on-time performance continues. We are doing extremely well in that regard—we have just hit a record high of 87.22 per cent, but we do not take it for granted that we will repeat that performance next year. That is an important measure.

We are also doing well in making continuous improvements in relation to guest satisfaction. Our rolling average is 86 per cent, against a target of 85 per cent, which is very difficult to achieve. We are proud that we are achieving that target, but we do not take it for granted that we will continue to achieve it.

We continue to focus on revenue, filling the trains, operational performance and guest experience.

In relation to wider developments, we are looking at some longer-term initiatives. For example, we want to support the net zero policy by replacing the diesel locomotives that run our Highlander service. We will not deliver replacements next year, but we will start to think about that over the next year. That is just one example.

Douglas Lumsden: You mentioned that the trains are full already. Is there any way to increase capacity? Have fares changed since the service moved into public ownership?

Kathryn Darbandi: I will talk about fares first. As I am sure most people are aware, the new trains came into service in 2015, and fares were set at that point. We had not increased fares since 2020, because we wanted to ensure that we recovered from the pandemic, but we have recently increased them for the first time. Given that the trains are full, we need to keep an eye on the situation to ensure that what we do with fares does not affect demand. There is a balance to strike, and we have a talented team in the business that looks at that. Fares are pretty stable and, as Alex Hynes said earlier, they are approved by Scottish ministers. We make a recommendation, but, ultimately, Scottish ministers make the decision.

In relation to capacity, as I said, 80 per cent of our guests are new every year, so it is not a given that we will fill the trains every year, but we have done well for the past three years. To be honest, there is very little capacity. There is some during the off-peak shoulder season, winter and midweek. We look for opportunities to fill every cabin and every seat, but very little capacity is available.

Douglas Lumsden: Have subsidies now changed from before the pandemic? Where have they gone?

Kathryn Darbandi: The position has remained fairly stable. Jo Maguire spoke about her budget, and we expect our budget to remain stable next year. We have gone through exactly the same budget process as she outlined. It is around the £40 million mark, and we hope to deliver against the same number next year.

Douglas Lumsden: I am trying to take in all that. Subsidies have not reduced, capacity has not increased and fares have not reduced, so I am still trying to work out what the point was of taking the service into public ownership.

Kathryn Darbandi: That decision was taken by Scottish ministers. That is all that I can say about that.

The Convener: I want to clarify something. Your fares ratchet up fairly quickly as the day of travel gets closer—the cost of a basic berth can suddenly increase from roughly between £120 and £140 to £220 when few spaces are available. Peak fares operate on Caledonian Sleeper's service.

Kathryn Darbandi: We sell our tickets a year in advance, as I mentioned. We have a number of different products on offer—we have seats, we have three grades of room and we also have accessible rooms—and they are all priced differently. We also offer an excellent family price—

The Convener: I understand that but, as the day of travel gets closer, your prices for overnight accommodation can double.

Kathryn Darbandi: We dynamically price our fares, so we change them based on demand. A lot of our trains are booked up a long time in advance, but if there are very few rooms left close to departure, the price will be higher.

The Convener: It is sometimes double.

Kathryn Darbandi: That is possibly the case sometimes, but not as standard. The system works using an algorithm based on learning and history, and we have a talented team that deals with that. We also have a cap so prices cannot go above a certain amount.

The Convener: Okay. I have learned from my mistake.

I will bring in Mark Ruskell very briefly to ask one question to one witness.

Mark Ruskell: I have just a quick question. Caledonian Sleeper provides an excellent service, but the choices are quite stark. You have seated accommodation, or you have high-end, hotel-grade accommodation with en suite facilities. Most European sleeper services run couchette services, which get more people on the trains and are more affordable for more regular travellers. What can you do within what you have? Can you add more carriages? Can you procure more carriages? It feels like quite a stark choice at the moment. It excludes many people.

Kathryn Darbandi: Within the realms of what we have today, we can do little without huge cost, because we would be talking about a complete reconfiguration of the trains. What we have today was specified in 2015 and approved by ministers and the Government, so I would say that very little can be done.

However, the position is not quite as stark as you suggest, because we offer some products. We have a good family product. We also have the opportunity for regular travellers to buy 10 tickets in advance, which are dramatically reduced in price. We are conscious of that, and we have good products on offer.

If the Scottish Government decided to allow us to procure more trains, we would take the brief from the Scottish Government, of course, but we would consider and take into account lessons learned in the design of those. The service has been hugely successful based on what was procured and what was set out in the mandate that was given to the business. It would be a decision for the Scottish Government if it wanted to bring in a sleeper service that was more aligned to what we see in Europe. We are interested in what happens in Europe, but what we are designed to do today is different.

Monica Lennon: Good morning to the panel. First, congratulations to Alex Hynes on his new appointment as director general of rail services at the Department for Transport, moving from Scotland's Railway to Britain's railways, in four weeks' time. Can you advise the committee who will take over from you on 15 April?

Alex Hynes: This news was announced only yesterday, and arrangements are in place and discussions are happening between Network Rail and Scottish Rail Holdings. Any arrangements on who will succeed me will be communicated before I leave.

Monica Lennon: Your role is MD of both Network Rail Scotland and ScotRail. Will that arrangement continue?

Alex Hynes: Yes. The alliance between Network Rail and ScotRail will continue. It is widely perceived to have been a success to operate track and train together and there is great interest in everything that we have achieved in the last time period in Scotland. As you know, the UK Government wants to bring track and train back together on the railway south of the border. I pay tribute to everyone who works for ScotRail and Network Rail for all their hard work and everything that they have delivered during my time here. Hopefully, I will be able to export some of that good practice to other places.

Monica Lennon: I think that it is just for two years, so you might be back in front of us.

I want to speak about the impact of weather events. You mentioned earlier that, even during the pilot scheme for the abolition of peak fares, there have been 10 named storms. I will not ask you to name them all, but extreme weather events are having an increasing impact on Scottish rail services. How is that issue being addressed in the short term and how will it be addressed in the coming years? Maybe Liam Sumpter could add to the answer. What impact might the challenges around control period 7 cuts to investment have on any of the actions that we are about to hear about from Alex Hynes?

Alex Hynes: I will start and then hand over to Liam Sumpter.

In this five-year control period, Network Rail has had £4.2 billion to manage the infrastructure. In the next five-year period, the number is about the same, so there is a consistently strong commitment from the Scottish Government to investing in infrastructure.

We are seeing the impact of climate change happening quite rapidly. Mean rainfall in Scotland in the past 10 years has increased by 8 per cent, which is quite a lot, because it was quite wet to begin with in parts of the country. Of course, our railway was primarily built by the Victorians when the weather was different. Therefore, while we have been putting our business plan together for the next five years on the infrastructure side, we have specifically targeted additional investment in those railway infrastructure assets that are vulnerable to the impacts of climate change: structures, embankments, drainage assets and so on. In the next five years, £400 million will be spent on making the railway more resilient.

Since the tragic accident at Carmont on 12 August 2020, we have applied more precautionary speed restrictions to keep our passengers and staff safe when we get adverse and extreme

weather. We have done a host of really good work to make sure that we can run a safe and resilient railway. For example, we have invested more in infrastructure and, in particular, in our knowledge of our drainage assets. We have modified the trains. As I said, we now apply precautionary speed restrictions more often but, also, our control centre on the outskirts of Glasgow is the first railway control centre in Britain to have full-time meteorologists, 24/7, 365 days a year. That helps us to learn about the impact of weather on our network.

As we have got better at running what I regard as the basics of railway operation both in ScotRail and in Network Rail, which has underpinned our improved punctuality over the past 12 months, the growing impact of weather is a headwind that is pushing us in the other direction. There is no question but that we need to spend more time, effort and investment on the issue.

It is good to see that, in the Network Rail Scotland business plan, which starts on 1 April, there is increased investment in those types of assets, which should, hopefully, mean that we do not have to apply these precautionary speed restrictions as much. For example, we completed a multimillion-pound project on the Edinburgh to Glasgow line, which means that under extreme rainfall events we do not have to apply a speed restriction at all because we have made the asset so resilient.

11:30

Sometimes our response is to invest in the infrastructure and make it more resilient. Sometimes we use softer measures such as precautionary speed restrictions. We are rolling out all sorts of clever technology across the network, such as earthworks failure detection systems, which are probes that sit inside embankments and detect movement that can be a precursor to a landslide.

Lots of good work is happening in this space and Jo Maguire, Liam Sumpter and I sit down with all four trade unions every quarter to take them through where we are with each of the recommendations. We have made some good progress in this area, but I agree with you that the impact of weather is significant. It is disruptive for our passengers and our staff. We need to do more to tackle what is a growing problem. Liam, would you like to add anything?

Monica Lennon: Thank you. Yes, I am keen to hear from Liam Sumpter. Alex Hynes mentioned resilience. Some routes will be more challenging than others because of drainage issues and other factors. Liam, could you expand on that briefly?

Liam Sumpter (Network Rail Scotland): Good morning, committee. Alex Hynes's answer was quite extensive and covered a lot of what I would have mentioned, but I will pick up on a couple of points.

The technology point is important. Because of the size of Scotland's railway, using people to go and look at what is happening all the time is not safe and is labour intensive, so we use more technology. Alex mentioned the tilt meters that measure whether the embankments are slipping. If you are travelling about on Scotland's railway and you see these little yellow poles about 1m high, sticking out of the bank, that is what you are seeing. Tilt meters are installed at over 100 sites now. You will be able to see that for yourselves.

We have also added technology at bridges to measure scour, when water erodes old structures around the bottom of bridges. We have done that at 25 of our key scour locations.

We are also using our helicopter more. We have a dedicated Network Rail helicopter with a camera on the front. In fact, the technology in the camera on the front of the helicopter is such that the camera costs more than the helicopter. It can see very small things that might interfere with the railway. It can spot landslips early. Sometimes those come from quite far away from the railway, so people travelling on the railway would not see them. The camera also detects different levels of heat, so it allows us to see whether something is happening around electrification assets and things like that.

To answer your point, some lines are harder to tackle than others. The west Highland line in particular is challenging to tackle, because the railway is built close to mountains in some cases. The topography is very challenging and, of course, it is the wettest part of the UK. Parts of the west Highland line saw more rain in a day in October than Glasgow has in the whole of an average October. It is very wet. We have to target our mitigations quite carefully to make sure that we do as much as possible to benefit as many passengers as possible, but affordably as well, because some infrastructure measures can be expensive. We need to target them accordingly.

Where we cannot do an immediate infrastructure fix, we apply operational restrictions such as speed restrictions. We try to target those to the most sensitive locations with the most risk so that we do not disrupt passengers unnecessarily.

Monica Lennon: There is a lot to comment on there, but we do not have time. I wonder whether we will see more operational restrictions, such as speed restrictions. What you told us about the

helicopter is new information for me, so thank you for that.

I will come back to Alex Hynes. You said that Scotland's Railway is industrial action free, but I am aware that the RMT—the National Union of Rail, Maritime and Transport Workers—is balloting its ScotRail members tomorrow on the proposed extension of driver-only operation. It is quite timely that you are here. I wonder why this issue continues to be a problem. Unions fear that driver-only operation is being brought in by the back door. I know that you care about having good industrial relations, so what has been done to address that? Will Scotland's Railway continue to be industrial action free?

I do not know whether Alex Hynes or Joanne Maguire is best placed to speak to this—perhaps both should answer.

Alex Hynes: I will start and then bring Jo Maguire in.

First, the constructive relationships that we have with our four trade unions in both businesses are critical in underpinning the service that we provide and, of course, they represent our people, who do a fantastic job every day and every night to deliver a fantastic rail service. That will not change. Where we have disagreements, we continue through dialogue to try to resolve them.

Of course, we are committed to having two people on board every train. In the west of the country, we tend to operate trains on a driver-only bases with a ticket examiner on board. In the east of the country, we tend to have a driver and a conductor on board. We find that allowing the drivers to open and close the doors is good for visibility for customers and good for revenue collection and so on. Both of those are safe methods of operation, as we call it.

With the investment that we are getting from the Scottish Government, we are electrifying some lines in the west of the country. We recently completed the electrification of the Barrhead line and we are completing the electrification of the Glasgow to East Kilbride line between now and December 2025. We are talking to our relevant trade unions about the method of operation on those routes. Hopefully, we will be able to resolve those differences without the need for any industrial action.

Joanne Maguire: The ballot opens tomorrow, but our door is still open and we are still in discussions. It is an interesting situation, because this involves both ASLEF—the Associated Society of Locomotive Engineers and Firemen—and the RMT, but ASLEF supports the changes that we want to make whereas the RMT opposes them.

As opposed to pushing a change through the back door, although we had wanted to implement this change in December when the newly electrified line was opened, we agreed, because of concerns that were raised by unions, to delay the implementation of the change to allow for further consultation and negotiation on what we intend.

We have guaranteed the employment of all the conductors, because there are other services running out of Glasgow Central, where they are based, that we can deploy them on. In fact, rather than services being unsafe, we have evidence that we can provide better value for the taxpayer by improving revenue collection and ensuring that the second person on the train is visible in order to better defend against antisocial behaviour and provide passenger assistance if required. The key factor is that we guarantee the employment of the conductors, and we are committed to delivering a second person on every train.

Monica Lennon: It sounds like there is a way to go here before everyone is around the table. Just so that I have this right, the Scottish Government's position is that it specifies a requirement that all ScotRail services should have a second staff member on board to assist passengers. The RMT appears to be concerned that there will be discretion and that the train driver will have to make that decision. It feels as if there will be pressure on the train driver. Am I correct?

Joanne Maguire: I am conscious of time, so I am happy to have a follow-up discussion or correspondence if required. As we operate now, where the fleet is enabled, the driver will open and close the doors. There is always a second person rostered on those services, but if at short notice that person is not available, the train will run. We suggest that that would remain in place. ASLEF accepts that that is a current practice and that it is safe. We do not plan to run trains in that way but, with a short-notice cancellation, it would still be safe to operate a service without a second person.

As part of these negotiations and as an ongoing matter since we have come into public ownership, we have worked hard to close the vacancy gap at ScotRail, which helps us deliver the guarantee of a second person on the train.

Monica Lennon: I think that we would appreciate more information. It is a live issue. I am not entirely sure of the business case. There is a commitment on rostering but no guarantee of the second person on board. I am not sure how often there will not be a second person. I will leave it there for now, convener.

The Convener: I am struggling here, because a lot of members want to ask supplementary questions, but the clock is against me. If members come in with supplementary questions, others will

not get to ask questions, which will be difficult, so I will stick with the list that we have worked out. I ask members to keep their questions short and I ask the witnesses to answer as succinctly as possible, which, I am sure, they will say they have done already.

Bob Doris has the next questions.

Bob Doris: For brevity, I will roll two or three questions together. They are about opportunities relating to the purchasing of new rolling stock. How will ScotRail and Caledonian Sleeper go about procuring new rolling stock in the future? For instance, will new trains be procured through rolling stock leasing companies—I put on record that I have some dissatisfaction with that model, to be honest—or will it be done directly by operators or some other public body?

Also—I said there was a lot in this question—how will rail users be involved in the design and layout of new rolling stock? There are three aspects: procurement, design and dialogue with passengers.

I see Joanne Maguire and Kathryn Darbandi scribbling away furiously. I do not know who wants to come in first.

Alex Hynes: We were worried that you would have three questions. I will come in first, if I may.

ScotRail's fleet is relatively old and is getting older. We operate more types of rolling stock than any other operator in Britain. We need to invest in new rolling stock for two reasons. First, we want to remove diesel vehicles from the network. Secondly, we need to replace some trains because they are approaching life expiry.

We are working with the Scottish Government on those plans. Specifically, in ScotRail, that is about the replacement of our intercity trains and about suburban electric trains and suburban battery electric trains. That is aligned with the need to replace our older rolling stock in the west of the country and the fact that we continue to electrify the network and want to exploit the benefits of electrification to decarbonise the railway. Between ScotRail and Network Rail, Scottish Rail Holdings and the Scottish Government, those conversations are live, and we are working through the business case both for intercity and suburban rolling stock. I hope that we will make progress on that this year.

Our default assumption is that we will continue to procure trains as we have done for the past 25 years, which is through rolling stock leasing companies because, frankly, they put up the money so that other people do not have to. That market works well, although that is not to rule out any other financing options.

The Convener: Before you continue, I have no concept—I am not sure that people listening in will have, either—of the cost of a railway carriage or train.

Alex Hynes: They are very expensive.

The Convener: Go on—give us a clue. How much is a carriage?

Alex Hynes: It is a couple of million per carriage.

The Convener: What about a train to pull it? What would the new version of the 125 cost, which I seem to remember having on my railway track when I was a kid?

Alex Hynes: A four-car electric train of the sort that runs between Glasgow and Edinburgh—most of them have eight carriages—would be £8 million. Trains are very expensive. We have 1,000 carriages in the fleet, and we need to replace around 65 per cent of those in the coming decade. That will be a huge investment.

The Convener: Thank you. I just wanted to get that context. We will go back to Bob Doris's questions.

Alex Hynes: Because—

Bob Doris: I apologise, Mr Hynes, but I will pause you there. The rolling stock operating companies, or ROSCOs, are effectively financing arrangements with leaseback. If I am right, under previous iterations, there was no control from the purchaser about where the work went to construct and maintain the trains. Scotland's Railway has a lack of flexibility to direct some of that work and, if possible, through procurement, to create, maintain and preserve jobs in Scotland. Is that a reasonable reflection?

11:45

Alex Hynes: You are absolutely right that they are, in essence, a financing arrangement. If you are not going to finance new trains through rolling stock leasing companies, the Scottish Government will have to decide where the finance will come from. Porterbrook, which is one of the rolling stock leasing companies, recently bought stock in Brodie Engineering at Kilmarnock, which is an interesting development. We would love for more of our work to be done in depots and facilities that are based in Scotland rather than having to send trains to England and bring them back.

You asked about how passengers will be involved. We have agreed with Transport Scotland officials that, when we go out to procure the new trains, we will specify level boarding, which closes entirely the gap between the train and the platform, where we have a modern platform. That will be an absolute game changer for accessibility

on our railway. It will provide a genuine turn-up-and-go ability for people and might enable people with reduced mobility to travel unaccompanied.

Once we get the authority to commence the procurement—procuring a new train takes rather a long time—we will fully consult passengers on layout. We already have exciting ideas about family-friendly spaces, for example, on board trains, which will help to grow the market further.

I have spoken for quite a long time, I am afraid.

Bob Doris: Does either of your colleagues wish to add anything?

Kathryn Darbandi: I can be succinct. We do not plan to procure any additional rolling stock because, as we discussed, we have new trains.

Bob Doris: Ms Maguire, do you want to add something?

Joanne Maguire: We welcome the huge opportunity to replace some of the 11 different types of train that we currently run and potentially to simplify things for operation and for our customers, with improvements to accessibility. As Alex Hynes said, we will consult more fully with passengers, but be reassured that we have had initial consultation with stakeholder groups.

Bob Doris: Before I move on, I have a question about battery electric trains. I understand that they would be needed, for example, on the Maryhill line, which is not electrified. Modern battery electric trains could run on that line without electrification. Is that the benefit of battery electric?

Alex Hynes: Yes. Battery electric trains can use the overhead electrification system where it exists and, where it does not, they use energy from the batteries on board the train. A line with a small range, such as the Maryhill line, is within the range of a battery, which would enable us to decarbonise that route without any overhead electrification.

In addition, we are looking initially at the partial electrification of the railway in Fife and of the Borders railway. Again, having a battery electric train would enable us to decarbonise in advance of full electrification.

Bob Doris: It sounds more economic to do it that way, given the cost of full electrification.

On financing, ROSCOs appear to be the only show in town, because of the huge costs involved. Do the Government and ScotRail have the ability to knit together alternative financing arrangements, or is that just how it is?

Alex Hynes: We are the buyer, so we are free to decide how we want to finance our trains. Alternatives are available. For example, the Scottish National Investment Bank might be

interested—I do not know. However, at the moment, our priority is making the business case with the Scottish Government to enable us to start the procurement, and then we can work through the exact financing later.

Bob Doris: I will move on to the accessibility of Scotland's rail network. With the earlier panel, I raised the example of me using Springburn train station with my small child—it is more of an assault course than a train station to navigate. Other train stations with similar issues are available, convener, but that particular station has made it on to the access for all scheme shortlist for the second time. The Department for Transport will make a decision in due course, but it was on that shortlist previously. Does the access for all scheme work well, not just for Springburn station but across the country?

Do you have any other comments about the need to do more to make train stations more accessible to all? That includes not just families and wheelchair users but the visually impaired and others.

Alex Hynes: One oddity of the railway structure is that rail accessibility is reserved to Westminster. We have a strong track record of using the DFT access for all fund to invest in improving access for all at stations. We have just completed work at Port Glasgow, and we have a number of live schemes across the country. We want to do more.

On Springburn, it was great to see recently a joint ScotRail and Network Rail team go there to see what relatively low-cost but high-impact improvements we could make. There is a large local college, and it is also the nearest station to our control centre. I am sure that we can make improvements there. Recently, I was with the First Minister and the MSP for Pollok to see the improvements that we have made at Cardonald station.

As you rightly point out, such improvements do not only benefit people with accessibility needs; everyone benefits from those investments, which are often relatively small scale but can make a significant difference to people using the rail network.

Bob Doris: I have no more questions, convener but, for clarity and transparency, I point out that I was at the visit to Springburn station that Mr Hynes referenced. Also, I put on record—that came up in the earlier evidence session—that representatives of Sustrans, the college and Glasgow City Council were also there. The small charity Spirit of Springburn, of which I am a trustee and which engages in town centre regeneration, was also represented. There was a sense of proper collegiate partnership working.

Alex Hynes: One of the things that we have done in the past 12 months between ScotRail and Network Rail is to produce a sustainable travel to stations policy. Someone from Sustrans was seconded into the Network Rail team and he now works for Scotland's Railway. Active travel links to stations are a growing part of our agenda. We see that at Levenmouth, where the active travel links to the stations are being built in from the start.

The Convener: Thank you. The next question is from Douglas Lumsden.

Douglas Lumsden: Thanks, convener. I will go back to the issue of antisocial behaviour, which Monica Lennon mentioned earlier. What more are your organisations doing to combat antisocial behaviour on our railways? What can we do to assist?

Alcohol is banned now on ScotRail services at all times of day. What has happened with the consultation and where will that lead?

Alex Hynes: First, we are doing a lot of work on antisocial behaviour. As we know, during Covid we saw an increase in antisocial behaviour, and it was a big theme that came out from our staff survey. We are investing heavily in this area.

We have created a travel safe team in the west of the country. We are on a massive recruitment drive to fill front-line vacancies and we recently renewed our fleet of body cameras. We have now bought many more body cameras than we used to have because we see their use by our staff grow.

We have also strengthened our relationship with the British Transport Police, which is responsible for policing the network in Britain. We work with them in partnership to respond to the issues that we see—both the actual issues and the perception of security on trains and in stations.

We work hard on antisocial behaviour. In our staff engagement sessions, we are starting to notice the difference. Jo McGuire can provide some more detail on that.

The alcohol ban divides opinion. Everyone has a view on it. Some people would love to be able to drink on trains and some people are vehemently against drinking on trains. Scottish ministers have to decide on the alcohol ban policy but, as I say, there is no clear winner in terms of public opinion. It comes back to the policy objectives that the Scottish Government is trying to deliver and, therefore, it is a matter for Scottish ministers.

Douglas Lumsden: On that point, when I ask Scottish ministers, they say that it is up to ScotRail, which has conducted a consultation—people who used the train wi-fi were invited to give their views. When does that get reported back to Scottish ministers so that they can make a decision?

Alex Hynes: Jo Maguire can add something on this topic.

Joanne Maguire: As Alex Hynes said, that was part of the feedback that we have reported back on, and there is no clear winner. There is a roughly 50:50 split on views about alcohol on trains. We are conscious that it is a policy decision, because alcohol has a broader impact on society that goes beyond the issue of safety on our trains.

Douglas Lumsden: So, that information has gone back to Scottish ministers. When did they receive it?

Joanne Maguire: I will have to check that and write to the committee. However, that information has been sent to Transport Scotland.

Douglas Lumsden: I am frustrated that I am getting pinged between different places when I ask questions about the issue. I have asked you, and you have been quite honest with us; and I have asked ministers, who have said that the matter is a ScotRail decision. It is good to have that clarified.

Joanne Maguire: As for antisocial behaviour, I do not want to repeat what Alex Hynes has said, as I am conscious of time, but I confirm that we had support from the Scottish Government to invest in the body-worn cameras. As a consequence, the number has gone up threefold: we have moved from having 300 body-worn cameras available for our staff to having just more than 1,000. We also double-staff trains in known hotspots, so on certain lines where we see specific challenges, you will find two ticket examiners, especially late at night and over weekends.

Douglas Lumsden: Do you aim to have one body camera for every ticket inspector? Who will wear them?

Joanne Maguire: The numbers that we have now allow for ticket examiners and conductors—on-train staff—to wear them, and we have also provided for staff in stations to wear them if they want to.

Douglas Lumsden: Thank you. I will go on to my next question, convener, because I know that we are pressed for time.

We have heard concerns that passengers cannot always access the cheapest tickets through apps or ticket vending machines. Can you outline your plans for the future of rail ticket vending in Scotland?

Alex Hynes: As I am sure that we all know from experience, the fares and ticketing system in UK rail is furiously complicated, and the industry has wanted to reform it for a number of years but is unable to do so without changes to regulations. The conversations between industry and the UK

Government around fares reform continue and are a part of the plans to create a simpler and better railway, which involve the creation of a new public body, which is to be called Great British Railways.

Our retail strategy is to invest in what we call supported self-service. We recently launched the ability to buy mobile tickets on the app, for example, and we have seen a massive growth in customer numbers using that method. Satisfaction with the ScotRail app has gone up up to 4.5 out of 5. Customers and, indeed, colleagues like it.

Of course, we recognise that people also need a bit more help, which is one reason why the staffing of our railway, on board and at stations, is a key part of our customer offer. As Jo Maguire mentioned, the recruitment drive that we are delivering in ScotRail makes a positive impact in this area.

Douglas Lumsden: I believe that a trial was run in Glasgow Central station with new vending machines. Can you explain what that was about? Was that successful?

Alex Hynes: We are trialling a new vending machine there from one of the manufacturers. We are looking to see the impact of that trial on the customer experience.

Douglas Lumsden: What is the difference with this new vending machine? How does it compare to the last ones?

Alex Hynes: I am not an expert in this area because I do not buy too many train tickets, but perhaps Jo Maguire knows a bit more of the detail.

Joanne Maguire: We have replaced one of our existing vending machines at Glasgow central with this new machine as part of a trial. If you get the chance to look at it, you will see that it is around half the size of the existing machine. It has two screens to give improved accessibility. We will take feedback before we make any decisions. Unfortunately, it will not make the ticket purchasing any simpler, due to the challenges around our ticketing regulations. However, what has made ticketing much simpler in Scotland for our passengers is the off-peak all-day trial.

Douglas Lumsden: Thanks. I will go on to my next question, which is about the ongoing use of the HST rolling stock. Are those trains safe, and when will they be replaced?

Alex Hynes: They are safe, and they meet all the requirements for the UK rail network. They are on lease to us until 2030. As I mentioned earlier, since the tragic accident in 2020, we have made a number of changes to the operation of the railway, including the trains themselves, and we made good progress on that, working with all four trade unions.

12:00

We also work hard in our engineering teams on the reliability and availability of those trains and on the delivery of seats to customers. I am delighted to say that we have seen good improvements in that regard since the start of this calendar year. It was great to have Fiona Hyslop, the Cabinet Secretary for Transport, at Haymarket last week to see that progress.

We are working through the business case for the replacement of those trains with the Scottish Government, and that is happening as we speak. Hopefully, we will be able to progress that this year, because 2030 is not too far away in railway time.

Douglas Lumsden: The trade unions have raised concerns about the HST. I was looking at the RAIB report on Carmont, which considered it more likely than not that the outcome would have been better if the train had complied with modern crashworthiness standards. Is that a reason to have them replaced sooner?

Alex Hynes: The crashworthiness standards changed in 1994. Any rolling stock that predates 1994, of which there is a lot on the UK rail network, has different crashworthiness standards. Because we changed the operation of the railway—introducing precautionary speed restrictions, for example—we do not operate trains in Scotland if we get a red weather alert from the Met Office. We have also invested in the infrastructure, and we have modified the trains.

We have worked with the trade unions to improve the safety of those trains. I sit down with the trade unions every quarter and we go through each of the 20 recommendations that the Rail Accident Investigation Branch made and look at where we are in regard to them. Those recommendations are either complete or 99 per cent complete and are awaiting sign-off from the independent rail regulator. The trains are safe, but we need to plan for their replacement.

Douglas Lumsden: You mentioned that it could be 2030 before the HSTs are replaced. Could their use be extended further than that? I imagine that you would look to have electric trains on the east coast up to Aberdeen, but that will probably not be likely by 2030.

Alex Hynes: By 2030, those trains will be more than 50 years old, which I argue is too old for a train. Trains have a life of between 40 and 50 years. We are looking at replacement rather than their extension beyond 2030.

Douglas Lumsden: Will the replacement be electric going up to Aberdeen on the east coast line, or is that unlikely?

Alex Hynes: That is one of the current debates. Hybrid trains might have a role to play. We have some options for replacement of intercity trains. We can buy an existing diesel train from the GB rail market, or we could procure a diesel-electric hybrid train, which would, for example, travel electrically from Glasgow to Stirling and then drop its pantograph—the piece of equipment that collects the electricity from the overhead wire—and proceed on diesel.

There are pros and cons to the options. Those debates, discussions and business cases are currently being discussed between Network Rail, Scottish Rail Holdings and Transport Scotland. It is not easy and so we need to take time to go through those deliberations quite carefully.

Douglas Lumsden: As you say, these dates are coming quite quickly. Liam Sumpter, in 2026 there is meant to be a 20-minute reduction in train journeys between Aberdeen and the central belt. Will that be met by 2026?

Liam Sumpter: I am not sure that I can answer that. I can write to you with the detail on that. Alex Hynes might be aware of the position.

Alex Hynes: Next week, there will be a meeting between ScotRail, Network Rail, Scottish Rail Holdings and Transport Scotland at which we will go through the budget for enhancements on the rail network next year. Once those discussions have taken place, we will be clear about the enhancements to the rail network that we can deliver, including, of course, the Aberdeen to central belt upgrade, which is a big part of our plan. Our aspirations to cut journey time by 20 minutes, improve capacity for passenger and freight and electrify the railway remain undimmed, but we need confirmed funding before we can proceed with those projects.

Douglas Lumsden: Does that £200 million appear on a budget line?

Alex Hynes: Not as yet.

The Convener: Douglas, you have a wonderful way of asking your last question and then asking a couple more. Briefly, this is your last question.

Douglas Lumsden: I just wanted to know if that £200 million is in the budget.

Alex Hynes: As we have discussed, until any money passes to us in the rail industry for a programme, it is not yet a funded programme. Neither ScotRail nor Network Rail has £200 million in their budget lines to deliver that. We are discussing the capital expenditure on enhancements next week and we can lay out a variety of options for the Scottish Government at that point.

The Convener: Mark Ruskell has a brief question.

Mark Ruskell: Are we on track to meet the decarbonisation target by 2035?

Alex Hynes: Yes. We are continuing with the delivery of decarbonisation. We have already electrified the rail between Glasgow and Barrhead. We delivered that in December. We are delivering electrification between Glasgow and East Kilbride. That finishes in December next year.

When Transport Scotland published its decarbonisation action plan, it committed to refreshing that strategy. I understand that Transport Scotland intends to publish that later this year, which will be the result of lots of good work between ScotRail, Network Rail, Scottish Rail Holdings and Transport Scotland on this topic. The fiscal climate has changed since then, but the ambition and the policy direction is absolutely unchanged. The plan will be refreshed later this year.

The Convener: Thank you.

Monica, do you have a brief question?

Monica Lennon: Yes, convener.

First, can I get an update on current major infrastructure projects that are, hopefully, in the pipeline, including the Levenmouth rail link? I have also just had a wee look on the STV news website, and the new station at Winchburgh seems to be topical again today. Can you give us an update on those two projects?

Alex Hynes: Sure. Despite the financial climate from a capital perspective—as opposed to operating expenditure, where next year the Scottish Government is putting £1.6 billion into the railway—we continue to invest in a bigger and better railway for Scotland. On 2 June, we will launch train services on the Levenmouth branch for the first time since the 1960s, and we will be opening two new stations at Cameron Bridge and Leven to connect those communities to the capital.

We are also completing the electrification of the East Kilbride line, but I should say that that project is not just about electrification; it is about, for example, the brand-new station at Hairmyres, offering better access to the hospital and a bigger park and ride. We are also talking to the Scottish Government about our next phase of decarbonisation in Fife, Borders and the Aberdeen to the central belt route.

We are also doing a number of smaller projects. For example, we are currently doing platform extensions on the west Highland line, which will enable us to operate more of our Highland Explorer trains, with carriages that are dedicated to cycling and active travel and which can take 20

bikes on the back of passenger trains. We are attempting to put all that in place before the start of this year's tourist season.

As for the Winchburgh project, there is a big third-party developer in that part of the world. I was lucky enough to visit the site a number of years ago with the local MSP, who is now the Cabinet Secretary for Transport, and last year, I did a piece of work for Transport Scotland on what a new station at Winchburgh might look like. The good news is that, in Scotland, a new station costs about £15 million; given that, in other places, new stations are £25 million, we have done a good job of reducing the cost of new station construction.

A new station at Winchburgh will not be the easiest to build; for example, one of the sites that we are looking at is in a steep cutting on the main Edinburgh to Glasgow line. We are continuing to talk to Transport Scotland about the business case for that, but I think that the aspiration is that, if there is going to be a new station at Winchburgh, the developer will contribute.

Monica Lennon: That seems fine, and there is planning consent in principle. What you are saying is that the project is not quite shovel-ready, but is getting there. Realistically, though, when do you expect a new station to be open to the public?

Alex Hynes: First, Transport Scotland makes those decisions on behalf of ministers. The investment priorities and the capital budget for next year are still under discussion and are being finalised. It also depends on how much money the developer would like to put in and whether that would cover the full cost of the station.

The new station that we are building at Balgray, for example, is being 100 per cent funded by the local authority. As ever, some of this will come down to a discussion about who pays the cost of the station, and those discussions will be easier, the higher the contribution from the developer.

Monica Lennon: Okay. I just want to get this right, because the project is not in my parliamentary region—although I do get a lot of emails about it. There is an on-going discussion about who is going to pay what, but from what you have said today, things are sounding less certain and it might not even happen. Will it definitely happen or is there a chance that, because of the funding and technical issues that you have highlighted, it might not happen at all?

Alex Hynes: We have a strong track record of delivering new stations such as East Linton, Reston, Inverness airport, Cameron Bridge, Leven—

Monica Lennon: I am not asking for a list—I just wanted to get clarity on this project.

Alex Hynes: Until we are asked to build the station, it is not yet what I would call a funded project; that is the reason for the work on the business case. Critically, though, the developer's contribution to the cost of a new station could unlock those plans for the future.

The Convener: Mark Ruskell has a brief question.

Mark Ruskell: A lot of studies have been done through the local rail development fund on the potential for other new stations that could be delivered at a relatively low cost on the existing network. Do you see the business cases building for those as we move forward? Are we any closer to getting decisions despite the Government's fiscal constraints?

Alex Hynes: There are two things that we in the rail industry can do: first, grow revenue as fast as we can, as that improves the business case for any new station; and secondly, continue to drive down the unit cost of building new stations, which we have done very successfully over recent years. That will make the decision easier for the people who control the budgets for building new stations.

It is great; because Scotland's Railway is perceived to be such a success story, more and more communities across the country want to be connected to the rail network. It was fantastic to be at the opening of East Linton station last December and to listen to the people who have lived there for years say that, now that they have a train station, it is changing their lives for the better.

The Convener: The deputy convener has a couple of questions.

Ben Macpherson: These questions are primarily for Alex Hynes and Joanne Maguire. I am an MSP for the capital—Edinburgh—and my questions are on casework that I have received on two important issues that relate to the whole country.

First, it is well known that the line from Edinburgh to Inverness is often busy and sometimes overcrowded, given the tourist attractions on the line and its importance to the tourism economy, not to mention local travel. Can you comment on the prospect of increasing capacity on that line in the short, medium or longer term?

Secondly, we have two remarkable cities in the central belt; there are a number of other important areas, but the two cities are known world wide for having great night-time economies, cultural offerings and sporting events. Last summer, the festivals came to an agreement with you and the Government for later travel on the trains, and it was, by all accounts, successful. Is any thought going into providing later trains between Waverley

and Queen Street on a more regular basis, say on Thursday, Friday and Saturday nights? Earlier, you talked about the market and how demand is increasing around weekends, but the demand that could be created by later services serving the night-time economy has not really been properly explored as it has in other places.

12:15

Alex Hynes: Thank you for those questions.

On your first question, I live on the Edinburgh to Inverness line, so I am intimately familiar with the issues on that route. Critical to our performance on that part of the rail network will be the delivery of our high-speed trains, because they have four or five carriages and customers enjoy their experience on them. Sometimes we send a shorter train than was planned, and we need to stop doing that.

We will resolve that issue by delivering our recruitment drive on depots. The trains are maintained primarily either at Haymarket here in Edinburgh or in Inverness, and we are in the process of filling every single vacancy at those two depots and, indeed, at other depots across the country. In fact, I was at Haymarket last week, and it was great to meet some of the new joiners.

As I said to Douglas Lumsden MSP, we have, since the start of the year, begun to see the benefit of that, with better consistency of delivery on the route. By September, we will have filled every vacancy, and all those staff will be fully competent in the tasks that they have to undertake at the depot. I am expecting month-by-month improvement between now and September as we give our teams at the depots the tools to do the job of maintaining the trains and keeping them available for customers.

As for the question about festivals and later night services, we operate such services during the festival anyway, and we have previously experimented with them at Christmas. However, one issue that we always face is whether any additional service that we run will cover its costs. We have been through a pandemic, and our passenger journeys are still down 15 per cent, but if we continue growing as fast as we are, and if customers continue to come back to the network, we will be able to make better business cases and, in turn, we will be able to go to Scottish Rail Holdings and Transport Scotland and say, "We would like to add in these services, because commercially they wash their faces." Sometimes, when we look at business cases for additional services, we find that they do not always cover their costs, and we then face a difficult equation about whether we want to do this and thereby put

the subsidy requirement up, which is already relatively high at over £700 million a year.

We are acutely aware of the issue, and we are keen to do more of that sort of thing in the future. As the railway comes back post Covid, we can look at it more, but we still have to remember that there are still 15 per cent fewer customers on our railway than there were five years ago. That makes the economics of ensuring that these services wash their faces commercially more challenging.

Ben Macpherson: I think that more people would use the services if they ran later into the night, but I guess that the question is how you survey and quantify that. Limited trial periods will give some insight, but I think that a longer trial period would be required to see the commercial benefits.

Alex Hynes: Yes, okay.

Ben Macpherson: Joanne, did you want to add anything?

Joanne Maguire: With regard to your concerns about the Inverness to Edinburgh line, I would just note that every time we change the timetable we plan the length of the trains against it. We are planning enhancements. For example, we will be sending more five-car services as opposed to three-car services at key times, including at weekends when previously we have looked at doing so only from Monday to Friday.

It all comes back to the improved maintenance resource that we have in the depots. We are planning to make improvements, and we are conscious of the number of passengers that we will carry over the summer as we see the tourist season ramping up and the important impact on the economies of those cities.

Ben Macpherson: Thank you, both. That was interesting.

The Convener: I would just clarify that the night-time economy in Inverness stops at 9.32, which is the latest time that you can get on a train at Inverness to head back towards Aberdeen. That line has no late-night services.

I want to ask two quick questions, if I may. Caledonian Sleeper Ltd and ScotRail—two different organisations—are now part of the same organisation. Will we see a merging of boards and management structures to bring it all into one structure? After all, it all belongs to one group of people—the people of Scotland. Who wants to answer that?

Joanne Maguire: I am happy to go first. I am sure that, over time, that will be a matter for Scottish Rail Holdings as our owning group to consider. Currently, though, there are no plans in

that respect, because we run two distinct businesses, and the decision was taken some years ago to maintain them as two distinct businesses. At present, therefore, there are no plans to merge our daytime service with what is very much a distinct customer offering through the night.

The Convener: But there will be a cost to keeping them apart within the management structure, will there not?

Joanne Maguire: We have said that, separate to the management structure, we might in the future be able to explore opportunities within our back-office and support structures and see how they might work together.

The Convener: You said that you might do so in the future. Is it being looked at, at the moment?

Joanne Maguire: As Kathryn Darbandi has said, it is still early days for Caledonian Sleeper with regard to its having come into public ownership. She might want to say more, but I would say that, six months in, it has not been at the top of the priority list as far as delivering the transfer is concerned.

Kathryn Darbandi: I do not want to repeat what Joanne Maguire has said, but I should point out that Serco delivers our back-office services under a 12-month agreement, and we are concentrating on successfully extracting ourselves from Serco and being a stand-alone business. That is our focus at the moment. It is quite a high-risk project, and we need to make sure that it goes well.

Once that is done and settled, phase 2 will be to look for back-office synergies. My personal view is that there will be, and I think that we are all committed to looking at that.

The Convener: I am not sure who will answer my final question, but I remember that when Alex Hynes first came before this committee, we had the PPMs. They provided what I might call the excitement figure, which was used to beat Abellio up over why it was not performing to the requirement set by the Government.

Well, ScotRail ain't meeting those targets either, and it has fewer trains on the track. My question, then, is this: has there been a marked improvement? Were PPMs unnecessary, not required or unhelpful? Is everything fine now, despite the fact that you are not reaching the targets that Abellio reached in the past?

Alex Hynes: Actually, it is not a target for ScotRail—it is a target for Scotland's Railway. Transport Scotland and Scottish Rail Holdings set a public performance measure of 92.5 per cent for both ScotRail and Network Rail, and as of this morning, we were hovering at about 90 per cent for the PPM. I am pleased to say that, since we

were last before the committee, performance has continued to improve.

Together, we are working really hard to improve performance on the network, particularly in the area of the ScotRail fleet and Network Rail weather management, and are working together to reach that target as fast as we can. It is a challenging target to meet, because it measures lots of things that we do not control such as trespass, vandalism and weather, but our good performance as the most punctual large operator in Britain underpins the service that we provide to our customers. It is pleasing to see that nine out of 10 customers are satisfied with the service that they pay for.

The Convener: That answer takes me back to the answer to our first ever question on this subject, which I seem to remember was lodged by Stewart Stevenson at the committee. It is interesting to hear that nothing has changed, then.

Thank you very much. That concludes our session, and I am going to briefly suspend the meeting to allow the witnesses to leave. I must ask committee members to be back here by 12:30 at the latest, please.

12:24

Meeting suspended.

12:30

On resuming—

Subordinate Legislation

Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2024 (SSI 2024/192)

The Convener: Our next item is consideration of a Scottish statutory instrument. As the instrument has been laid under the negative procedure, its provisions will come into force unless the Parliament agrees to a motion to annul it. No such motion has been lodged. As the clerk's paper notes, the instrument has been laid in all four UK legislatures and is UK-wide.

Do any members have any comments?

Mark Ruskell: I just want to make a brief comment. It is important that the UK emissions trading scheme continues to align with the European Union emissions trading scheme. After all, as we have seen with the interaction between the Swiss and the EU schemes, the direction of travel seems to be to link the schemes at some point in the future, which will offer more certainty for business.

From what I can see, however, what is being brought forward in this instrument does not change that question of alignment. It does not alter the number of free allocations, for example, so I do not see any significant divergence arising as a result of it. That satisfies me that we have our scheme, and the EU has its scheme, but the potential to link them after the reform of the EU-UK trade and co-operation agreement is still on the table.

The Convener: Monica, do you want to come in briefly?

Monica Lennon: I just want to say that that was a good summary by Mark Ruskell, and I agree with it.

The Convener: Okay.

Noting those comments—and I thank Mark Ruskell for making them—I invite the committee to agree that it does not want to make any recommendations in relation to the instrument. Are we agreed?

Members indicated agreement.

The Convener: That concludes our part of the public meeting. We now go into private session.

12:31

Meeting continued in private until 12:46.

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