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Meeting of the Parliament

Thursday 6 June 2024

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Scottish Parliament

Thursday 6 June 2024

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

General Question Time

Just Transition Plan (Mossmorran)

1. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Government whether it will provide further details of the process that it will follow to develop a just transition plan for the Mossmorran industrial site. (S6O-03540)

The Minister for Climate Action (Gillian Martin): The Scottish Government has committed to publishing a just transition plan for Mossmorran following the delivery of the Grangemouth just transition plan. Work will commence in early 2025.

Lessons will be learned from developing the just transition plan for Grangemouth. I anticipate taking a sequential and measured approach, and the plan is likely to include a data-driven baseline, an outline vision for 2045, a corresponding action plan and a monitoring framework.

I am committed to ensuring that that work is business credible while embedding the ambitions of both workers and the community. I welcome early engagement with all stakeholder groups to ensure that their voices are heard, and the plan will be co-designed with them.

Mark Ruskell: I thank the minister for the detail of that answer. ExxonMobil and Shell run Mossmorran. Around 250 workers work there, and many more are employed through short-term maintenance contracts. Any credible just transition plan for the site must be co-designed with the workers and the unions from the get-go, to safeguard their livelihoods. What engagement process does the Government plan to follow to ensure the development of a worker-backed plan? Will the minister join me, alongside site operators, workers and unions, at the summit that I will organise on the issue later this year?

Gillian Martin: As with the Grangemouth just transition plan, unions and the voices of workers will be central to the development of the Mossmorran plan. I approached ExxonMobil at Mossmorran to say that I would like to work with it on a just transition plan, and it was happy for that to happen.

It is probably more important to get the Grangemouth plan off the ground, given the situation at the Grangemouth complex, but work will be brought forward into how we approach the

Mossmorran plan. Many of the same unions will be involved in that process, and we will be able to learn the lessons from the Grangemouth plan and adapt them for the Mossmorran plan.

Alexander Stewart (Mid Scotland and Fife) (Con): In December, the Scottish Government, which the Greens were then part of, cut the just transition fund. The Greens now ask about a just transition for the Mossmorran industrial site. Now that the Bute house agreement has collapsed, will the minister commit to restoring funding to the just transition fund for the future?

Gillian Martin: The just transition fund is for the north-east and Moray, and I am considering how other areas of Scotland might benefit from it. It has not been cut. In its current form, it will be the same as it was when it was announced, and it will be delivered over 10 years. It is not true at all to say that it has been cut.

Hyperbaric Treatment Services (West Coast)

2. Tim Eagle (Highlands and Islands) (Con): To ask the Scottish Government whether it has held any discussions with stakeholders regarding the future of hyperbaric treatment services on the west coast. (S6O-03541)

The Minister for Public Health and Women's Health (Jenni Minto): The Scottish Government is aware that the contract for national health service hyperbaric medicine services in Oban ceased on 31 March and that the chamber has not been operational for NHS patients since January. Review of the facility is on-going, and Scottish Government officials have been in contact with NHS National Services Scotland as the commissioner of those services and NHS Grampian, which provides and co-ordinates hyperbaric medical services in Scotland.

We are being kept updated as the review of the situation continues, and we have been assured that risk is minimised and that plans are in place for the timely transfer and treatment of patients.

Tim Eagle: I met residents and businesses in Oban earlier this week, and I heard worrying reports that some local businesses in the aquaculture sector are considering relocating nearer to sites that have an active NHS hyperbaric chamber.

NHS Grampian confirmed to me in writing that its decision to renew the contract with Tritonia was not taken for financial reasons. Will the cabinet secretary please commit to engaging with NHS Grampian further, with a view to reinstating that vital service and protecting the aquaculture sector in Oban and its surrounding communities?

Jenni Minto: I recognise the description of the communities and businesses that Tim Eagle

presents. As I said in my initial answer, there was a review of the service last month, and I await the outcome of that. We are engaging with NHS Grampian.

Affordable Housing

3. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government, in light of its recognition of a housing emergency, whether it will take steps to improve the application of policy 16 of the fourth national planning framework in relation to affordable housing. (S6O-03542)

The Minister for Public Finance (Ivan McKee): Policy 16 of national planning framework 4 focuses on quality, diversity and sustainability. It gives strong support for the delivery of the right homes in the right places, reflecting local needs and providing choice across tenures. NPF4 has already strengthened the affordable housing policy, compared with previous Scottish planning policy, to require at least 25 per cent of homes on a market site to be affordable unless local evidence justifies higher or lower contributions. It is for decision makers to apply policy on a case-by-case basis, in accordance with the local development plan, unless material considerations indicate otherwise.

Patrick Harvie: I think that the problem lies not in the precise wording of the policy but in its application. Glasgow City Council says that it has approved 1,500 homes since the turn of the year, which could have meant hundreds more affordable homes if the policy had been applied. In one example, the Scottish ministers rejected the call from Green councillors to call in the Shawlands arcade redevelopment, which alone could have provided 125 affordable homes. What is the value of the policy if local councils are not being required to apply it and to ensure that private developers include affordable housing as part of their developments?

Ivan McKee: I am sure that Patrick Harvie understands that the local development plan has a clear role in how the policy is taken forward and that it is up to local planning authorities and councillors to make decisions on that. He will know that Glasgow City Council is gathering evidence for its new local development plan.

He will also know that policy 16 allows for a lower contribution to be justified by certain local circumstances, which can include an “impact on viability” among other criteria. I do not want to talk specifically about the example that Patrick Harvie has raised, but, in cases where viability is important, it is a question not of losing a number of affordable homes but of potentially not having any homes being built at all, which, of course, would have an impact on the overall market.

All of those factors are taken into account locally, as rightly they should be.

The Presiding Officer: Christine Grahame has a brief supplementary question.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I hope that you feel that my question is relevant, Presiding Officer, as it is about affordable homes.

I believe that there are more than 43,000 empty homes in Scotland at large—perhaps this issue is more for the Minister for Housing—including more than 400 in Midlothian and 1,000 in the Scottish Borders. What levers are open to the Scottish Government to bring those homes into the market legally?

Ivan McKee: Some of that lands in the housing minister’s remit, as the member correctly identified, but planning has a role to play. Work has been taken forward to review compulsory purchase orders, and consideration is also being given to the place that compulsory sales orders might have in helping to support a solution to the problem of empty homes. Updates on that work will be brought back to Parliament in due course.

Child Neurodevelopmental Assessments

4. Edward Mountain (Highlands and Islands) (Con): To ask the Scottish Government what the longest projected wait is, in years, for a neurodevelopmental assessment for a child currently on a national health service waiting list. (S6O-03543)

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): Long waits for neurodevelopmental support are unacceptable. However, we do not—as I have explained before in the chamber—currently collect waiting times for neurodevelopmental assessment. Child and adolescent mental health services statistics capture children who meet the CAMHS criteria. Children who require neurodevelopmental support are not reported in those statistics unless they have a comorbid mental health condition.

Our focus is on improving support. Our neurodevelopmental specification places an expectation on the NHS and children’s services to work together to implement standards in line with getting it right for every child. Crucially, local authorities have a statutory duty to identify and provide support for pupils who have additional support needs, regardless of their diagnosis. We are working with NHS boards and local authorities to improve the support that is available, and we have allocated £55.5 million to health boards in 2023-24 to improve mental health and neurodevelopmental services.

Edward Mountain: If that is an answer, I do not know what I am doing in the Parliament. Let me help the minister: there are 24,096 children on NDAS waiting lists. Some councils and NHS boards do not even have lists, but NHS Ayrshire and Arran says that it will take 19 years and three months to clear its NDAS waiting list. NHS Highland does not have a list and neither does the council. Will the Government at least tell them to draw up a list so that we know how many children actually need help?

Maree Todd: I assure the member that we are working with all NHS boards, including NHS Highland, to improve neurodevelopmental support and pathways. We are working with local authorities to ensure that support is there for children and young people, regardless of whether they have a diagnosis. As well as the investments in health boards, in recent years we have provided more than £1 million to fund five neurodevelopmental tests of change areas, including one in Highland. Those areas are focused on implementing the ND specification, including the delivery of GIRFEC and multi-agency working. We will continue to support health boards and local authorities to work together in line with the specification, to ensure that the support is there for the children who need it.

Scottish Child Abuse Inquiry (Terms of Reference)

5. Russell Findlay (West Scotland) (Con): To ask the Scottish Government whether it has any plans to revise the terms of reference that it has set for the Scottish child abuse inquiry. (S6O-03544)

The Minister for Children, Young People and The Promise (Natalie Don): Currently, there are no plans to amend the remit of the Scottish child abuse inquiry. Questions about the scope of the inquiry in relation to non-residential settings have been raised previously and ministers have made clear the need for the inquiry to focus on its current and wide-ranging terms of reference, which are centred on the abuse of children within institutions that had legal responsibility for the long-term care of children. Widening the remit of the inquiry to include abuse in non-residential settings would result in it taking much longer to respond to the survivors of abuse in care.

Russell Findlay: There are two classes of child abuse victims in Scotland—those who are heard by the inquiry and those who are not. That includes victims such as Susie Henderson, whose childhood was destroyed by a legal establishment paedophile ring, and Peter Haynes and Stuart McMillan, whose childhoods were destroyed by industrial-scale abuse in Scottish football. They

and many others simply do not understand why the inquiry is closed to them.

They have also been fed misinformation from the Government. Last year, Nicola Sturgeon told me that the inquiry's remit is a matter for the inquiry. That is not true. I have asked ministers to widen the inquiry's remit, but they have continually refused. I again urge the minister to do the right thing by those victims. Will her Government please think again?

Natalie Don: I want to make it very clear that our sympathies are with all victims of historical abuse. However, as Russell Findlay knows and as I have reiterated, the Scottish child abuse inquiry was set up under the Inquiries Act 2005 to investigate abuse of children in care in Scotland following a call, over many years, from survivors of in-care abuse.

Ministers have made clear the need for the inquiry to focus on its current and wide-ranging terms. Although Scottish ministers set the terms of reference for the inquiry, it is the responsibility of Lady Smith, the chair of the inquiry, to decide what is considered as part of the inquiry. We are fully committed to maintaining the inquiry's independence from the Government, while the investigation into and prosecution of those who are guilty of abuse remains a matter for Police Scotland and the courts.

Publicly Owned Care Homes (Moratorium on Closure)

6. Colin Smyth (South Scotland) (Lab): To ask the Scottish Government what its response is to the reported calls for a moratorium on the closure of publicly owned care homes. (S6O-03545)

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): No one wants to see the closure of good quality care homes. I understand the concern that that causes for residents and their families. Regrettably, there will be situations in which local authority-run care homes close for various reasons. Although we have overall responsibility for health and social care policy in Scotland, the statutory responsibility for delivering those services is for integration authorities, in consultation with people who use the services and in full awareness of the impact on them. It would not be appropriate for the Scottish Government to intervene directly in local decision making. I reiterate that no one wants to see the closure of good-quality care homes. I absolutely understand the concern that that is causing for residents and their families.

Colin Smyth: The minister knows that a disproportionate number of the care homes that have closed in recent years in Scotland were

publicly owned and in rural areas, at a time when we have a delayed-discharge crisis. In Lanarkshire last year, 64 people died while they were stuck in hospital on delayed discharge. People in Clydesdale were promised a step-down facility but, instead, they are getting the closure of the McClymont house care home, which has space to provide that step-down facility, but is being closed. Even at this stage, will the minister step in and stop that closure? She has the power to do so because, ultimately, those partnerships are directly funded by the Government.

Maree Todd: Colin Smyth is aware that I have met families who are impacted by the closure in that area. I have also met the chief officer and discussed that particular closure with the local integration joint board. The decision to close the care homes in South Lanarkshire was taken by the IJB. If I were to override local decision making in a Labour-run council area, members would be quick to criticise me for intervening in a matter of devolved competence.

Let me be clear—we do not want the closure of good-quality care homes and services. We understand the concern that that causes for residents and their families. We are acutely aware of the pressures that are faced at present by the social care sector as a whole, and we are very grateful for the efforts of the social care workforce, which continues to support our communities.

The statutory responsibility for delivering—

The Presiding Officer: Thank you, minister.

Maree Todd: —commissioning and—

The Presiding Officer: Thank you, minister.

Clare Haughey has a brief supplementary question.

Clare Haughey (Rutherglen) (SNP): New data from the Home Office shows that the number of health and care worker visa applications was 76 per cent lower in January to April this year than it was in that period last year. Does the minister agree that that will negatively impact on day-to-day operation of publicly owned care homes? Does she also agree that the incoming United Kingdom Government should overturn the cruel immigration policies that harm our care sector?

The Presiding Officer: Minister, please respond concisely and only on matters for which the Scottish Government has general responsibility.

Maree Todd: I absolutely agree with Clare Haughey's point. The workforce in social care is under real pressure and has been supported by immigrants for many years in Scotland. We need an immigration system that delivers a workforce to do important and vital work for our nation by

looking after our loved ones, and we need a system that works in Scotland. The current system is absolutely broken and does not deliver to our needs in Scotland.

Over-the-counter Medication (Children and Young People)

7. Pam Gosal (West Scotland) (Con): To ask the Scottish Government what action it is taking to prevent children and young people from overdosing on over-the-counter medication. (S6O-03546)

The Minister for Public Health and Women's Health (Jenni Minto): The Medicines Healthcare and products Regulatory Agency, in combination with retailers, limits the sale of paracetamol to a maximum of two packets of 16 tablets.

The aim of those voluntary measures is to balance the need for people to access pain relief medicines against the dangers for vulnerable individuals to purchase, on impulse, excessive quantities of any single analgesic.

A community pharmacy may sell larger packs under the supervision of a pharmacist; it is illegal to sell more than 100 tablets or capsules of either paracetamol or aspirin in any one retail transaction.

Pam Gosal: I recently received correspondence from health professionals expressing concern about instances of young people overdosing on common painkillers such as paracetamol. They also expressed concern about the lack of data relating to the issue. When I wrote to the minister, she responded that National Records of Scotland does not publish an age breakdown of that data. What action is her Government taking to increase the availability of data in relation to drug overdose and age?

Jenni Minto: I thank Pam Gosal for her question and recognise the work that she has been doing, which she referenced in relation to the fact that she has written to me. She is correct that I responded by saying that National Records of Scotland does not publish an age breakdown of that data. However, I am happy to meet Pam Gosal to discuss that further in order to understand the concerns that she and her constituents have raised.

Affordable Housing (Glasgow)

8. Bob Doris: To ask the Scottish Government how it is investing in affordable homes within Glasgow, including within the Glasgow Maryhill and Springburn constituency, to help address any housing need. (S6O-03547)

The Presiding Officer (Alison Johnstone): I ask the minister for a concise response.

The Minister for Housing (Paul McLennan):

The Scottish Government has made £328 million of funding available to Glasgow for investment in affordable housing over the first years of the current session of Parliament, and a further £78.6 million has been allocated for 2024-25. From that funding, £26.8 million is planned for investment over the same period in the Maryhill and Springburn constituency. That investment will provide an additional 455 homes for Maryhill and Springburn communities.

Bob Doris: NG Homes, in my constituency, is seeking to develop innovative ways to bring void properties back into use as affordable homes, including 25 void tenement properties at Stonyhurst Street in Possilpark, which will be a challenge over several years.

Will the minister meet me and NG Homes to discuss the company's ideas regarding innovation around void properties more generally, perhaps in Possilpark itself, in order to see both the challenges and opportunities that are presented at sites such as Stonyhurst Street?

Paul McLennan: I am aware that NG Homes has already engaged with Glasgow City Council, which manages the affordable supply programme in Glasgow through the transfer of management development fund. The council has agreed to provide funding to undertake a feasibility study to consider options for redevelopment of the pre-1919 tenement buildings. That study is now under way and, on its completion, the council will meet with NG Homes to consider the next steps.

Over the summer, I am planning to meet all the registered social landlords that operate in Glasgow and will be happy to discuss the plans with them.

The Presiding Officer: That concludes general questions.

First Minister's Question Time

12:01

Oil and Gas Licences

1. Douglas Ross (Highlands and Islands) (Con): I thank you, Presiding Officer, for the opportunity for each party to make some remarks about D day.

Eighty years ago today, British soldiers joined those from America, Canada and other nations to board planes, ships and landing craft to begin the liberation of Europe. The men who were parachuted into Normandy or who landed at Gold, Juno, Sword, Omaha or Utah beaches on 6 June headed into danger and uncertainty. They were met with mines, barbed wire and the guns of the German defenders. A total of 4,414 of the men who were involved in operation Neptune alone would lose their lives, but their sacrifice, and the brave efforts of all those individuals on that historic day, played a key part in the downfall of Nazism and in ensuring freedom and democracy for western Europe.

On this day, the 80th anniversary, and as the veterans of that day become fewer and fewer and the event passes from memory to history, our need to remember their heroism becomes ever more important. Today, and always, we will remember them. *[Applause.]*

Does the Deputy First Minister agree that granting new oil and gas licences for the North Sea is essential not only for our energy security but to protect tens of thousands of jobs in Scotland?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I start by echoing Douglas Ross's comments. Today is a day for reflection on the sacrifice and the bravery of all those who served during the second world war, especially those who made the ultimate sacrifice and laid down their lives for us in pursuit of a better world. The youthful faces that we have seen in the photographs in the television coverage this morning stay with us—they certainly reminded me of my loved ones.

Were it not for the courageous actions of those brave men and women, we would not enjoy the freedoms that we now take for granted, including the freedom to debate and disagree this very afternoon. We owe them a huge debt of gratitude. As we mark the 80th anniversary of D day today, we will never forget those who have laid down their lives, and those who continue to do so, in the service of their country, and we will never take our freedoms for granted. *[Applause.]*

We in the Scottish National Party are absolutely crystal clear in our support for a just transition for Scotland's oil and gas sector that recognises the declining nature of the North Sea basin and is in line with our climate change commitments. The difference between my party and the Conservatives is that we will never abandon our workers, we will never leave a legacy of inequality and we will never destroy communities, as the Tories did in the previous transition.

Any further extraction must be consistent with our climate obligations, and we must approach licensing on a rigorously evidence-led case-by-case basis, with robust climate compatibility and energy security being key considerations.

Douglas Ross might not care very much for doing the hard work to understand the evidence for decisions, as he confessed earlier this week regarding Liz Truss's budget, but we are evidence led and will ensure that our decisions on North Sea oil and gas are consistent with the evidence.

Douglas Ross: The evidence is very clear. The SNP's plans to be against any new oil and gas licences will result in tens of thousands of jobs being lost in the North Sea and the north-east. That is the evidence; that is very clear.

This week, the Deputy First Minister said that the SNP has "never said no to" new oil and gas licences. However, of course, it opposed the Rosebank field and Cambo. Let us hear what one of her Government colleagues has said. Màiri McAllan, the Cabinet Secretary for Net Zero and Energy, said clearly that the Scottish Government does

"not agree with the UK Government issuing new oil and gas licences."—[*Official Report*, 22 November 2022; c 12.]

How can the SNP even pretend to support the oil and gas sector and the jobs that are crucial to it when its own energy secretary says that?

Kate Forbes: It is very difficult to believe the Tories on oil and gas when we know that Douglas Ross's party has been exploiting Scotland's oil and gas to fill its budget holes for decades. What has Scotland got to show for it? It has austerity, Brexit and the cost of living crisis. We have never proposed a policy of no further North Sea licensing at all. We have said quite clearly that it has to be compatible with our climate change obligations and that any licensing process must be subject to a robust climate compatibility checkpoint.

Douglas Ross wants to talk about evidence. The scientific evidence is clear: there is an urgent need to transition away from fossil fuels globally if the Paris agreement climate goals are to be met. Our focus is on meeting our energy needs, reducing emissions and, ultimately, delivering affordable energy.

Douglas Ross: The Deputy First Minister does not want to listen to the Conservatives on this, but I was simply quoting her Cabinet colleague. The SNP Cabinet Secretary for Net Zero and Energy says that the Scottish Government does not agree with the UK Government issuing new oil and gas licences. That is not me saying that; it is the SNP's energy secretary.

If the Deputy First Minister is trying to distance herself from those comments, there are more. Humza Yousaf, who was the SNP leader until just last month, said:

"I don't think it's the right thing to do to grant 100 new ... licences."

The SNP leader before that, Nicola Sturgeon, said:

"I do not think that we can continue to give the go-ahead to new oilfields."—[*Official Report*, 16 November 2021; c 68.]

Several times this week, I asked John Swinney directly whether the SNP backed new oil and gas licences. He would not give a straight answer, so here is an opportunity for the Deputy First Minister. Does the Scottish Government agree that new oil and gas licences for the North Sea should be granted—yes or no?

Kate Forbes: On the contrary, I have been very clear on our approach. Our approach is that we will continue to support the workers and the industry in line with our climate change obligations. The industry believes in that transition, but the facts speak for themselves in relation to what we are doing. Last month alone, we saw progress on two significant projects that will drive forward our energy transition and that underline our position as an energy powerhouse: Sumitomo's groundbreaking £350 million high-voltage direct-current cable factory and the investment through Haventus in the redevelopment of Ardersier port. That is because this Government believes in a just transition—a transition that does not leave workers behind and does not turn off the taps overnight, but is very conscious of our climate change obligations.

This week, we have heard a lot of figures that have been cooked up by the Tories. The bottom line for us is that we are led by the evidence, and we will always back the north-east and Scottish workers.

Douglas Ross: People might not have realised, listening to that answer, that I had simply asked the Deputy First Minister whether the SNP agrees with the granting of new oil and gas licences—yes or no. We got nothing—no answer whatsoever—on that specific question.

Let me be clear: the Scottish Conservatives support new oil and gas licences, because new

developments will protect jobs in the north-east of Scotland. They will also support a just transition to net zero. They will keep bills down, they will prevent us from having to import costly oil from foreign countries and they will secure Scotland's energy future. Its members are trying to pretend otherwise, but the SNP is against new oil and gas licences, regardless of the impact on the workers affected.

Speaking about evidence, I go back to the Aberdeen and Grampian Chamber of Commerce, which said in a report that the position not to grant new oil and gas licences would put 100,000 jobs at risk. Why is the SNP ignoring it?

Kate Forbes: Douglas Ross might find that the same report had some criticisms of the Conservatives, too.

Douglas Ross talks about supporting the north-east. I have been very clear about our position on new licences. If Douglas Ross wants to back the north-east, there are some big questions for him this very day—a day when he has betrayed a Conservative candidate in the north-east, whom the Conservatives trusted to be a minister in the United Kingdom Government, who is currently recovering from ill health, who was planning to stand for election and who was supported by local members. *[Interruption.]*

The Presiding Officer (Alison Johnstone): Members!

Kate Forbes: I am old enough to remember when Douglas Ross said that he was not going to stand again for Westminster because he wanted to focus on Holyrood in 2026.

Our position is clear: we will back the north-east, we will back workers and we intend to achieve our climate change aims.

Funding and Expenditure

2. Jackie Baillie (Dumbarton) (Lab): I share the sentiments of the Deputy First Minister and Douglas Ross on this day, the 80th anniversary of D day. It is right that we commemorate all the Scottish, British and Commonwealth soldiers who made the ultimate sacrifice for our freedom and liberty in Europe. We will remember them.

On Sunday, it was revealed that the Scottish National Party will effectively hand back up to £500 million of funding that should have been spent on crucial economic and anti-poverty projects across Scotland. That is simply a scandal, and it happened when Kate Forbes was finance secretary. Indeed, £158 million had already been handed back because of the SNP's failure to meet annual expenditure targets, a further £136 million was not spent by the deadline of the end of 2023 and a further £280 million is still to be claimed.

That has all been confirmed today by the independent experts at the Scottish Parliament.

That is just the latest example of SNP financial incompetence. Will the Deputy First Minister tell me how the SNP has made such a mess of that?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): In the very same report by the Scottish Parliament information centre that the member is quoting from, evidence could not be found for the £450 million claim. We said that very clearly earlier this week, and the SPICe report also indicates that that £450 million is not a figure that its researchers recognise.

The points about this story are clear. First, final expenditure figures will not be known until the programme formally closes in 2025. To have spent all the money a year in advance would itself raise questions. Secondly, we do not expect the final figures to be markedly different from those elsewhere in the United Kingdom or from those of previous programmes. Our commitment is to spend as much of the money as possible. The irony of the question is that the Labour Party has no intention of ever returning Scotland to Europe, therefore depriving us of European funding indefinitely.

Jackie Baillie: It is interesting that the clawback in Scotland is going to be greater than anywhere else in the UK. The scale of return in Scotland is likely to be 28 per cent; in Wales, it is 9 per cent; in England, it is 6 per cent; and, in Northern Ireland, it is 2 per cent. I tell Kate Forbes as gently as possible that I used to oversee European Union structural funds, so I know how the claims work, and I know the life-changing impact that the money can have. I do not buy her excuses for one second, because it comes down to the financial incompetence of the SNP Government, at a time when people are crying out for help during a cost of living crisis and when our public services are stripped to the bone. *[Interruption.]*

The Presiding Officer: Members!

Jackie Baillie: It unforgivable that the SNP is wasting taxpayers' money. The scale of the incompetence goes even further. New analysis published by the Scottish Labour Party today reveals that the SNP—

Members: Oh!

Jackie Baillie: Wait for it. That analysis reveals that the SNP has wasted £5 billion since it came to office. *[Interruption.]*

The Presiding Officer: Members!

Jackie Baillie: That includes agency spend costing the national health service more than £1.6 billion, delayed discharge costing more than £1.3

billion and ferries now £330 million over budget—the list goes on.

The Presiding Officer: Question, Ms Baillie.

Jackie Baillie: Given the real challenges in the country, can the Deputy First Minister explain to the people of Scotland why the SNP is wasting their money, because that is utterly indefensible?

Kate Forbes: What is indefensible is that the party that is pretending to offer change is short-changing Scotland by adopting Conservative budget rules. We know that, under the Conservatives' budget, there was a proposed £19 billion cut to UK public services. To quote another Labour spokesperson:

“all roads ... lead back to Westminster”.

There are profoundly difficult choices ahead if the Labour Party continues with its plans of adopting Tory rules.

Rachel Reeves has said that there is no more money. She has made a virtue of that. When we look at the money coming to the NHS alone, we see that it is less than what the Conservatives were promising.

When it comes to the Scottish Government's position on the budget, we look at the EU structural funds and the projects that have benefited from them. From the Highlands to the Lowlands, there has been significant benefit. We will continue to maximise the funding that is available to ensure that we tackle child poverty, grow the economy and meet net zero.

Jackie Baillie: That was a desperate response from the Deputy First Minister. She had no answer to the £5 billion of waste generated under her watch, and she knows that she is misleading the chamber, because there will be no return to austerity under Labour. *[Interruption.]*

The Presiding Officer: Members!

Jackie Baillie: Her attack is straight out of the Tory playbook. Is she not aware that the people of Scotland can see right through that very desperate spin from the SNP? People are tired of the chaos. They are tired of the sleaze. They are tired of SNP politicians not treating Scottish taxpayers' money with respect. Failing to use millions of pounds is not treating the taxpayer with respect. Wasting £5 billion of public money is not treating the taxpayer with respect. Defending Michael Matheson and his £11,000 iPad bill is not treating the taxpayer with respect. People across Scotland are sick of the SNP putting party before country—*[Interruption.]*—and they are sick of the financial incompetence that they end up paying for.

The Presiding Officer: A question, Ms Baillie.

Jackie Baillie: Last year, Kate Forbes attacked Humza Yousaf and said that continuity would not cut it, but she seems to have failed to learn her own lesson, because all that we have heard today is more of the same. *[Interruption.]*

The Presiding Officer: Members!

Jackie Baillie: Is it any wonder that the people of Scotland are crying out for change from 14 years of Tory chaos and 17 years of SNP incompetence?

The Presiding Officer: Thank you, Ms Baillie.

Kate Forbes: The people of Scotland are crying out for change—and they are not going to get it with Labour, that is for sure.

Let me start with a point of consensus. I, too, think that the public want to be treated with respect and that they are tired of spin. Labour has spent this week accusing the Conservatives of spinning numbers. That is precisely why there is an air of hypocrisy right now in terms of the figures that Jackie Baillie has come to the chamber with. At the end of the day, Labour has to answer a question from the Institute for Fiscal Studies, which has said that Labour is effectively signing up to “sharp spending cuts”. Labour needs to have an answer to that, and I have not heard one yet.

The Presiding Officer: I am aware of several on-going sedentary contributions from Labour members. I would be grateful if they could desist.

Kate Forbes: At the end of the day, we are proud of our record. Our most recent budget, using progressive taxation, has seen the Scottish child payment increase and the best-performing accident and emergency service in this country, it has delivered for business by slashing or abolishing rates for businesses and it has made Scotland the top destination outside London for foreign direct investment. That is a record to be proud of. However, it would be a lot easier to deliver those game-changing policies if we did not have Tory austerity on repeat.

Cabinet (Meetings)

3. **Alex Cole-Hamilton (Edinburgh Western) (LD):** As we commemorate the 80th anniversary of D-day, I have found myself reflecting on a particular evening during the 2016 election campaign, when I knocked on a door not too far from here. The door was answered by a 96-year-old gentleman, who invited me in to admire his collection of bagpipes. Not only that, but he taught me my first ever bagpipe lesson. What blew me away was that those were the pipes that he had used to bring the troops ashore at Sword beach in Normandy on D-day 80 years ago. I reflect on his memory. Sadly, he has since passed away, as have all too many veterans. This may be the last

time that we commemorate such an anniversary alongside people who were actually there. We reflect on their sacrifice on the altar of freedom, for the cause of democracy and against the tyranny of Nazism, and we will remember them.

To ask the Deputy First Minister when the Cabinet will next meet. (S6F-03197)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): The Cabinet will next meet on Tuesday.

Alex Cole-Hamilton: In the early hours of 5 July 2015, John Yuill and Lamara Bell were returning from a camping trip when their car left the road on the M9. The police were alerted to the crash but did not turn up for three days. All the while, Lamara was still alive, trapped, calling for help. She may have survived if help had arrived sooner. In the weeks beforehand, my party had been warning about the chaos in the call centre at Bilston Glen, which was caused by the rushed centralisation of the police by the Scottish National Party Government. John Swinney was Deputy First Minister at the time.

The fatal accident inquiry system is so broken that it has taken nine years to report on the deaths of John and Lamara, with final conclusions published only last week. Will the Deputy First Minister accept that her Government has failed on two counts? The first is the botched centralisation that contributed to the tragedy in the first place, and the second is the intolerable wait for answers that the families have had to endure.

Kate Forbes: I start by expressing my deepest sympathies to the families and friends of Lamara Bell and John Yuill. When the situation happened, the former justice secretary, in his statement to Parliament following the court ruling, was quite clear about giving our deepest apologies. The former chief constable has also apologised unreservedly to the families, and I repeat that this afternoon.

On Alex Cole-Hamilton's points, it is important that we start by looking at the lessons that have been learned. All the recommendations of Her Majesty's Inspectorate of Constabulary in Scotland's independent review into Police Scotland's contact, command and control division have now been implemented. I note that the fatal accident inquiry found that lessons have been learned and that the public should have confidence in Police Scotland's ability to respond to the calls made.

Alex Cole-Hamilton also made a point about the fatal accident inquiry. Obviously, the conduct of investigations that lead to fatal accident inquiries is a matter for the Lord Advocate and her staff, acting independently of Government. However, I understand that the issue has been raised with the

Solicitor General, who has indicated that she is willing to come back to Parliament to answer questions more fully.

Short-term Let Licensing

4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Deputy First Minister whether the Scottish Government will review the impact of the short-term let licensing legislation, in light of the upcoming summer tourist season. (S6F-03216)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I refer members to my entry in the register of members' interests in relation to close family members running a bed and breakfast.

The short-term let licensing scheme is aimed at ensuring that everyone coming to Scotland can be assured of safe, high-quality accommodation. That is especially important as we approach a busy summer tourist season. We recognise the growth of the short-term let sector and its importance to Scottish tourism. As a result, hosts have invested in the future of their businesses and are providing assurances to guests on safety and quality.

We are already undertaking planned monitoring of the legislation, and we recently lodged a statutory amendment order that makes technical changes as a result of feedback. If Parliament approves that amendment order, it will further support business activity and clarify exemptions. We will update Parliament in the summer on the scheme's implementation, informed by our on-going engagement with stakeholders.

Christine Grahame: During the debate on the legislation, I raised concerns about its reach, as it includes, for example, yurts, tree houses and even lighthouses. I also raised concerns about local pressures for accommodation at times of popular tourist events, such as, in my constituency, the Melrose sevens, the Borders book festival in Melrose and common ridings across the Borders. I understand that flexibility to local authorities was part of the solution. I understand from what the Deputy First Minister said that the Government is monitoring the issue. Can she advise Parliament whether that flexibility is working?

Kate Forbes: Christine Grahame makes an important point, particularly about the significant tourist events that are happening locally. I can confirm that, if approved, the latest statutory amendment would provide additional flexibility around the periods for which local authorities are able to administer temporary exemptions to the licences. I hope that that would be of use when it comes to such events, which, as Ms Grahame said, are hugely important. Many authorities have chosen to offer such exemptions already. The

Minister for Housing, Paul McLennan, will shortly update Parliament on implementation, which will cover local delivery. We continue to monitor the implementation of the licensing scheme and take on board any feedback from stakeholders.

Miles Briggs (Lothian) (Con): Presiding Officer,

“We can all agree that the rollout of this scheme has certainly not been without its challenges over the last few years.”

Those are not my words but those of the Deputy First Minister to her constituents and businesses in the Highlands. Tourism leaders have been clear that irreversible damage is being caused by the legislation, but that seems to be falling on deaf ears in the Scottish Government. We need to see changes, and we need to see them now. The Minister for Housing has not gone far enough, which simply demonstrates how badly the legislation was drafted and implemented in the first place. I ask the Deputy First Minister to act on the issue today, by having ministers suspend the legislation until a full review can take place and Parliament can fix the problems that the Government has created.

Kate Forbes: The fact that Miles Briggs was able to quote me suggests that I am actively engaged in the issues and have taken a lot of interest in the matter locally in my Highland constituency. We are very responsive to feedback, and we will continue to engage with stakeholders. Only two days ago, I had a meeting with the Association of Scotland’s Self-Caterers to hear about its experience in full. I will continue to work with the Minister for Housing, who has been exemplary in his engagement, to ensure that we take any feedback on board.

General Practice Surgeries

5. Tess White (North East Scotland) (Con): To ask the Deputy First Minister how the Scottish Government will prevent further GP practice closures, in light of reports that the number of surgeries has declined in every NHS board since 2015. (S6F-03209)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): General practitioners are essential to the delivery of high-quality, sustainable general practice service, and we remain fully committed to increasing the number of GPs in Scotland by 800 by 2027. To support general practice, we have significantly expanded the primary care multidisciplinary team workforce, with more than 4,700 staff now working in such services. We are supporting the development of those teams through investment of about £190 million in the primary care improvement fund. The latest data from Public Health Scotland reflects a trend

towards fewer but larger practices that incorporate multidisciplinary teams so as to provide a wider range of services.

Tess White: The Scottish Government has said that it is led by evidence. The evidence is that GP surgeries in rural Scotland are closing at more than twice the rate of those in many central belt health boards. In NHS Grampian, GPs have been damning in their assessment of primary care under the Scottish Government. Here are just some recent quotes from GPs to their representative body in that area. One practice said:

“We had to switch off our phones yesterday for the first time, as we have reached our safe limit ... we felt we had no option. Feels unmanageable just now.”

Another said:

“The current situation cannot continue; staff are completely exhausted, and morale is very low.”

Another GP said:

“There has to be an easier way to make a living than this!”

I see that the Cabinet Secretary for Health and Social Care is talking to the Deputy First Minister and giving her feedback. I am glad of that, because we cannot afford to lose more surgeries. GPs and patients across rural communities are watching and listening today.

The Presiding Officer: Can we have a question, please, Ms White?

Tess White: What answer can the Deputy First Minister give them now? They are at breaking point.

Kate Forbes: The question that Tess White asked is important. I understand in detail the challenges that our rural GPs face, but it is precisely because of the challenges in recruitment that we have invested in the pioneering Scottish graduate entry medicine programme. The first cohort is coming through ScotGEM just now.

We recognise that there are distinct challenges when it comes to rural and island areas, which is reflected in the budget that has been committed: £3 million for the national centre for remote and rural health and care, which was launched in October and is being delivered by NHS Education for Scotland. Tess White will also know that we incentivise GPs to take up rural positions through the £10,000 golden hello scheme, and are also investing £1 million in bursaries for GP trainees.

There is agreement on the pressures facing our rural GPs. The point is that we are taking action right now to try to support our rural GPs as far as possible because we recognise their importance.

Kenneth Gibson (Cunninghame North) (SNP): The Tories have presided over the closure

of 450 surgeries, more than 1,000 pharmacies—a third of the total—longer waiting lists and strikes by junior doctors and nurses, with 40 promised new hospitals unbuilt over the past decade in England.

Does the Deputy First Minister agree that the evidence is clear that Scotland's NHS, with all its challenges, is in better shape for staff and patients under the Scottish National Party than it ever would be under the Tories?

Kate Forbes: Kenny Gibson is right to talk about the wider context, because the situation that the Scottish NHS faces has to be seen in the wider context of the challenges around visas and austerity. Despite that, we are delivering more than £19.5 billion of funding for health and social care to give our NHS a real-terms uplift and support significant investment on the front line.

We are committed to the founding principles of the NHS, unlike some other parties in here, and we also want to mitigate austerity.

Martin Whitfield (South Scotland) (Lab): I was contacted this week by Prestonpans Group Practice, the GP surgery in Prestonpans, East Lothian, which has concerns about funding, staffing and patient care. It faces a withdrawal of funding of 10 per cent from cuts to the East Lothian health and social care partnership, as well as increased estate fees. That will have an impact on patients.

Will the Deputy First Minister, or the Cabinet Secretary for Health and Sport, meet me to discuss the concerns that were raised by that group and the Lothian Local Medical Committee and, indeed, how we can improve the situation across the south of Scotland?

Kate Forbes: I have no hesitation in agreeing for the Cabinet Secretary for Health and Social Care to meet Martin Whitfield and his constituents.

National Park Nominations

6. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Deputy First Minister by what date the Scottish Government will decide which of the national park nominations will be taken forward to the next stage. (S6F-03205)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): The deadline for nominations for areas to be considered for designation as a new national park was 29 February 2024. Nominations have been received from Galloway, Lochaber, Loch Awe, Scottish Borders and Tay forests. An appraisal process commenced in March 2024, and concluded last week. The Cabinet Secretary for Rural Affairs, Land Reform and Islands, Mairi

Gougeon, is now considering the outcome of that process and will make recommendations shortly.

Mark Ruskell: I live in a national park, and I see every day how it hugely benefits businesses, communities and nature. From speaking to local businesses in the stunning Tay forest area, it is clear that they are looking for certainty about the designation of Scotland's third national park. However, the clock is ticking, particularly for the statutory process to complete by 2026.

Will Kate Forbes personally ensure that this Government leaves a lasting and tangible green legacy for our rural communities by designating at least one new national park ahead of the next Holyrood election?

Kate Forbes: Mark Ruskell will know that I do not quite live in a national park, but I represent one. I see the benefits, particularly in and around the Cairngorms national park area.

On the process, Cabinet will take a decision on next steps over the summer. The criteria that have been finalised for evaluating the national parks are clear; they relate to outstanding national importance, the size, character and coherence of the area, and meeting the special needs of the area. It may be that not all the proposals meet the criteria, but that decision will be taken by the Cabinet Secretary for Rural Affairs, Land Reform and Islands.

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

Caledonian Maritime Assets Limited (Jobs)

Stuart McMillan (Greenock and Inverclyde) (SNP): In light of the reports about CMAL being merged into a national ferries body, what assurances can the Deputy First Minister provide that CMAL jobs will remain in Port Glasgow town centre?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): We recognise that our ferry network not only provides a vital lifeline service but also employs people in areas that are under pressure. Stuart McMillan has been a stalwart in representing his area when it comes to jobs that are related to the ferry network. I am sure that the Cabinet Secretary for Transport will keep him and others in Parliament informed of any decisions that are made.

Caledonian System (Reoffending Rates)

Pam Gosal (West Scotland) (Con): A parliamentary question that I submitted has revealed that the SNP Government holds no information on repeat offences for its flagship domestic abuse rehabilitation programme, which is

known as the Caledonian system. If the Government does not hold information on reoffending rates, how can it possibly judge how successful the programme is?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): All such initiatives and programmes are fully evaluated. It is important for us to make sure that they have the confidence of victims. That is a key consideration when it comes to the data that is held. If the member is keen to understand some of the thinking behind the decisions that have been made, I am sure that Angela Constance would be more than happy to meet her.

Child Poverty

Paul O’Kane (West Scotland) (Lab): On Tuesday, the Cabinet Secretary for Social Justice stood where the Deputy First Minister is and delivered the annual update on progress to tackle child poverty. We know that levels of child poverty in Scotland have been stagnant for 17 years and that, on many measures, they have increased.

The cabinet secretary said:

“our action is making a difference.”—[*Official Report*, 4 June 2024; c 11.]

At the same time as that statement, the Poverty and Inequality Commission released its annual scrutiny report, which, in relation to the Government’s actions, said:

“Limited progress has been made ... over the last year ... Progress in other areas is slow or not evident at all”

and

“without immediate and significant action, the Scottish Government will not meet the 2030 targets.”

The cabinet secretary told me that the Government is committed to those targets. Does the Deputy First Minister agree with the commission’s analysis of her Government’s actions, and will the Government meet those targets?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): The Government is very proud of the fact that tackling child poverty is one of its national missions. We take it seriously; it is one of the top priorities of the First Minister. The cabinet secretary set out the action that we are taking, which has resulted in just short of 100,000 children who would have been in poverty not being in poverty. The evidence is clear, internationally: the Scottish child payment is game changing. It is the only one of its kind in Europe. We want to go as far as possible in lifting children out of poverty.

Economic Growth

Kevin Stewart (Aberdeen Central) (SNP): While Westminster trashes the United Kingdom with Brexit, the Scottish National Party Government is prioritising boosting economic growth. The latest Bank of Scotland business barometer report shows that business optimism in Scotland in May was up by 15 per cent, to 57 per cent, which is the joint highest in the UK. That is welcome. Will the Deputy First Minister say more about the steps that the Scottish Government is taking to make Scotland the best place in the UK in which to do business?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): That is absolutely our aim and ambition. Scotland is open for business. We are committed to working right across the economy to maximise the huge economic opportunities that lie ahead, not least in the incredible renewable energy sector. We want to ensure that our economy remains one of the best performing in the UK—as it is right now—and we will do that by working in partnership with business, industry and trade unions.

Scotland’s gross domestic product per capita has grown faster than the UK’s since 2007, and a record number of foreign direct investment projects were secured in Scotland in 2022, maintaining our position as the top-performing area of the UK, outside of London, for the eighth year running.

Public Bodies (Sharing of Information on Vulnerable Individuals)

Edward Mountain (Highlands and Islands) (Con): On 28 May 2020, in Inverness, Dwayne MacLeay and Gary MacKay were killed, and Kimberley Nicholson was violently stabbed. The person who carried out the attack had had contact with Police Scotland, NHS Highland, the Highland Council and the Home Office, each of which appears to have followed its own procedures without liaising with the others. We cannot turn the clock back, but will the Deputy First Minister agree to meeting me and the families to try to find ways to ensure that information about vulnerable individuals is shared between public bodies, so that no similar event can ever occur again?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): The member makes important points about engaging with the families and constantly looking at ways in which public bodies can work together. Without wanting to agree on Angela Constance’s behalf to more meetings than I have agreed to, I think that she would be more than happy to meet Edward Mountain and the families.

Flash Glucose Monitors (NHS Lothian)

Sarah Boyack (Lothian) (Lab): Only 38 per cent of type 1 diabetics in NHS Lothian have access to a flash glucose monitor, compared with 51.8 per cent across Scotland. The divide is even more stark for children, as only a quarter of paediatric patients in NHS Lothian have access to an FGM, compared with 35.5 per cent across Scotland. That technology is life changing for those who receive it, but type 1 diabetics in the Lothians are being short changed. What is the Deputy First Minister's Government doing to increase access to flash glucose monitors across the Lothians?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): The member is right to say that that treatment can be transformational. The Cabinet Secretary for Health and Social Care has announced £8.8 million to support the work that we are doing around diabetes and has made the commitment that all children with type 1 diabetes will get the support that they need.

Road Safety (Bearsden and Milngavie)

Ross Greer (West Scotland) (Green): I associate the Scottish Greens with colleagues' comments in commemoration of those who made the ultimate sacrifice in Normandy 80 years ago to liberate Europe from fascism. We will remember them.

Following the tragic death of a cyclist in March and multiple other serious incidents along the Drymen Road and Duntocher Road corridor in Bearsden, a community campaign called safe streets Bearsden has formed to call on East Dunbartonshire Council and other public bodies to take urgent action to protect pedestrians and cyclists. The campaign has highlighted that a number of schools in the area simply do not have safe ways for many of their pupils to walk, wheel or cycle in each day.

Does the Deputy First Minister agree with me and safe streets Bearsden that action must be taken without delay to address the serious safety concerns along the roads and to make Bearsden and Milngavie safer places to walk, wheel and cycle?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): We are absolutely committed to making our streets safer, particularly for young people and around schools. Ross Greer makes an absolutely critically important point. He referenced the fact that local authorities need to be involved because they are on the front line when it comes to delivering safer local streets.

Clearly, funding has been made available in this year's budget, and we are committed to making sustainable travel a more attractive option. I am sure that we will continue to work with Ross Greer, in partnership with the local authority, to deliver what the community is keen to see.

Labour and Conservative Spending Plans (Public Services)

Bob Doris (Glasgow Maryhill and Springburn) (SNP): The Deputy First Minister mentioned earlier the warnings by the Institute for Fiscal Studies that Labour and Tory spending plans will mean sharp cuts for public services. Has the Scottish Government considered the impact of those plans on the Scottish Government's budget and, consequently, the vital devolved Scottish public services, not least our national health service?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): When it comes to the funding that Labour is talking about making available to Scotland's NHS, it beggars belief that it is actually lower than the consequentials that we received from the Conservative Government. Our priorities will always be to protect Scotland's public services and to mitigate austerity, but there is only so much that we can do. If the IFS is saying that Labour and Tory spending plans would mean sharp spending cuts, it really needs to get an answer, not least when Rachel Reeves is saying that there will be no more money.

Portree Community Hospital (24/7 Urgent Care)

Jamie Halcro Johnston (Highlands and Islands) (Con): It seemed as though things might finally be progressing on Skye, with NHS Highland's draft plan to restore 24/7 urgent care at Portree community hospital being submitted to ministers on 24 May. However, despite repeated requests, local campaigners have still not received a copy of the plan. They were told that it would be explained to them at a meeting that was supposed to take place yesterday, but that was cancelled by NHS Highland with less than 24 hours' notice.

Will the Deputy First Minister commit to ensuring that the Scottish Government shares the plan with local campaigners immediately? Will she ensure that the priority of the local community—that 24/7 urgent care is restored at Portree community hospital as soon as possible—is also the priority for NHS Highland and the Scottish Government?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I absolutely agree with the member that restoring 24/7 urgent care at Portree community hospital remains the Government's aim. NHS Highland has been crystal clear when it comes to

the Government's expectations that that is what needs to be delivered.

Significant work has happened. NHS Highland submitted its action plan towards the end of May and it was made very clear to the community that the meeting has been postponed rather than cancelled. I would like to see that meeting happen as quickly as possible to unpack the work that has been done and to give the community confidence that we intend to deliver on that recommendation.

Island Sports

Liam McArthur (Orkney Islands) (LD): Last weekend, Orkney's young athletes—hockey players, swimmers, footballers and netballers—successfully retained the Stuart cup in the junior intercounty competition against their Shetland counterparts.

Will the Deputy First Minister join me in congratulating both the Orkney and Shetland athletes on the quality of the competition and the spirit in which it was played and will she also restate the Scottish Government's on-going support for the International Island Games Association games, which will take place in Orkney in 2025?

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I have no hesitation in joining Liam McArthur in congratulating the Orkney and Shetland athletes. He sits next to Beatrice Wishart and I am sure that there was no bias whatsoever in his question.

The international island games are wonderful. They really put the spotlight on our island communities and give great opportunities to young athletes from those communities, so I wish them well and commend what they have achieved.

The Presiding Officer: That concludes First Minister's question time. The next item of business is a members' business debate in the name of Mark Ruskell. There will be a short suspension to allow those who are leaving the chamber and the public gallery to do so before that item begins.

12:45

Meeting suspended.

12:47

On resuming—

Rail Fares

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-13270, in the name of Mark Ruskell, on permanently ending peak rail fares on ScotRail. The debate will be concluded without any question being put. Members who wish to participate should press their request-to-speak buttons now or as soon as possible.

Motion debated,

That the Parliament notes what it considers to be the success of the pilot scheme to remove peak rail fares, which has been in place since 2 October 2023 and has been further extended to the end of September 2024; believes that this has been an important tool in encouraging public transport use during the cost of living crisis, including for commuters in the Mid Scotland and Fife region; notes the belief that shifting commuters to low-carbon public transport is essential to drive down climate change emissions from the transport sector and contribute to the target of reducing car kilometres by 20% by 2030; further notes the support of the Scottish Trades Union Congress, and the rail unions RMT, ASLEF, TSSA and Unite, for the removal of peak time rail fares; notes the call to abolish peak time fares in the rail unions' joint report, *A Vision for Scotland's Railways*, published in October 2021, and further notes the calls on the Scottish Government to permanently abolish peak time rail fares.

12:47

Mark Ruskell (Mid Scotland and Fife) (Green): I thank members for signing the motion, and I thank those who have stayed to debate it.

The Deputy Presiding Officer: Please resume your seat Mr Ruskell.

I ask those leaving the public gallery to do so as quickly and quietly as possible.

Mr Ruskell, please resume.

Mark Ruskell: They may be running for their trains.

Last Wednesday, I was delighted to join passengers on the first train to Leven and Cameron Bridge since 1969. The Cabinet Secretary for Transport was with us, too. It was especially wonderful to join tenacious campaigners from the Levenmouth Rail Campaign. It is clear that those new stations will change lives.

Rail services are permanent and deliver far-reaching economic benefits, and investing in rail connects communities, offering a fixed, greener, cheaper transport option for as many people as possible. As a Green MSP, I have always been a strong advocate of investment in rail, new rail

stations, decarbonisation and the reform of fare structures and pricing. I have repeatedly called for the nationalisation of ScotRail and the Caledonian sleeper, and, as the cabinet secretary knows, the Green group secured significant funding for rail as part of the Bute house agreement.

I think that we all agree that radically improving public transport is good for people, the economy and the planet. Back in 2021, I met the four rail unions outside Parliament for the launch of “A Vision for Scotland’s Railways”. We agreed on much in that report, and the removal of ScotRail’s peak-time fares was one of those ideas. We have been proud to fight for and win the removal of peak-time fares on ScotRail services for a trial six-month period, which started in October 2023. Alongside the four rail unions and tens of thousands of passengers who have felt the benefit of this transformative policy, we now call on the Scottish Government to make the change permanent.

Why do simpler and cheaper rail fares matter? Transport is responsible for about a third of our greenhouse gas emissions in Scotland. Road transport alone makes up about three quarters of those emissions, with a significant proportion coming from passenger car use. The Scottish Government says that it is still on track to achieve net zero by 2045. It also has the important target of reducing the number of car kilometres by 20 per cent by 2030. Significant, transformative investment in public transport, including rail, is essential if we are to have any hope of encouraging people out of polluting private cars and reducing Scotland’s carbon emissions.

John Mason (Glasgow Shettleston) (SNP): Mark Ruskell talks about investment. Does he or anyone else know what the cost of the off-peak rail fare pilot is or is likely to be? That will be a factor in whether it can continue.

Mark Ruskell: John Mason makes a good point. There was an allocation in this year’s budget, but it is, of course, a changing picture. It depends on how many people get back on to the railways and whether we can see a modal shift.

We know that modal shift takes time. That is an important point in this debate, because it is about changing habits that have formed over a lifetime—a lifetime in which Governments of all shades have prioritised investment in roads and cars over investment in public transport.

Radical interventions in public transport fares clearly make a difference. Nearly 750,000 young people in Scotland now have access to free bus travel, and more than 137 million of those journeys have been made in just over two years. The national entitlement card for bus travel goes further by offering young people 50 per cent off

train fares. We are already creating a generation whose first choice is public transport.

Some green shoots of progress are already emerging from the interim evaluation of the off-peak-all-day pilot, which was published earlier this week. Although the picture is yet to fully emerge, the data shows us that 53 per cent of new rail passengers in the pilot period had previously chosen to travel by car. It shows us that a third of existing rail users made at least one additional rail journey that they would ordinarily have made by another travel mode, with two thirds of those journeys normally made by car. If we want to achieve long-term modal shift, we need to give people the security of knowing that peak-time rail fares are gone for good. Only then can commuters start to plan their work and travel options around fixed rail services that are cost competitive with running a private car.

Modal shift is an important objective for the off-peak all-day pilot, but it is not the only reason why securing cheaper and simpler fares matters. Budgets are still tight for many people across Scotland. Although inflation might have levelled out, the cost of living crisis has a long tail, with prices remaining high in many sectors. I hope that John Mason acknowledges that, although the pilot has been important in driving modal shift, it has also been important as a cost of living measure. High rail fares, particularly at peak times, coupled with a complicated pricing structure threaten to make rail an unattractive option in the future. We cannot stand still on this. Rail must continue to grow its passenger demographic, not shrink it.

For those who commute to work at peak times, the cost pressure is even more stark, as I will outline. Before the pilot, someone travelling at peak times between Edinburgh and Glasgow paid £28.90, and someone travelling between Glasgow and Stirling paid £16.10. With the removal of peak-time fares, those prices have been slashed—by half in the case of the Edinburgh to Glasgow route.

Cheaper rail fares will make train travel more attractive to commuters and leisure travellers, and there are early indications from the pilot evaluation that that is having an effect. During the pilot, 78 per cent of new rail passengers chose to get the train because of the pilot. Put simply, they got on board ScotRail because the tickets were cheaper—it is that simple. It cannot be right that it is cheaper, easier and simpler to choose private cars over public transport, so reforming antiquated and unfair structures such as peak-time fares is an important part of the picture.

However, we also need to think bigger. Creating incentives to reduce fares is just one side of the price equation. We cannot secure sustainable funding for transformative green transport solutions through driving up rail passenger

numbers alone. We need to be brave and bold, and measures such as congestion charging and workplace parking levies in the cities are needed to get a better balance between private car usage and the use of public transport. We know that the Scottish Government has done initial work on demand management, and I look forward to seeing the final 20 per cent reduction plan. However, we also need councils with strong leadership that can stand with the Scottish Government and drive through measures that will transform our cities for good. We also desperately need to see progress on integrated ticketing, which the Government has often promised but has not yet delivered, and which should go a huge way to improving the passenger experience and delivering more affordable fare packages.

ScotRail's now being in public ownership is our chance to deliver on a people's vision for ScotRail—one that makes rail affordable and accessible to as many people as possible and that encourages folks to get out of cars and on to our incredible rail services. Getting rid of peak-time fares is a very important step on that journey.

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

12:55

Emma Harper (South Scotland) (SNP): I welcome the opportunity to speak in the debate, and I congratulate Mark Ruskell on securing it. I will keep my contribution brief.

The removal of the peak rail fare has undoubtedly benefited people in many parts of Scotland, enabling them to travel by train more affordably. It has also had benefits for emissions reduction and action against climate change.

The removal of peak rail fares has also built on the Scottish National Party Government's commitment to making public transport more accessible and reliable, and it has encouraged people to switch away from cars to cleaner, greener public transport. From expanding free bus travel to under 22s to putting money straight back into people's pockets with reduced rail fares, the SNP is helping people where it matters. Every pound saved can help to mitigate the impact of the Tory-inflicted cost of living crisis.

Although the off-peak rail fare is welcome, it does not benefit many of my constituents across South Scotland. For example, at present, there are no ScotRail services from Lockerbie to either Glasgow or Edinburgh. The west coast main line is serviced by TransPennine Express and, on occasion, Avanti West Coast. There are no rail services from Stranraer to Ayr at all at the moment, and the replacement bus service takes

substantially more time to get to Ayr than the rail service did.

The reason why the rail service has not been working for the past eight months is the derelict Ayr station hotel. Although that is not the responsibility of the Scottish Government but that of South Ayrshire Council, it is another example of how my constituents from Stranraer, Wigtownshire and East Ayrshire are not benefiting from the removal of the peak rail fare offer that the Scottish Government introduced.

Another example of how South Scotland is disadvantaged in relation to the peak rail fare cut is the Scottish Government's recent investment of £20 million in Reston railway station, which I visited just last week. It is an amazing, welcome, fantastic and accessible asset for people living in Reston and the surrounding areas of the Scottish Borders. However, there are no ScotRail services on the line; the station is serviced by TransPennine Express, Avanti West Coast, the London North Eastern Railway and Lumo, and none of those operators offers non-peak rail fares at any time of day, which means that people across the south are missing out.

The parts of Dumfries and Galloway that see the benefit are those on the Gretna to Glasgow line, but many constituents choose not to use the service, because it is much quicker to take the TransPennine Express from Lockerbie to Edinburgh, which takes 58 minutes as opposed to the two hours that it takes to travel from Dumfries to Glasgow.

I have lobbied successive transport ministers for improvements to the line, such as the reduction of journey times and electrification. The second strategic transport projects review—STPR2—made recommendations for the line to be improved. I have written to the Cabinet Secretary for Transport to request an update on the intended timescales.

I welcome the extension of the peak rail fare cut. However, I ask the cabinet secretary to consider the issues that I have raised about how many communities across South Scotland might not benefit from that excellent pilot scheme. I ask whether she could explore whether transport officials and ScotRail could look to enter reciprocal commercial agreements with other operators, which would mean that constituents on the Scottish stations that do not have ScotRail services could also benefit from non-peak fares at all times during the pilot scheme period.

12:59

Graham Simpson (Central Scotland) (Con): I congratulate Mark Ruskell on securing the debate.

I was very happy to sign his motion, because I agree with every word of it.

The removal of peak fares on our trains has been a positive thing. I would like it to be permanent because, for a long time, my view has been that we need a simple fare structure and lower fares. By “a simple fare structure”, I really mean what we currently have on our trains. It was off-putting to have a structure that had people pay different prices at different times of the day.

Irrespective of the interim evaluation, which I think gave a mixed picture, we should keep what we have now because it is the right thing to do. If we reverted to the previous system, there is a danger that it would discourage people from using the trains, and that would be a negative thing.

John Mason—who I see is not in the chamber at the moment—asked earlier for a cost. There is a cost given in the interim evaluation of £40 million. We need to see that as an investment rather than a burden on the public purse. Getting fares lower is an investment.

Mark Ruskell covered quite a lot of ground. He mentioned smart and integrated ticketing, which I would like to see. I am frustrated that the board that the Scottish Government set up to look at that has been given three years to produce recommendations. We need to move a lot quicker than that. The technology is being used elsewhere in Europe and the world, and we could move quicker on it. I have spoken to the Cabinet Secretary for Transport about that—three years is far too long. We need to get on with it. It is all about making public transport, including trains and buses, easier to use.

The cabinet secretary has announced that there will be a pilot of a flat fare system for bus travel. I would like the start of that to be announced very quickly. I accept that we are in an election period, but I think that the cabinet secretary needs to decide where the pilot is going to be. That change could be transformative. I have called for a £2 fare cap across Scotland, and although the cabinet secretary is going for a slightly different system, they amount to the same thing—putting a limit on what bus travel should cost. That is the way that we need to go.

Mark Ruskell also mentioned the Government's ambition to cut car miles by 20 per cent. We have yet to see a plan for that, so I urge the cabinet secretary to get on with that. We need to know what the Government thinks should be done to get people—

Mark Ruskell rose—

Graham Simpson: I see that Mr Ruskell wants to make an intervention, and I am happy to take it.

Mark Ruskell: I am enjoying hearing Graham Simpson's not just acceptance but enthusiasm for green policies, but I am interested in what his views are on demand management. We can keep offering the carrots of reduced fares, flat fares and free travel, but there is a point at which we have to rebalance the cost of private car usage with public transport. Would he support demand management in, for example, the city of Edinburgh, if the council and local taxpayers wished to introduce it? That could lead to transformative investment in public transport in that city, as it could in many other cities, while at the same time rebalancing the cost, which, as he knows, is vastly skewed towards private car usage and away from public transport at the moment.

The Deputy Presiding Officer: Begin winding up, please.

Graham Simpson: I will close by answering that point. My view is that I am more of a carrots man than a sticks man.

The kind of proposal that Mark Ruskell has come up with would be hugely controversial, which is possibly why the cabinet secretary has not said what she plans to do. However, she needs to set out her plans and have discussions across the Parliament and perhaps in advance of announcing those things, because I accept that this is not easy.

Once again, I congratulate Mark Ruskell on securing the debate and for allowing us a chance to air a number of issues.

13:05

Alex Rowley (Mid Scotland and Fife) (Lab): I am grateful for the opportunity to speak in the debate and to Mark Ruskell for lodging the motion. As an MSP and Scottish Labour's transport spokesperson, I have been consistent in my support for scrapping peak rail fares. I welcome the bold steps that the Scottish Government has taken and I continue to support the work that it is doing, while also calling for the changes to be made permanent.

I am pleased that Mark Ruskell's motion mentions rail unions. The rail unions have often been overlooked when discussions of the scheme have taken place, so it is important to remember that it was the rail unions that first proposed and campaigned for the ambitious action and that their members' efforts to deliver the staffing that is required have made the pilot scheme such a success. As such, I pay tribute to all those in the trade union movement who have made the case for this policy change on behalf of the people of Scotland.

The rail unions understand, as I do, that peak fares are only a tax on workers who are doing exactly what their Government is asking them to do in leaving the car at home and travelling in a more sustainable way. As we know, rail fares have increased at a far greater rate than the cost of travelling by car, so it is no wonder that we are still struggling to get people to make the jump from their cars to public transport, particularly as people across the country are still struggling with a cost of living crisis. I welcome the work that the Government has done on peak fares.

Mark Ruskell: I thank Alex Rowley for his mention of the unions. I met the four unions again on Monday. They told me that, from the perspective of workers, the scheme has been really successful. Because it simplifies the sale of tickets, it has become very easy for workers who sell tickets on our railways to explain the fact that there is a single fare throughout the day. They no longer have to have difficult conversations about why a rail fare has suddenly jumped by 50 per cent. We have had great feedback from our incredible workers on the railways through our rail unions.

The Deputy Presiding Officer: I will give you the time back, Mr Rowley.

Alex Rowley: As well as speaking to rail unions, from speaking to rail workers when using the trains, and from speaking to passengers, it is clear that the policy is positive and welcome. It is an example of policy that makes rail more affordable and accessible, which is why we must make the change permanent without delay.

As someone who firmly believes that we must inspire a greater modal shift in transport, I often despair at the punitive approach that is taken to transport policy. Rather than making public transport more attractive, I fear that we often focus too much on making driving more unattractive, often without ensuring that the appropriate alternatives are in place. When we talk about workplace parking levies, road charging and proposals to reduce road budgets even further, despite having the worst road conditions in living memory, I believe that we are taking the wrong approach. If people across the country had the option of a public transport system that was affordable, available and accessible, we would not need to figure out new ways to charge people for driving, because the desire to do so simply would not be there.

That is why I have raised the need to ensure that bus services remain affordable for those who do not benefit from the concessionary schemes, which I support, and why I believe that local authorities must be provided with the resources to explore local solutions to operating bus services in

their areas. It is also why I support bringing a permanent end to peak rail fares.

13:09

Ross Greer (West Scotland) (Green): As other members have done, I thank Mark Ruskell for giving us the opportunity to debate the policy today. I am proud that the Scottish Greens were able to secure the funding to deliver on the removal of peak rail fares—a policy that rail unions and climate campaigners across Scotland and the United Kingdom have long advocated for. It is the perfect example of a policy that acts in the interests of people and the planet.

As other members have said, workers do not have a choice over when they commute; students do not have a choice over when their lectures or tutorials are; and people who are attending medical appointments do not have that flexibility. The Associated Society of Locomotive Engineers and Firemen was absolutely right to call peak rail fares

“a de facto tax on workers”.

Compared with bus travel, rail travel skews towards those on higher incomes but, post-pandemic, working from home skews massively towards the most privileged people and those on the highest incomes in our society. It is the lowest-income users of our railways who are the least likely to have flexibility over when they travel. They are the ones who were penalised the most by the previous peak rail fare system.

The policy to remove peak fares has meant huge savings to my constituents. I am fortunate in the west of Scotland to have an extensive rail network compared with other parts of the country. Many of my constituents commute into Glasgow city centre to work, and I will run through some of the savings for them as a result of the policy. If they live in Paisley and commute to Glasgow, at the moment, they are saving £8.50 a week or £34 a month; in Lenzie, it is £9 a week or £36 a month; in Clydebank, it is £9.50 a week or £38 a month; in Dumbarton, it is £12.50 a week or £50 a month; in Greenock, it is £18 a week or £72 a month; in Helensburgh, it is £19 a week or £76 a month; and in Largs, it is £27 a week and £108 a month.

A few moments ago, I mentioned Bearsden and Milngavie at First Minister's question time in relation to safety concerns on roads in the local area. The area also faces serious issues with air pollution because of significant traffic volumes on the roads. Both issues are of major concern, particularly because Drymen Road and Duntocher Road, which I mentioned, have three primary schools, a high school and an early years centre along them. It is a public health issue, particularly for our children and young people.

At the moment, a commuter from Milngavie who is travelling to Glasgow city centre is saving £8.50 a week or £34 a month as a result of the Scottish Greens securing funding for the policy in this year's budget. A number of people from Bearsden and Milngavie commute to Edinburgh, and they are saving £274 every month. Anecdotally, as a local commuter, I have noticed busier peak-time services on the Milngavie line.

Removing peak fares is only one part of the equation. I have long campaigned for improvements on that line, which was the worst-performing line in Scotland. At one point shortly after I was elected, only one in four trains on the Milngavie line arrived or departed on time. The Scottish Greens were proud to secure £5 million of improvements to that line a few years ago, and we have seen performance improvements.

However, the timetable has still not been fully restored to the pre-pandemic level. Before 2020, we had four trains an hour throughout the day. That is seen as the tipping point of frequency for rail services to be truly attractive. However, at the moment, outside of peak time, we still have only half-hourly services. I am grateful to the cabinet secretary for meeting me about that last year. I urge ScotRail to make clear what its criteria would be for returning to four trains an hour all day.

The final piece of the puzzle on the Milngavie line, like so many others in Scotland, is infrastructure. That line had two tracks up until 1990, but one was removed, and the single track creates major capacity issues. There has long been a local consensus on the need for a new Allander station between Hillfoot and Milngavie to service the now larger local population. However, we cannot add a station to a single-track line without decreasing services, which nobody wants to do.

Issues on the Milngavie line have a knock-on impact across the central belt, so investment here is not just a benefit to those who live locally. Improving that line and increasing the frequency of services are part of the first stage of the Clyde metro project, but we cannot realise that ambition without bringing back the second track.

I am concerned by the lack of detail from Transport Scotland on its intentions for the Milngavie line. Adding the second track would not be expensive, because the existing track was not centred when the other one was removed, so relaying it is a relatively cheap process, with just one bridge upgrade required.

I am proud that the Scottish Greens secured the removal of peak rail fares and the funding required for that in the budget. I repeat other members' thanks to rail unions and climate campaigners; this is a perfect example of how transforming public

transport in this country is in the interests of people and planet. I hope that we can make the removal of peak rail fares permanent and see it as an example of the transformative policies that are required across the network.

13:15

Richard Leonard (Central Scotland) (Lab): I remind members of my voluntary register of trade union interests, and I thank Mark Ruskell for bringing this important debate to the chamber.

Let me start with some basic facts. This year, the Scottish Government has abandoned its 2030 climate change targets—that is a fact. This year, the Scottish Government's budget for trunk roads is up by 25 per cent, to over £1 billion. It is up by 25 per cent—that is a fact. This year, the Scottish Government's budget for rail services has been cut by 10 per cent and is now below £1 billion. It has been slashed by 10 per cent—that is a fact. And, this year, the Scottish Government has put rail fares on ScotRail up by nearly twice the rate of inflation, by 8.7 per cent—that is a fact. Peak fares pilots or not, price-sensitive travellers, including some of the poorest passengers, will have stopped using public transport.

Just two weeks ago, the new First Minister, in his first major speech, told us all of his commitment to transparency and openness, highlighting

“the importance of Parliament in scrutinising our record and our plans.”—[*Official Report*, 22 May 2024; c 24.]

But when it comes to Transport Scotland's evaluation of this policy, which was presented to Parliament two days ago, I have to say that it is completely lacking in crucial detail and lacking in critical evidence, meaning that Parliament can scrutinise neither the record nor the plan.

So, six months into the trial, we do not know whether there has been an increase in rail travel at peak times, in particular, or, if so, whether it has varied by region. We do not know the impact that the pilot has had on rail travel for passengers who already travel off peak. We do not know to what extent it has got people out of their cars and on to public transport. We do not know because there were 50 million train journeys over the period that was covered by the Transport Scotland report and yet there were fewer than 1,500 responses to the Transport Scotland survey. So, we do not know.

What we do know is that, because of the 8.7 per cent rise in ScotRail fares on 1 April this year, if peak fares were reintroduced to our railways, ticket prices would skyrocket. It would mean that a day return between Dundee and Edinburgh would go up by 22 per cent during peak times. From Ardrossan harbour to Glasgow, the fare would go up by 38 per cent, and, on Scotland's flagship

service between Glasgow and Edinburgh, the price of a day return ticket would shoot up by as much as 48.4 per cent—a near 50 per cent rise overnight. That would, in my view, be reckless, but it would also be heartless, and it would be completely unnecessary.

Back in March, in Parliament, the Cabinet Secretary for Transport spoke of

“medium to longer-term rail fares reform”,

of

“our ambitions on net zero”,

of the need for

“more radical and bold initiatives”,

and of public transport as

“a key enabler for growth and opportunity”.—[*Official Report*, 28 March 2024; c 54-55, 95.]

These are all reasons why the off-peak fares trial needs to be made permanent and why there can be no going back.

Finally, there is something else. The “Fair Fares Review” report concluded this year that

“Rail fares are extremely complex with a range of products (sometimes as many as ten fare types for one journey depending on where and when the journey is being made).”

It reasoned:

“Passenger research has shown that confusion over buying the right ticket type is acting as a barrier to encouraging modal shift from car to rail.”

That is why the integration of ticketing, which has been promised for the past 12 years but is still awaited, must be introduced. It is why the staff on our trains and in our railway stations must stay. It is why the scrapping of peak fares on our railways must stay, and it is why our ticket offices must stay open as well.

Ross Greer: On a point of order, Presiding Officer. Richard Leonard quite rightly referred to his entry in the register of members’ interests, which made me realise that I had not done so. I should put on the record that my voluntary entry in the register of members’ interests includes a financial donation from the National Union of Rail, Maritime and Transport Workers, which was made before the last Scottish Parliament election.

The Deputy Presiding Officer: Thank you, Mr Greer. That is now on the record. I invite Fiona Hyslop to respond to the debate.

13:20

The Cabinet Secretary for Transport (Fiona Hyslop): I thank Mark Ruskell for lodging the motion and all members for their contributions. I, too, recognise the role of trade unions in calling for this policy, as did Alex Rowley and others.

Our public transport system is a key enabler of growth and opportunity, providing the vital links between where people live, learn, earn and socialise. Access to affordable and reliable public transport services helps people and communities to unlock opportunities to connect to jobs, education, retail, public services, leisure, recreation, friends and family networks. Our national transport strategy vision is for a sustainable, inclusive, safe and accessible system that helps to deliver a healthier, fairer and more prosperous Scotland. As a key public service, our public transport system also plays a vital role in supporting our economy, reducing poverty and meeting our ambitious emissions reduction targets.

I say to Emma Harper that there are frustrating UK-wide timetabling issues that currently prevent Scottish services in some areas, as she set out, and we do raise that issue with the UK Government.

The return of rail services to Leven and Cameron Bridge this week is a demonstration of the Government’s commitment to investing in improving public services as a means of growing the economy and tackling the climate emergency by encouraging people to shift towards more sustainable modes of travel, such as rail. Seeing the faces of members of the community in Leven and Cameron Bridge when celebrating the reopening of that line over the past week has been fantastic. That is part of a wider investment of more than £116 million that the Scottish Government has made in sustainable transport in the Levenmouth area to connect the surrounding communities to the new stations, and it will help to transform the lives of families and young people in the area for the better.

On 16 May, the SNP Scottish Government extended the ScotRail peak fares removal pilot. It is a bold initiative that was possible only due to the Government bringing ScotRail into public sector control. As part of the fair fares review, the pathfinder pilot was established and has received £40 million in Government funding. The pilot aims to simplify complex fares and ticketing options and to assess the price sensitivity of car commuters in order that we can encourage them to shift to rail. Simplifying ticket prices is a key factor in helping people to shift to public transport and to rail in particular—I agree with Graham Simpson and Mark Ruskell on that.

The cross-party interest in the pilot shows our collective desire for progress. I have heard directly from people about the positive benefits of removing peak fares. People are saving, on average, 34 per cent on return tickets, which can significantly relieve household budgets during the current cost of living crisis. To counter Richard

Leonard's perhaps glass-half-empty analysis, I will give some examples. People travelling between Cowdenbeath and Edinburgh save £6.70 per day, which equates to saving £1,536 annually if they are commuting five days a week. Those travelling from Montrose to Aberdeen save £5.90 per day, which is £1,356 per year if they are commuting five days a week.

Transport Scotland published its interim report on the peak fares pilot on Tuesday 4 June, and I encourage members to read it. It is preliminary research that needs to be set against a background of increasing passenger numbers prior to the pilot. However, the data so far show that, although the initial impact of the pilot was promising, with a 4 per cent increase in rail demand, any impact appears to have faded since the new year and demand is now close to what it was before the pilot started.

There is some emerging evidence of behaviour change, including shifting of travel from off-peak to peak times and modal shift from car to rail. Results suggest that around one third of existing rail users have made at least one rail journey that was previously made using another mode. Two thirds of those journeys were a switch from car. Of the new passengers who switched to rail, 53 per cent had previously used the car and a third had switched from bus. The final report will, of course, have a much higher response rate, which is what Richard Leonard was asking for.

Patrick Harvie (Glasgow) (Green): Does the cabinet secretary agree that, however much information the assessment, or a final report, can currently give us, it will be an assessment only of the effect of the temporary nature of the pilot? If we want people to make changes to their travel patterns, they need to have confidence that those prices will not be increased again, which would throw them back into confusion or cost them more money. If we want to see the benefit of the impact that this change can make, permanence will give people that confidence.

The Deputy Presiding Officer: Cabinet secretary, I can give you the time back.

Fiona Hyslop: Patrick Harvie makes a reasonable point. As he knows, it was after the Bute house agreement ended that I took the decision, along with colleagues, to extend the pilot even further. The point about permanence and the temporary nature of the pilot will need to be analysed as part of any future decision making.

To date, there has been only a small increase in demand and the vast majority of passengers are existing rail users. By extending the pilot for a further three months to a full year overall, we can better understand its impact in encouraging people to opt for rail and understand its benefits.

This autumn and winter were the most severe since 2015-16, with 11 named storms, so we could consider seasonality issues. We operate in a challenging financial climate and need to secure value for money for the people of Scotland. We have to understand the best way to encourage the use of public transport, which is not just about rail—we have to think about bus, too—and we have to set that £40 million in the wider context.

I reiterate that our commitment to achieving net zero by 2045 is unwavering, and the pilot allows us to look at the effectiveness of such measures. I assure members that Transport Scotland will undertake a final, more robust evaluation, before the pilot ends.

I have heard the calls to continue the policy from members across the Parliament, the rail trade unions and environmental groups. If we can improve on the initial success, I would like to see us provide a solid foundation to demonstrate the success of removing peak fares as a means of encouraging modal shift. I emphasise that we need a significant increase in passenger numbers for the pilot to succeed, and I have asked the rail unions to help in that call. As the Cabinet Secretary for Transport, I must consider the wider context of the cost of £40 million against potential alternatives.

I urge all members to continue to support the policy and, more importantly, to join the rail unions and others in encouraging more work colleagues, family, friends and neighbours to switch to rail for more journeys. The cross-party support that we hear about and have seen in the debate is an important and potential bridge to ensuring that we all work together to improve public transport usage. I encourage everyone to spread the word and use the train if they want the removal of peak fares to continue.

The Deputy Presiding Officer: That concludes the debate.

13:28

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Education and Skills

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The first item of business this afternoon is portfolio questions, and the portfolio today is education and skills. As ever, I make a plea for succinct questions and answers in order to get in as many members as possible.

West College Scotland (Greenock Campus)

1. **Stuart McMillan:** To ask the Scottish Government when it last met with senior management of West College Scotland to discuss the college's Greenock campus. (S6O-03532)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): As the member knows, because he accompanied me, I visited West College Scotland on 6 July last year, when I met the college principal, the chair and staff and discussed a number of issues, including the campus. I have since met college principals and chairs in a number of forums, including as recently as Tuesday this week. The specific matter of the Greenock campus is not one that I can recall coming up in the intervening period, but such conversations would, of course, be for the college and the Scottish Funding Council to have.

Stuart McMillan: As the minister is very much aware, the Finnart Street campus in Greenock is past its sell-by date and needs to be replaced or to have significant investment. I understand that the preference is to have a new building to replace it, but I appreciate that budgets are tight, with the capital grant from Westminster having been cut. Can the minister outline the current Scottish Government position in relation to the future of the Finnart Street campus?

Graeme Dey: I am obviously aware of the issues at Finnart Street. The Funding Council last engaged with the college regarding its estates plans, including on managing reinforced autoclaved aerated concrete—RAAC—on 6 March. The SFC is currently developing a college infrastructure investment plan and, as part of that work, it is asking each college to provide up-to-date baseline information on its estate in order to establish a robust understanding of the entirety of the college estate.

Additionally, we are working on a revised asset disposal process, so that colleges can sell unwanted land or buildings and retain a significant

proportion of the value realised to invest locally. In taking up that enhanced flexibility, however, colleges should be thinking creatively about how to maximise the value of their estates through innovative approaches, including the exploration of collaboration and shared facilities.

Additional Support for Learning (Presumption of Mainstreaming)

2. **Michelle Thomson (Falkirk East) (SNP):** To ask the Scottish Government what plans it has to address any issues regarding the implementation of the presumption of mainstreaming, as set out in the recent Education, Children and Young People Committee report on its inquiry into additional support for learning. (S6O-03533)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): I welcome the Education, Children and Young People Committee's report on additional support for learning, and I am grateful to everyone who contributed to the committee's inquiry and gave evidence to inform that important work.

Education authorities have a key role in delivering provision for additional support needs, and it is therefore important that we engage fully with our key partners who work with us to deliver education before responding.

I made a commitment to the committee to pause our work on a progress report and an updated ASL action plan while we consider the recommendations from the committee's inquiry. I will provide a formal response to the committee by 10 July, at its request, and I will then publish an updated action plan in the autumn of this year.

Michelle Thomson: I have been contacted by a number of constituents in recent weeks regarding placement requests that have been considered, then refused, by the local authority. One of the frustrations of my constituents that is highlighted in the committee's report is the lack of information that is provided in refusal letters, as well as the lack of information for parents as to how their children's learning and support needs would be accommodated in mainstream education. The committee's report recommends that the code of practice and the ASL action plan be updated to require local authorities to

"clearly set out to parents and carers the grounds for refusal"

and, crucially,

"what support is being made available to their child".

Will the cabinet secretary confirm that she will work with the Convention of Scottish Local Authorities and other agencies to ensure that those updates are made swiftly?

Jenny Gilruth: I thank the member for her interest in the matter. Those frustrations were voiced in the committee inquiry's evidence sessions, of which I took cognisance. I have been keen that we in the Government listen to the committee's findings and reflect them in our updated ASL action plan. To that end, I was clear in my own evidence to the committee that there is a need to provide more clarity for parents and carers, particularly in relation to the placing requests to which the member alludes. The action plan has a very strong focus on improving the consistency and visibility of our communications on ASL policy and the legislative position, which will address the points made by the member. We are also committed to refreshing the ASL code of practice, and work is on-going in that area, too.

Pam Duncan-Glancy (Glasgow) (Lab): This morning, I visited CALL Scotland at the University of Edinburgh and had the opportunity to see the fantastic work that it does. A particular concern that it shared was the fact that none of the 76 actions in the ASL action plan is on inclusive digital learning, and it mentions assistive technology only once. The Doran review made recommendations on that 12 years ago. I understand that the Government is focused on the Morgan review, but it would be a lost opportunity if the Doran review were shelved. What is the cabinet secretary doing to ensure that inclusive digital learning can happen in every school where it is needed? What reassurance can she give to CALL Scotland that inclusive digital learning will remain a key part of her response to the intolerable circumstances that pupils with additional support needs face?

Jenny Gilruth: Pam Duncan-Glancy has raised a really important matter in relation to the role that digital technology can play, particularly in supporting those with additional support needs in our schools. I am more than happy to write to her on the specific point that she has made.

It is important that the Government listens to the findings of the committee's inquiry. We had hoped to publish the ASL action plan in advance of the committee's report, but I paused that so that I could listen to the committee's challenge on that. It is important that we do that.

I will write to Pam Duncan-Glancy in more detail about digital learning. She is correct to say that the ASL action plan is predicated on the Morgan review, which was published more recently, in 2020. However, it is important that we do not lose the learning from the Doran report.

Children Missing from Education

3. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government whether it has reconsidered collating information on the number

of children who are "missing from education", in light of its reported failure to do so to date. (S6O-03534)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): "Children missing from education" is different from persistent absence. That measure relates to children of compulsory school age who are not on a school roll and are not being educated otherwise.

The current approach in Scotland is that someone who is deemed to be "missing from education" would be a welfare concern, and that should be followed up by local authorities, in line with their statutory requirements for the delivery of education locally. However, I continue to consider further the need for national-level data on the matter. To that end, I have requested further detailed advice from my officials on the legalities of gathering further data of that nature. I will update Liam Kerr in writing on that point in due course.

Liam Kerr: I am very grateful for that, and I look forward to receiving that update, but I am disappointed that the issue has not moved on since I first raised it before Christmas. Does the cabinet secretary agree that one of the key ways to tackle child poverty is through education? If so, should the Government not be moving heaven and earth to collate that information and remove any of the barriers to its collation so that solutions to help children who are missing from education can be found?

Jenny Gilruth: I absolutely agree with the sentiment behind Liam Kerr's question. Of course, the law in Scotland is slightly different from that in other parts of the United Kingdom. That is one of the reasons why that data measure is not currently captured in the same way in Scotland as it is in other parts of the UK. However, there is an urgency here.

Last year, I undertook greater information collection in relation to persistent absence. We now have the new measure. That data set was introduced in our data for the first time this year. It is important that Liam Kerr recognises that, because we have seen an uptick in persistent absence, particularly post-pandemic, with young people not engaging with the formal education system.

Liam Kerr has raised a hugely important point. I have more detailed data on the legalities involved, which I will write to him about later today. I hope that I can put that on the record to update the rest of Parliament.

Martin Whitfield (South Scotland) (Lab): I thank the cabinet secretary for confirmation of the welfare issue that arises from that lack of data. How does she intend to comply with article 27 of

the United Nations Convention on the Rights of the Child next month, when the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 becomes active law in this country?

Jenny Gilruth: I am more than happy to write to Martin Whitfield about the specifics of his points on the UNCRC. It is important that our actions in Government marry up the requirements of that legislation. I will take official advice on that matter, but I imagine that our approach would need to be in line with the UNCRC's requirements.

Universities' Activities (Palestine Conflict)

4. Maggie Chapman (North East Scotland) (Green): To ask the Scottish Government whether it will provide an update on any discussions that it has had with universities across Scotland about how public money is used, including in relation to any activities that may impact the on-going conflict in Palestine. (S6O-03535)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): The requirements that institutions are expected to comply with in return for public funding are set out in the Scottish Funding Council's financial memoranda for colleges and universities. The Scottish Government regularly meets the SFC and Universities Scotland to discuss any issues of importance, including how we can work together to manage public spending to ensure that public money is fully focused on delivering a wellbeing economy.

The Scottish Government's position on the conflict in Palestine is clear: we call for an immediate and permanent ceasefire by all sides. We expect universities, as autonomous bodies, to have in place measures to safeguard students and staff, and to continue to build interfaith relations on campus.

Maggie Chapman: The minister will be aware of several Palestine solidarity camps on campuses across Scotland. Supported by Aberdeen University Students Association and folk across Aberdeen, the encampment at the University of Aberdeen is calling for the university to divest from all investments relating to the arms industry. No money intended for education should be used to fund war, directly or indirectly. Until it fell at dissolution, the university was using the Economic Activity of Public Bodies (Overseas Matters) Bill, which is anti-BDS—boycott, divestment and sanctions—legislation, as an excuse for not divesting.

I ask the minister to confirm whether the Scottish Government stands by its policy note from 2014, which states:

"Exploitation of assets in illegal settlements ... is likely to be regarded as constituting 'grave professional misconduct'".

Does he therefore believe that no institution in receipt of public money should be financially engaged in Israel?

Graeme Dey: I am aware of the campus encampments and fully support their right to freedom of expression.

On the procurement policy note that Ms Chapman raises—I hope that she will realise that procurement is not my area of expertise—the substance of that note remains unchanged. Ms Chapman is correct to say that that means that the exploitation of assets in illegally occupied territories may constitute grave professional misconduct for the purposes of procurement legislation.

Equally, it is true that any decision to exclude a bidder from a procurement process must be taken on a case-by-case basis, be proportionate and be compliant with our international obligations in relation to procurement and trade.

Education (Modern Foreign Languages)

5. Jamie Greene (West Scotland) (Con): To ask the Scottish Government how it will increase the take-up of modern foreign languages in schools. (S6O-03536)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government is committed to language learning in our schools, which is why, since 2013, we have provided local authorities and third sector partners with funding of more than £50 million to support the implementation of the one-plus-two languages approach. A 2021 survey of local authorities confirmed that pupils across Scotland are now learning languages from primary 1. That is an important change since the policy was introduced 10 years ago.

We continue to promote the uptake of modern languages through the support that is provided to schools by Education Scotland and the funding of the University of Strathclyde, which hosts Scotland's national centre for languages.

Jamie Greene: In the long distant past, when I was at secondary school, more than 12,000 of my fellow Scots studied a higher modern language. By 2003, that number had dropped to 8,000 pupils. Ten years later, it was 7,000. Last year, just 5,500 students did a modern language at higher level. That is no coincidence, because we have lost more than 500 language teachers in the past decade.

I studied two languages at higher level, which is a bit of a luxury these days. This is a Government

that proclaims to be international and outward looking, so how did we let things get so bad in Scotland?

Jenny Gilruth: When the member and I were at school in the dim and distant past, the curriculum required us to study a language up until the end of secondary 4. It was mandated. The challenge that the member puts to me today is about the level of mandating that the Government has in the curriculum. I discussed that with the Education, Children and Young People Committee earlier this year. I will come to the chamber shortly to update Parliament on the Government's response to the Hayward review.

Let us look at some of the more recent statistics on languages uptake. We have seen entries in the senior phase in national 4 and national 5 increasing between 2022 and 2023, and entries at higher level have remained relatively stable. Entries for the modern languages for life and work award at Scottish credit and qualifications framework levels 3 and 4 have quadrupled since 2013. Across SCQF levels 3 to 7, entries to all languages qualifications increased by 3.4 per cent between 2022 and 2023. There are signs of progress.

I accept the challenge from the member, and I hope that he also accepts that the wider challenge to Scotland's curriculum is whether we need to go back to a system that mandates languages learning to a certain level.

Clare Adamson (Motherwell and Wishaw) (SNP): The opportunity to study and to go on exchanges abroad is an immense benefit to learning a foreign language, no matter when someone is studying that language, whether it is at school, in the past, now or in the future. However, Brexit has robbed many young people of that opportunity, and the Erasmus+ programme has been axed. Meanwhile, Labour and the Conservatives have rejected the European Commission's proposals that would have made it easier for young people to study in the European Union up to the age of 30.

What steps is the Government taking to support students who wish to undertake study and exchange abroad?

Jenny Gilruth: Exposure to native voices and the opportunity to enjoy the cultures of different countries are hugely beneficial for language learners. That is why the United Kingdom's decision to withdraw from the popular and successful Erasmus+ programme was so self-defeating. Its replacement, the Turing scheme, is much less effective because it helps fewer students and does not help staff at all. In addition, it does not enable overseas students to come to Scotland.

In 2023-24, the Government has piloted a re-established scheme to explore the opportunities that Erasmus+ provided us with. Although that project will not be able to deliver the full benefits of the Erasmus+ programme, it will support student and staff exchanges and help to develop stronger partnerships between educational institutions.

Violence in Schools (National Plan for Action)

6. Roz McCall (Mid Scotland and Fife) (Con): To ask the Scottish Government whether it will provide an update on the national plan for action announced in November 2023 to tackle violence in schools. (S6O-03537)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): As Ms McCall will be aware, since I made the announcement in November, I have been working with members of the Scottish advisory group on relationships and behaviour in schools to develop the national action plan. The plan has been informed by representatives of the Convention of Scottish Local Authorities, the Association of Directors of Education in Schools, Education Scotland, the main teaching unions, educational psychologists, and parents and carers organisations. As I confirmed when I met Opposition spokespeople in April, my intention was that the plan be published in late May or early June. However, as the member will be aware, we are currently in a pre-election period, as a result of which I am currently considering officials' advice on publication timescales.

Roz McCall: As the cabinet secretary alluded to, we are now six months on from the announcement of the plan. However, we are no further forward. I accept that there is a general election going on, but I am still receiving emails that highlight rising instances of violence in classrooms across Fife. A constituent who is also a secondary school teacher got in touch with me recently to say:

"Two of my colleagues have been verbally and physically assaulted in the last couple of days. It is clear that there is a significant problem within all Fife schools at the moment ... pupil indiscipline and the abuse faced by staff is the worst I have ever experienced."

Given the First Minister's statement earlier this year that we need to focus on

"what can we do, rather than what can we write down",

what action will the Scottish Government take to address the issue now? Will the cabinet secretary agree to look at this particular case with me?

Jenny Gilruth: Roz McCall has taken a keen interest in those issues over a number of months, and I commend her for that. On the specific challenge in Fife, a new director of education has recently been appointed there—I know that as a

constituency member for part of Fife. I am more than happy to work with Ms McCall on that issue.

The behaviour action plan is part of the solution, but we are talking about achieving fundamental cultural change in our schools. Action plans in themselves do not drive the change that we need. Although they will help to give impetus at national level, we need to see cultural change in our schools in the form of changed behaviour and relationships following the pandemic. I commit to working with the member and meeting her on that.

Ruth Maguire (Cunninghame South) (SNP): Prevention of violence is always preferable to mopping up its consequences. What work is the Scottish Government funding to support schools in the prevention agenda?

Jenny Gilruth: The member is right to highlight the role of prevention. That is why, this year alone, we are investing more than £2 million to implement the violence prevention framework to help to divert people from violence. That framework is supporting the Medics Against Violence school education programme to deliver strong anti-violence messages to pupils. It is also supporting mentors in the violence prevention programme to train 1,000 young mentors to provide gender-based violence prevention sessions in schools across Scotland. We will report on the implementation of the framework later this year.

Proposed Learning Disabilities, Autism and Neurodivergence Bill (Discussions)

7. Kevin Stewart (Aberdeen Central) (SNP): To ask the Scottish Government, as part of its cross-government support for learning disabilities, autism and neurodiversity, what discussions the education secretary has had with ministerial colleagues regarding how its proposed learning disabilities, autism and neurodivergence bill will help people into work. (S6O-03538)

The Minister for Children, Young People and The Promise (Natalie Don): The proposed learning disabilities, autism and neurodivergence bill aims to ensure that the rights of neurodivergent people, including autistic people and people with learning disabilities, are respected, protected and championed. The Cabinet Secretary for Education and Skills supports the bill and the Scottish Government's on-going work in that area. Officials will continue to explore wider education and employability policy and practice to further support people with learning disabilities and neurodivergent people to access fair and sustainable employment.

Kevin Stewart: I want to know how the Government will ensure that there is a holistic approach across Government—education, health,

social care, skills—to create opportunities to allow LDAN people to work. How do we garner the voices of lived experience to get all of that right for people?

Natalie Don: Mr Stewart raises some really important points. A range of policies across Government holistically support neurodivergent people and people with learning disabilities. Those include employability actions under our no one left behind delivery plan, Skills Development Scotland's work with schools to support young people with additional support needs, and our fair work action plan.

Scottish ministers have also committed to introducing Scotland's first national transitions to adulthood strategy to ensure that there is a joined-up approach so that all young disabled people can experience a supported and positive transition to adult life. It is an absolute priority to continue to embed the voices of lived experience in our work through public engagement and consultation.

The Deputy Presiding Officer: As we have a wee bit of time, I will call Pam Duncan-Glancy for a supplementary.

Pam Duncan-Glancy (Glasgow) (Lab): I thank you for your indulgence, Deputy Presiding Officer.

The minister is right to point out the importance of transitions for this group of people. Will the minister say, on the record, whether the Government is considering that elements of the transitions to adulthood bill could now be part of the LDAN bill that the Government will bring forward?

Natalie Don: Pam Duncan-Glancy will be aware of the most recent update that I have provided on the transitions strategy. I would be happy to update her on the exact points in relation to the LDAN bill in writing.

Free Music Tuition in Schools

8. Foysoil Choudhury (Lothian) (Lab): To ask the Scottish Government whether it will provide further details of how it is working to ensure free music tuition to pupils in schools across Scotland. (S6O-03539)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Government has transformed instrumental music tuition in Scotland's schools by funding councils to eradicate unfair music tuition charges. This year alone, we are providing £12 million to local authorities to support the continued delivery of free instrumental music tuition as part of the record funding of more than £14 billion that has been provided to local authorities in the budget.

The most recent instrumental music survey, which was published in December 2023, shows

that the number of pupils participating in instrumental music tuition is at a record high since the survey began.

Foyso Choudhury: Several councils, led by different parties, have cut funding to music lessons, so the Scottish Government's funds cover the whole cost of lessons rather than just the removal of fees. Councils have control of their own affairs and deal with tight budgets, but can the cabinet secretary outline how a new Scottish education agency will ensure that there is equal access to music tuition across all of Scotland, so that the postcode lottery of music provision does not return?

Jenny Gilruth: I alluded in my original answer to the record levels of funding that the Scottish Government is providing to local authorities at the current time. Part of that funding is, of course, the additionality that we are providing to help provide free music tuition across the country.

Foyso Choudhury's broader point about the new education agency is an interesting one. I will come to the Parliament to bring forward the legislation, which was introduced yesterday, in due course.

Some of the differences in educational delivery across the country is a matter for members all across the chamber, because our local authorities are entrusted to make the right decisions at local level for the children and young people in their care. However, there is an opportunity to look at greater parity of esteem across the board, irrespective of subject choice. We will need to look at music in further detail through education reform.

Emma Roddick (Highlands and Islands) (SNP): As I know from personal experience, music education is a wonderful way for children to explore creativity and it can open up avenues into careers in the music sector. However, thanks to Brexit, we have witnessed the music sector being torn apart due to lack of funding, opportunities and freedom of movement.

How has Brexit's impact on the music sector impacted the likelihood of students pursuing music education, and what more can we do to support them?

Jenny Gilruth: We can do a number of things to support them. One of the underpinning aims of the culture strategy is to ensure that those who are motivated to realise their aspirations to have a career in the creative sector are equipped with the skills for success. That includes the promotion of creative subjects at all stages of education and learning, and the demonstration of clear pathways that enable people to succeed.

Brexit has put in place significant new barriers that have had a negative impact on opportunities

for creative practitioners, particularly in relation to their work internationally. That is why we are calling on the United Kingdom Government to rejoin Creative Europe and are urging it to engage positively with the European Commission's proposal to open negotiations on youth mobility.

The Deputy Presiding Officer: That concludes portfolio questions on education and skills. There will be a short pause before we move on to the next item of business, to allow front-bench teams to change position should they so wish.

Business Motion

14:25

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is consideration of business motion S6M-13497, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, which sets out a timetable for the stage 3 consideration of the Bankruptcy and Diligence (Scotland) Bill.

Motion moved,

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

Groups 1 to 4: 40 mins

Groups 5 to 7: 1 hour 30 mins.—[*Jamie Hepburn*]

Motion agreed to.

Bankruptcy and Diligence (Scotland) Bill: Stage 3

14:26

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is stage 3 proceedings on the Bankruptcy and Diligence (Scotland) Bill. In dealing with the amendments, members should refer to the bill as amended at stage 2—that is, Scottish Parliament bill 27A—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons or enter RTS in the chat function as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Section 1—Moratorium on debt recovery action: debtors who have a mental illness

The Deputy Presiding Officer: Group 1 is on the mental health moratorium. Amendment 15, in the name of Paul O’Kane, is grouped with amendments 1, 23, 2 and 3.

Paul O’Kane (West Scotland) (Lab): Amendment 15 is rather simple and is intended to give greater permanency to and certainty on the creation of the mental health moratorium.

At stage 2, I lodged amendments that would have put the moratorium and some of the provisions on it into the bill. The driving force behind that—behind all my amendments in this regard—has been the concerns from stakeholders that there has not been certainty about the nature of the moratorium or its creation. At stage 2, we had a good discussion on the potential detail of the moratorium, and I accepted the arguments of the minister at the time, Tom Arthur, about the desire to keep the moratorium in regulations, which would mean that changes and improvements could be made over time as their impact was reviewed. I understand those arguments. That is why, having reflected on the Government’s response, which was to publish regulations to allow people to see what is proposed and interact with it, I have brought back at stage 3 the simpler amendment 15 for the purpose of providing more certainty around the moratorium.

We want certainty that a mental health moratorium will exist. I do not doubt the Scottish

Government's intent or desire. As I have said, there have been numerous productive discussions in that regard. However, it is important that we set that out in the bill because, although we all agree in principle, it is necessary that those who are struggling see the Parliament's intent on what we will do in regulations to support them.

The other purpose of amendment 15 is to be somewhat probing: to ensure that we can have a debate about the nature of the moratorium, so that the minister can perhaps say more about the details of what he has published to consult on, and so that we can hear a number of views on what should or should not be in scope for the wider moratorium. Indeed, there have been lots of discussions about who will qualify for the moratorium, what sorts of treatments will qualify and what sort of mental health professionals may attest to the need for support through a moratorium. It is important that we continue to have such debates.

14:30

I will comment briefly on the other amendments in the group. I support my colleague Daniel Johnson's amendment 23, which would ensure that ministers could make only regulations that were within the scope of the long title of the bill, maintaining a place for Parliament in any further work. I also note and welcome the minister's amendments to strengthen the commitment to review and enhance scrutiny procedures in relation to regulations. That is important for scrutiny and getting things right.

I look forward to further debate this afternoon and to the minister laying out the detail of his amendments and any further draft regulations that will be laid before Parliament and consulted on.

I move amendment 15.

The Minister for Public Finance (Ivan McKee): Amendment 15 seeks to impose on the Scottish ministers a duty to make regulations to establish a mental health moratorium in Scotland. The Scottish Government has already committed to preparing such regulations and has shared a version of the draft regulations with Parliament. I therefore do not believe that it is necessary, through the bill, to impose a duty on Scottish ministers to make such regulations. The bill's approach in saying that ministers "may" make regulations is common, and that aspect of the bill attracted no comment from the Delegated Powers and Law Reform Committee, whose business it would clearly be.

There is also the technical question of whether it is within the Scottish Government's gift to make such regulations. They would be subject to the affirmative procedure, and ministers cannot be

compelled to make such regulations if Parliament does not actively approve them. With a legal requirement in the bill, what sanctions would be envisaged if ministers failed to make the regulations? With what timescale would they have to comply?

It may be that the intention of the amendment is to require Scottish ministers to lay regulations for parliamentary approval, but we do not think that that is what the drafting would actually achieve. As a copy of the draft regulations has already been shared with Parliament, there should be no doubt that we intend to lay regulations on the mental health moratorium if the bill is passed. Ministers do not need to be under a statutory duty to do so.

Amendment 23 seeks to restrict the legislation that may be modified by the mental health moratorium regulations. Daniel Johnson may be seeking to introduce some certainty on that aspect of the power in section 1, but we should be very careful before departing from what is standard provision. There may be some unintended consequences in doing so, and it may unnecessarily restrict the ability of the mental health moratorium regulations to give full effect to the policy that is developed alongside stakeholders.

For example, the amendment seeks to ensure that we may amend only the Bankruptcy (Scotland) Act 2016 but, in developing the proposals, we may all agree that other legislation—relating to protections against evictions, for example—needs to be adjusted. Because that legislation is not the 2016 act, the amendment would prevent that.

Members should bear in mind that the bill will not allow the mental health moratorium regulations to amend just any legislation. The modification of any enactment would be limited by the scope of the original power under section 1(1) of the bill. The bill will, therefore, allow the mental health moratorium regulations to modify provision in any enactment, but only in so far as the modification relates to the operation of the mental health moratorium. Modifying an existing enactment may be the best way to achieve the required change and ensure legal accessibility.

The bill as drafted provides more certainty than amendment 23, which refers to the Bankruptcy (Scotland) Act 2016 but also to the law of diligence, the limits of which would not be certain.

I therefore ask Paul O'Kane not to press amendment 15 and Daniel Johnson not to move amendment 23. I ask members, if the amendments are pressed to a vote, to reject them.

I turn to the Government's amendments in the group. Amendment 1 is required to allow the mental health moratorium regulations to make

provision for how the mental health moratorium will interact with a standard moratorium. The Scottish Government proposed in our public consultation on the mental health moratorium regulations that an individual would not be able to apply for a standard moratorium under part 15 of the Bankruptcy (Scotland) Act 2016 within six months of exiting a mental health moratorium. I note that 73 per cent of respondents to the consultation agreed with that approach. Some may disagree with the proposed timescale, which we can consider further.

However, regardless of the timescale that is agreed, it will be necessary for the mental health moratorium regulations to include provision about how the mental health moratorium will interact with the standard moratorium under the 2016 act. Amendment 1 therefore adds a further example of things that the regulations may cover and makes it clear that they may make provision in respect of any post mental health moratorium period.

Turning to amendments 2 and 3, the Scottish Government acknowledges the views that were expressed during the stage 1 and 2 debates regarding the need to afford Parliament sufficient opportunity to scrutinise the detail of the regulations establishing the mental health moratorium. During the committee meetings at stage 2, my predecessor acknowledged the intention of an amendment from Daniel Johnson on that topic and, although that particular amendment was withdrawn, we undertook to look further into what action could be taken to provide Parliament with more comfort about the process for establishing the mental health moratorium.

It is with that in mind that I have lodged amendment 2, which is similar in intention to Mr Johnson's stage 2 amendment and will allow Parliament further scrutiny of a copy of the first set of mental health moratorium regulations for a period of 60 days prior to those regulations being formally laid. It will also require the Scottish Government to report on any representations made by Parliament regarding those regulations and on any changes made to the regulations as a result of any representations received after the regulations are laid.

In keeping with that scrutiny of the mental health moratorium regulations, amendment 3 requires Scottish ministers to undertake a review of those regulations

“as soon as reasonably practicable”

five years after the regulations that establish the moratorium have come into force.

I am committed to ensuring that the mental health moratorium achieves its goal of helping those with severe mental health issues and problem debt. Although I am ambitious and hope

that the regulations will achieve that goal first time round, I entirely accept that the matter must be kept under review to see which elements of the scheme might be refined or improved. I therefore believe that it will be necessary to formally review the impact of the mental health moratorium after a reasonable period of time has elapsed. Amendment 3 puts that commitment on a statutory footing.

In conclusion, I urge members to support my amendments 1, 2 and 3 and to reject amendments 15 and 23.

The Deputy Presiding Officer: I call Daniel Johnson to speak to amendment 23 and other amendments in the group.

Daniel Johnson (Edinburgh Southern) (Lab): I thank the Government for lodging the amendments that the minister has just outlined, which broadly cover the area of clarifying the process. I think those amendments improve the bill and the clarity of the process and I thank the Government for that.

However, what we heard from the minister also outlines some of the issues with the bill, which is a framework bill in an inherently complex, technical and important area of law. The precise mechanisms that will be implemented are not clear because they will be set out in regulations. It is positive that the Government has published draft regulations, but the Economy and Fair Work Committee was able to look at those only last week.

Our amendments in this group pertain to the nature of framework bills, their efficacy and how well they address fundamentally technical points of law. Paul O'Kane's amendment 15 is about ensuring that features set out in the bill are brought forward in regulations, so that we have clarity about what those features of the legislation will do. Without that, we have only an indication, rather than a guarantee, of those features.

I listened closely to what the minister said, but subsection (3) of section 1 states:

“Regulations under this section may ... make different provision for different purposes”

and may “modify any enactment”. I am not a lawyer and will happily defer to those who are—I see Murdo Fraser smiling as I say that—but I do not see anything in that wording that restricts ministers in the way that the minister just set out. It seems to me that, if you can make regulations for “different provision” or for “different purposes” to alter any act, that gives you incredibly broad regulation-making powers.

There are, of course, circumstances where having regulation-making powers is a sensible approach, particularly when we are talking about

percentages, levies or numerical amounts that may need to change because of circumstance. However, at the other end of the spectrum, we have very broadly stated provisions and cannot scrutinise the legislation, so I am merely seeking to ensure that the bill will enable ministers to bring forward regulations to deal with the purposes set out in the bill.

I do not think that that is unreasonable. I am happy to be persuaded otherwise or to be told that my reading of the law is not accurate, but I do not think that it is unreasonable to ask that regulation-making powers should be limited to the purposes and functions set out in an act of Parliament. That is why I have lodged amendment 23.

The Deputy Presiding Officer: I call Paul O’Kane to wind up and to press or seek to withdraw amendment 15.

Paul O’Kane: Thank you, Deputy Presiding Officer. I do not have too much more to add. Daniel Johnson has made eloquent arguments on all the amendments and, in particular, on my amendment 15.

Through amendment 15, I seek to ensure that the consensus on a mental health moratorium is stated in the bill and in law, compelling ministers to lay regulations before the Parliament for consideration. As we spoke to stakeholders during the progress of the bill, and at stage 2, it was clear that there is a need for the moratorium and a desire to move forward with it as quickly as possible.

Daniel Johnson made a number of important points to the minister about the nature of framework bills. The challenge is often in being able to properly scrutinise them and their detail. The point that he made about the committee’s scrutiny of the draft regulations being done in a tight window was well made. It is clear that, with this framework bill, we want to be able to compel the Government but also to give it the opportunity to introduce further regulations to enhance the bill and move it forward. I note, as Daniel Johnson did, the work that the minister has done through his amendments to bring it forward.

Martin Whitfield (South Scotland) (Lab): I am grateful to Paul O’Kane for giving way, and I apologise for the way that I phrase this. In amendment 3, which was lodged by the minister, I welcome what is, in essence, an example of post-legislative scrutiny, whereby, after five years, there will be a review that will provide the opportunity to look at the matter again. That is very positive. Is Paul O’Kane aware when the first regulations are likely to be laid, so that those outside the Scottish Parliament understand when the five years will run to?

Paul O’Kane: I thank Martin Whitfield for his intervention and for the point that he raises, which is important and relevant. I think that I said in my remarks that, for those outside the chamber, there is a need for certainty and for understanding about the things that they want to see in the bill that will enhance it, and there is a need to ensure that people are given adequate protection. That is a very clear point, and I am sure that the Government will want to reflect on that more widely in our proceedings today.

I believe that amendment 15 is important and that it will push the Government to ensure that the moratorium is enacted and consulted on widely. I press the amendment.

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. This is the first division, so I suspend for around five minutes to allow members to access the digital voting system.

14:42

Meeting suspended.

14:49

On resuming—

The Deputy Presiding Officer: We come to the vote on amendment 15. Members should cast their votes now.

The vote is closed.

Katy Clark (West Scotland) (Lab): On a point of order, Presiding Officer. My console was not working. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Clark. Your vote will be recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Siobhan (Ayr) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 58, Against 55, Abstentions 0.

Amendment 15 agreed to.

Amendment 1 moved—[Ivan McKee]—and agreed to.

Amendment 23 moved—[Daniel Johnson].

The Deputy Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): On a point of order, Presiding Officer. I am afraid that I was unable to vote. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Dey. Your vote will be recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

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 McKee, Ivan (Glasgow Provan) (SNP)
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 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
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 Stewart, Alexander (Mid Scotland and Fife) (Con)
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 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 27, Against 88, Abstentions 0.

Amendment 23 disagreed to.

After section 1

Amendments 2 and 3 moved—[Ivan McKee]—and agreed to.

The Deputy Presiding Officer: Group 2 is on local authority debt recovery: pre-action requirements. Amendment 16, in the name of Paul O’Kane, is the only amendment in the group.

Paul O’Kane: Amendment 16 is similar to an amendment that I lodged at stage 2. I took time to reflect on the process at stage 2 before lodging this amendment.

Amendment 16 would grant ministers the power, if it were to be deemed necessary, to make regulations requiring local authorities that are pursuing debt to take certain actions prior to taking any debt recovery action. That could include directing an individual towards free debt, money and legal advice before a summary warrant is granted by a sheriff.

Members across the chamber will know that public debt and, in particular, council tax arrears, has been a growing problem in Scotland and across the United Kingdom. Unlike private debt, it is not covered by Financial Conduct Authority

regulations, which compel lenders to take measures to ensure that debtors are treated more fairly and with consideration to vulnerabilities. A 2023 report by Aberlour Children's Charity highlighted that 55 per cent of low-income families in Scotland that were in receipt of universal credit had at least one deduction from their monthly income to cover debts to public bodies. Another recent report from StepChange found that, in 2021 and 2022, 32 per cent of its clients were in arrears with their council tax. It cannot be right that public bodies and local authorities are on their way to becoming the largest collectors of debt.

Debt collection practices across local authorities vary widely and, in some instances, can be viewed as problematic and quite callous. Examples of that have been relayed in the chamber before, such as the collection of school meals debt by sheriff officers. It is clear that the same level of protection and regulation that often applies to private debt is not there. We seek better practice and more support for individuals, which we are not seeing currently.

I understand from my engagement with Tom Arthur when he was in the role and from my engagement with the current minister that work is on-going with local authorities and the Convention of Scottish Local Authorities on such matters. Indeed, pilot programmes have been conducted and work has been done with third sector organisations such as Citizens Advice Scotland to improve that landscape. I know that that work is under review and that the Scottish Government has not yet decided whether regulations would be the best way to deal with those issues. However, I do not want us to be back in the chamber in six months or a year after the Government has considered all that and for us to conclude that regulations are needed. We do not want to miss the boat on that legislation.

Amendment 16 seeks to create a regulatory space now, without requiring ministers to use the provisions immediately, so that they can continue their on-going consultation work and engagement around need as well as exploring the best path forward for regulations. The Government could then bring forward regulations when it is necessary. I am pleased that my amendment has the support of stakeholders such as Citizens Advice Scotland, Aberlour Children's Charity and the Govan Law Centre. I look forward to hearing from the minister on the record about the Scottish Government's thinking on public debt and pre-action requirements. I hope that he can find his way to backing my amendment 16.

I move amendment 16.

Murdo Fraser (Mid Scotland and Fife) (Con): I listened with great interest to the case that Paul O'Kane made for his amendment. He is absolutely

right to say that the largest debts tend to be those that are owed to public authorities, particularly local authorities, and include council tax debt. Local authorities are often the most energetic at instructing diligence and instructing sheriff officers and messengers-at-arms. What concerns me about amendment 16 is why it singles out local authorities and not any other public agency or any other form of creditor. It seems to be unfair to put a particular burden on local authorities that is not put on other creditors. Perhaps when Mr O'Kane is winding up he can tell us what engagement he has had with COSLA on that matter and what its view is on amendment 16.

Ivan McKee: Amendment 16 would create a discretionary power for Scottish ministers to set out in regulation what local authorities need to do before they commence debt recovery action. The essence of the amendment is to ensure that debtors are better informed about the debt, the help that is available to them and the potential consequences if they do nothing. It seeks to ensure that local authorities do more to help and to support those debtors.

I agree with that in principle, but I do not think that it is our place to tell separately democratically accountable local authorities how to go about collecting debts. I agree that we should be working together across the entire public sector to develop and support best practice in that area, and local authorities are clearly central to that. We have been working with COSLA to promote best practice on debt assistance and collection, noting the principles that are set out in the "Collaborative Council Tax Collection" report, which was published by the Improvement Service and StepChange Scotland. It aims to use the existing flexibilities that are available to local authorities to take a compassionate and proportionate response to the recovery of arrears.

Last year, £200,000 was allocated to Citizens Advice Scotland and the citizens advice bureaux network to provide a pilot project in three local authority areas. The projects will provide additional debt advice to individuals, with a focus on council tax arrears, and will support best practice in relation to council tax debt collection in their local authority area. The pilot is now completed and I await the report on its findings. The pilot should provide us with invaluable information and help us to establish what is likely to work in the future.

15:00

Although I understand why amendment 16 has been lodged, I urge all sides to respect local authorities' separate accountability. We should not consider legislation until all other routes of promoting best practice have been exhausted.

Therefore, I ask Paul O’Kane not to press amendment 16. If he presses the amendment, I ask members to reject it.

Paul O’Kane: I thank the minister and Murdo Fraser for their contributions to the debate and for the questions that were posed to me on amendment 16. There is a degree of consensus about our concern around the tactics that public sector bodies sometimes employ and, indeed, the growing scale of public sector debt and the challenge therein.

Mr Fraser asked why the amendment singles out local authorities, which is a point that was made at stage 2 by his colleague, Brian Whittle. The answer is that local authorities hold the lion’s share of that public sector debt in a local way and are using those very concerning tactics that I mentioned in relation to things such as school meals debt, council tax arrears and various other sundry debts that come under councils. They have the power to act and take different approaches, and I think that we have seen that.

That also relates to the minister’s point. There is something of a postcode lottery—if I can use that expression—or a variance in the approaches that are taken by local authorities across Scotland, which is proving to be challenging. For example, pilot projects in Tayside, and Dundee City Council, working with Aberlour, as I mentioned, have taken different approaches to the principles that they follow in collection of debt. They have worked intensively with debtors in order to get them the support that is required.

That brings me to the broader point where we have agreement—certainly, I have agreement with the minister—on the need to support local authorities and public bodies to take as many pre-actions as are required in order to support people to be good citizens and, of course, to pay their debt where that is owed, in a way that helps them to maximise their income and get all the support that they are entitled to.

In response to the minister’s point about respect for local authorities, as a former councillor of 10 years’ standing, I have huge respect for local authorities and the decisions that they make. However, it is important to note that the amendment has changed in nature since stage 2. At stage 2, it would have compelled local authorities in a more direct way. The minister, Tom Arthur, and I had an exchange of a similar nature in committee on the stage 2 amendment, which was far more directive and required the Government to direct local authorities. Amendment 16 would simply allow Scottish ministers, if required, to make those regulations. Obviously, we would want to see a huge degree of consultation and discussion before bringing

forward any powers. That is why I drafted amendment 16 in this way at stage 3.

Mr Fraser asked about my interactions with COSLA. I will be honest about the fact that my discussions have been with individual local authority leaders on some of those issues, rather than with COSLA more directly. Those leaders share the concerns about the postcode lottery that I talked about and agree that, where there is best practice in an authority, that should be replicated across the country. The minister has said that he intends to develop that work and move it forward, but we should have that power, if it is required, on the statute book. On that basis, I press amendment 16.

The Deputy Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
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 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
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 Ruskell, Mark (Mid Scotland and Fife) (Green)
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 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
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 Briggs, Miles (Lothian) (Con)

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 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
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 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
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 McNair, Marie (Clydebank and Milngavie) (SNP)
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 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
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 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 33, Against 80, Abstentions 0.

Amendment 16 disagreed to.

Section 2A—Recall of sequestration: payment of interest

The Deputy Presiding Officer: Group 3 is entitled “Minor”. Amendment 4, in the name of the minister, is the only amendment in the group.

Ivan McKee: Amendment 4 fixes a minor typographical error in section 2A of the bill. It does not represent any change in policy or alter the legal effect of the provision.

I move amendment 4.

Amendment 4 agreed to.

After section 5

The Deputy Presiding Officer: Group 4 is on protected trust deeds: information and time to be provided to debtor. Amendment 5, in the name of the minister, is the only amendment in the group.

Ivan McKee: The Scottish Government recognises that clarity and transparency in the information that is provided to those who are seeking a solution to problem debt is extremely important. Amendment 5 comes from a recommendation that was made previously by the Economy, Energy and Fair Work Committee, following its short inquiry into protected trust deeds, and was endorsed by stakeholders.

I agree that getting the right information in a clear format will help to empower the individual to make the right decision for their circumstances, and amendment 5 will help to achieve that objective. It will create a requirement for a trustee to provide the individual with

“a copy of a trust deed information document”,

in addition to the

“debt advice and information package”

that is already required, before the individual grants the trust deed.

The trust deed information document will provide important information on the benefits and consequences of signing a trust deed, in order to allow the individual to assess whether that is the right step for them. Amendment 5 therefore expands the range of information and advice that must be provided to an individual before a trust deed is signed.

Amendment 5 will also create a requirement for the trustee to give the individual “adequate time to consider” that information before the trust deed is signed. What is meant by that cooling-off period will be further outlined in guidance—which will be published by the Scottish ministers—to which the trustee must have regard. That will ensure that the individual has enough time to digest the information, as well as the other information and advice provided under section 167(3)(a) of the Bankruptcy (Scotland) Act 2016, and to seek further advice as they see fit before taking the serious step of signing a trust deed.

I am aware that the previous minister had planned to meet representatives of insolvency practitioners, who had raised some concerns that the amendment was not necessary. I apologise to them that, in the time available to me since my appointment, it has not been possible to meet. However, the amendment reflects existing best practice, and I believe that it is right to ensure that all trustees are required by statute to meet that standard.

Members will be aware that concerns remain about the trust deed market. Although the proposed change is only a small step in improving transparency, it is, nevertheless, one that is worth taking.

Further proposals to introduce improvements to the current protected trust deed process have been brought forward in the Protected Trust Deeds (Miscellaneous Amendment) (Scotland) Regulations 2024. The regulations include stakeholder-led recommendations that will help to ensure that the statutory solution is fit for purpose and provides the necessary support and protection for those who need access to debt relief through it.

I move amendment 5.

Murdo Fraser: I need to put on record some of the concerns that have been raised with me—and, I am sure, with other members in the chamber—by the Institute of Chartered Accountants of Scotland about what is being proposed in amendment 5. At this week’s Economy and Fair Work Committee meeting, we discussed protected trust deeds and explored some of these issues.

As a general rule, we should legislate only when legislation is necessary. If voluntary practices are working well, there is, in my view, no need for legislation, and ICAS has expressed that view in relation to the amendment.

Amendment 5 requires information to be provided to debtors before they enter a trust deed. In practice, that already happens. In fact, as ICAS says, there is no evidence that debtors are not currently being provided with the information before they enter a trust deed. Therefore, it is difficult to see what social ill the amendment is

trying to cure, because there is no evidence that it is required.

ICAS also makes the point that, if the Government wants to introduce the principle of providing adequate information and time to consider debt solutions, it should apply not only to protected trust deeds but to all statutory debt solutions, including the debt arrangement scheme and sequestration. Therefore, ICAS’s view, which seems reasonable, is that we need a more holistic consideration of those issues, rather than bringing in measures on a piecemeal basis and only in relation to protected trust deeds, as the amendment does.

ICAS is concerned that there has not been adequate discussion and consultation on the matter. The minister reflected on the fact that his predecessor, Tom Arthur, had promised that the Government would allow a further stakeholder discussion on the matter before the amendment was lodged, but that did not happen. Therefore, the provision is being introduced without proper discussion.

Amendment 5 is premature and, in our view, there are better ways of approaching the issue than through an amendment at this stage.

Daniel Johnson: In some ways, I am very relieved that Murdo Fraser’s contribution preceded mine, because my expertise in matters of accountancy is somewhat similar to my expertise in matters of the law. He made a good point. The Institute of Chartered Accountants of Scotland provided us with that information just in the past couple of days, but it makes some important points. The fact that statement of insolvency practice 3.3 requires insolvency practitioners to provide the information that is alluded to in amendment 5 suggests that the amendment is unnecessary.

If undertakings were given to consult practitioners and the relevant professions, that consultation really should have taken place. For me, it is an important point of principle that, when we deal with legislation, especially that relating to professional practice or matters of business, decisions should be made in partnership with the people who will be affected. Those decisions should be made in consultation with professional bodies, such as the Institute of Chartered Accountants of Scotland, or the Law Society of Scotland when the issues pertain to matters of the law, and we need to take their views very seriously. Notwithstanding that, I hear what the minister has said.

I think that Labour members will abstain on amendment 5 because of the late notice, which makes it very difficult to scrutinise the provision, and I wanted to make the point on the record that

we need to treat with some concern the submission of the Institute of Chartered Accountants of Scotland.

Ivan McKee: I thank Murdo Fraser and Daniel Johnson for their contributions on the matter. I also thank ICAS for its submission.

I reiterate my apology for being unable to engage with ICAS in advance of stage 3 as a consequence of the recent changeover of ministerial responsibilities. I remind members that the recommendation was made by the Economy, Energy and Fair Work Committee and was endorsed by stakeholders. From my perspective, it is important that debtors who are about to take the serious step of signing a trust deed are provided with information in an easily accessible form at the point when they are making that important decision. The amendment will ensure that that happens in a consistent way, which will allow debtors to be fully apprised in an easily communicated way of the step that they are about to take.

Therefore, I ask members to support amendment 5.

15:15

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

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Health and Social Care (Neil Gray): On a point of order, Presiding Officer. I apologise—I could not connect, but I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Gray. Your vote will be recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 65, Against 25, Abstentions 22.

Amendment 5 agreed to.

Section 6—Arrestment and action of forthcoming

The Deputy Presiding Officer: Group 5 is on the service of documents. Amendment 6, in the name of Colin Smyth, is grouped with amendments 7 to 9, 11 to 14 and 25.

Colin Smyth (South Scotland) (Lab): The purpose of my amendments in this group is to ensure that bank and earnings arrestments are served in person only where it is impossible or impracticable to do so by post or electronically.

Concerns were brought to the attention of members ahead of stage 2 by Alan McIntosh from Advice Talks, of an unintended consequence of Government amendments at that stage: that to introduce digital as a means to serve bank and earnings arrestments, but without ensuring that serving such arrestments in person should remain a last resort, risked that becoming a first resort in some cases.

Serving the arrestments in person brings with it a hefty fee for the recipient. The current minister’s predecessor, Tom Arthur, fully recognised that at stage 2, and I am grateful to the current minister and his officials for working with me to develop amendments that will introduce a requirement that earnings and bank arrestments can be served personally only if it is not possible or impracticable to serve them digitally or by post. That could

reduce sheriff officers’ fees that are passed on to the individual in debt, ensuring that their financial situation is not exacerbated unnecessarily.

As Citizens Advice Scotland highlighted in its briefing ahead of the debate, that will also avoid the stigma that can exist, as many individuals can feel shame and embarrassment from the presence of sheriff officers serving arrestment notices in person.

My amendments complement Maggie Chapman’s amendment 25, which also deals with charges, but those before earnings arrestment.

I encourage members to support the amendments in this group.

I move amendment 6.

Maggie Chapman (North East Scotland) (Green): Before I speak to my amendment 25, I put on record my thanks to the Minister for Public Finance, to Tom Arthur, the minister who previously had responsibility for the bill, and to all those I have had conversations with over the past few weeks about amendments. I am also very grateful to all those who have provided briefings and information in advance of this afternoon’s discussion.

I confirm that we will be supporting Colin Smyth’s amendments in this group.

My amendment 25 would require sheriff officers to try and serve a 14-day charge for payment by post or digitally first, before they decide to serve it personally. It does not interfere with the other amendments in the group, as Colin Smyth has said.

The reason why the amendment is important is that more than 200,000 charges for payments are served each year, and the cost of postal diligence—when sheriff officers add fees to people’s debts—is £48.01, while the cost of the personal service is £96.27. The cost of the personal service is therefore twice that of postal diligence.

The amendment could therefore save people, some of whom will already be struggling with debt, £9 million to £10 million a year in sheriff officer fees. That would not cost the public purse any money, it would significantly reduce the amount of debt that people need to pay, primarily for council tax, and it would not cost sheriff officers anything. It would just reduce the profitability for those sheriff officers of doing diligence in the way that they currently do.

Ivan McKee: I am aware of the concern that a stakeholder previously raised that the Government’s stage 2 amendments on the service of arrestment schedules on the arrestee or employer may have had some unintended

consequences, in encouraging personal service over less intrusive and less expensive methods. As the Minister for Community Wealth and Public Finance highlighted during the stage 2 debate, that was not the policy intention.

I have since had an opportunity to discuss the matter with Colin Smyth, and I am grateful to him for working constructively with the Government. I am happy to support his amendments 6 to 9 and 11 to 14, which will remedy the unintended consequence and reflect the policy intention of providing an additional method of service by electronic means.

Amendments 6 to 9 will amend section 6, which relates to arrestment and action of furthcoming, and amendments 11 to 14 will amend section 7, which relates to diligence against earnings, to specify that arrestment schedules must be served by post, registered or recorded delivery, or transmitted by electronic means—for example, by email, where the intended recipient has agreed to receive documents electronically. Additionally, the amendments will enable arrestment documents to be served by other competent means, but only where it is impossible or impracticable to serve documents by post or electronically.

Amendment 25 seeks to provide for electronic service charges for payment. As Maggie Chapman has said, more than a quarter of a million such charges are served every year. They are the final warning before the start of formal diligence. The bulk will be issued by councils in pursuit of council tax debt.

Before Ms Chapman lodged the amendment last week, I had not been aware of any stakeholder asking for that change, and I think that we should take time to consult on it. It is, of course, all too easy for an individual to overlook an email or a letter and then find themselves in serious difficulty. Personal service reflects the seriousness of a charge for payment and the need for action by the debtor, and it often comes after previous attempts to resolve an outstanding debt have been ignored. However, I would be happy to take forward discussions with sheriff officers, councils, debt charities and others if they felt that that would be of value.

I therefore support amendments 6 to 9 and 11 to 14, but I ask Ms Chapman not to move amendment 25. If amendment 25 is moved, I ask members not to support it.

Colin Smyth: I am grateful for the support for my amendments. I appreciate that the Government's amendments at stage 2 created an unintended consequence, which was not the policy aim. My amendments seek to right that. In doing so, they may reduce the level of sheriff officer fees that are passed on to an individual in

debt, ensuring that their already incredibly difficult financial situation is not unnecessarily exasperated by the personal serving of an arrestment when simpler and more cost-effective means are available. I am therefore happy to press amendment 6.

Amendment 6 agreed to.

Amendments 7 to 9 moved—[Colin Smyth]—and agreed to.

The Deputy Presiding Officer: Group 6 is on attachment of property or funds. Amendment 17, in the name of Paul O'Kane, is grouped with amendments 10, 19, 22 and 24.

Paul O'Kane: Amendment 17 proposes that the protected minimum amount of bank account arrestment be uprated annually if the Scottish ministers deem it to have materially fallen below the inflation level. The Coronavirus (Recovery and Reform) (Scotland) Act 2022 amended the Debtors (Scotland) Act 1987 to allow the Scottish ministers to vary the minimum protected balances by way of negative procedure. There is an opportunity to strengthen that power in order to provide more protection for vulnerable individuals who are dealing with bank account arrestment proceedings. When that legislation was passed in 2022, I do not think that any of us could have foreseen the huge spikes in inflation that have come our way in the intervening period.

Although I recognise that the existing power allows ministers to deal with sudden changes that will require them to alter minimum protected balances—that regulatory power will remain—my amendment 17 opens up a conversation about whether, in a period of volatile inflation, when the cost of living continues to increase, consideration needs to be given to more regular upratings.

That is not a novel idea. We do that across a number of issues, not least social security payments. We recognise that people who are in receipt of those payments are often vulnerable and need their payments to keep pace with inflation.

Given that, amendment 17 would create a regular requirement for the Scottish ministers to calculate the inflation-adjusted level by the end of each financial year. If they deemed the existing protected balance to be materially below that inflation-adjusted level, they would lay regulations to change the amount. That would ensure that the uprating of vital minimum protected balances would not just be done on an ad hoc basis, as and when ministers were motivated to do that, but that there would be a process for modest but nonetheless important uplifts to those minimum balances on an annual basis, if need be. That would provide greater security and protection to vulnerable individuals who are going through debt

collection and who are subjected to bank account arrestment, by ensuring that inflation cannot eat away at the protection that they are already being afforded. That is an important safeguard.

I am pleased that amendment 17 has won the backing of stakeholders. I look forward to hearing the minister's response, because I know that he has given wider consideration to the issue and I am sure that he will want to comment further.

I will make a brief comment on other amendments in the group. The underlying principle of my amendment 17 is to guarantee more protections for vulnerable debtors, so I welcome the amendments from my colleague Colin Smyth and from Maggie Chapman, which run along similar lines. I look forward to hearing from them on the detail of their amendments and on the difference that they will make to people who find themselves in very vulnerable situations.

I move amendment 17.

Colin Smyth: Bank arrestments of benefits are illegal. Benefits are statutorily protected; they should not be arrested under any circumstances, but we know that they are. Citizens Advice Scotland rightly described such arrestments as immoral and unduly harsh.

At stage 2, I lodged an amendment with the aim of preventing the arrestment in a bank account of any funds wholly acquired through social security benefits. I did not press the amendment at that stage, given that the then minister made a commitment to work with me on developing a workable solution—a way forward—on the matter. I am grateful to the current minister and his officials for the constructive discussions that we have had.

I believe that there was clear consensus on the policy aim of my amendment at stage 2, so I am reassured that there is a desire to find that way forward. However, I recognise that a number of issues were raised in response to my amendment at stage 2. The first is that the right level of protection should, in theory, be provided to all those who need it, whether their income is solely from welfare benefits, other sources or a mix of the two.

Secondly, banks expressed concerns about the difficulties that they have in identifying the source of funds in an account. Clearly, that needs to be resolved to make any improvement workable.

The Economy and Fair Work Committee received representations from academics at the University of Aberdeen who suggested that we should consider an alternative approach, to achieve the same outcome, through amendment of the unduly harsh test. The test is currently seen as a barrier, because the debtor must apply to the

sheriff court and, because of their circumstances, they may well be reluctant to incur the cost of the test. However, there may be other ways to address that through an administrative procedure.

In discussion with the minister and his officials, they expressed their view that, given that my amendment dealt with social security benefits, it is important to make absolutely sure that any changes that are made fully respect the devolved settlement. I have therefore lodged amendment 10 to commit the Government to carrying out a consultation on the most appropriate solution, together with an enabling power to lay regulations that will be subject to affirmative procedure. The aim is to ensure that any proposals that are brought forward are properly tested and that all the relevant stakeholders are given the opportunity to have input.

I am clear, and I ask the minister to assure Parliament, that such a solution could be brought forward within the timescales that my amendments set. Parliament would be given the opportunity to consider the matter, given that we all want a workable solution.

15:30

Amendment 19, in my name, would enable an individual to make an application to their creditor to vary a wage arrestment due to their circumstances and household composition. It would allow creditors to replace the specified amounts in the tables that are detailed in amendment 22 with a lower percentage amount above the protected minimum amount where the circumstances of a household require it. Individuals who are in debt would be able to request such a variation from their creditor once every six months, and the creditor would be required to consider it.

I believe that section 50, as currently drafted, is wide enough to allow someone in debt to request a review from the court when there is a dispute as to whether the decision to refuse a request is reasonable. People with local authority creditors would also have the option of using their council's complaints procedure if they disagree with a decision, and people with consumer credit lenders could use a firm's complaints procedure to request a review. Concerns have been raised that applications for variation could occur too frequently, which is why a limit on making an application only once in any six-month period is included.

I understand that of the seven different earnings arrestments available in Scotland, variations are currently possible for five of them, which would include arrestments of funds for payments in a

trust deed and sequestration, including variations by the Accountant in Bankruptcy.

I note that Citizens Advice Scotland supports the proposal. It says that it would still allow individuals to make a payment to their debts but at a more affordable and sustainable amount that does not cause financial distress and takes account of their individual circumstances. It also says that having the flexibility to apply directly to the creditor for consideration would remove the need for court involvement except where there is a dispute, freeing up court time and allowing greater communication between the parties involved. Moreover, it highlights that the restriction of being able to make the application only once every six months would ensure that it is not abused or overused but would be a genuine vehicle for flexibility.

Amendment 22, in my name, would introduce a new earnings arrestment model, which is effectively a protected minimum balance of £1,000, similar to that for bank arrestments. I proposed that revision to the model at stage 2. It is designed to address concerns that were raised about the cost to creditors, primarily local authorities. It has been brought to my attention that there is a minor drafting error in the tables that are provided along with my amendment, but those would be likely to have minimal impact. Amendment 22 is primarily a probing amendment.

My revised amendments would mean that the protected minimum amount would be increased to £1,000 for net monthly salaries, with no deduction being taken from net salaries below that amount. It would introduce a new threshold for calculation of deductions, and would change the current thresholds. No one earning less than £1,500 monthly would pay more than they currently do, and those who earn £1,500 each month would pay more, but only slightly more, with the increased amount increasing as net salaries increased. However, I am keen to hear what plans the Government has on that matter. As I indicated earlier, amendment 22 is primarily a probing amendment.

Maggie Chapman: We need a clear statement in law that arrestment of benefits is not competent. I hope that I am not the only member who believes that it should not be possible to take away from people child or adult disability payments, Scottish child payments or any other benefits to which they are entitled.

My amendment 24 seeks to make that clear in the bill because, as Colin Smyth has already stated, that practice still happens. In earlier discussions, a similar proposal was criticised because it might be difficult for banks to know which money is which. However, that is addressed in amendment 24, with instructions to the court

when an action under section 73M of the Debtors (Scotland) Act 1987 is raised.

Courts understand what is or is not a benefit payment. Bank statements can be used to confirm that. Therefore, I am not asking banks to determine what would or would not be competent. That is completely in line with what the courts held in *North Lanarkshire Council v Crossan and Airdrie Savings Bank* in 2008 and in *McKenzie v City of Edinburgh Council* in 2023.

Amendment 24 would put the issue beyond doubt. Because it also has an express waiver in it to prevent banks from being held liable, it gives them protections that they currently do not have. I believe that it would also reduce the need for the use of notices of objection. Currently, in many cases, the courts have held that, where funds are benefits, they are protected. However, because the decision of one sheriff is not binding on other sheriffs, the practice continues of taking benefit money, even when it has been shown that it is benefit money.

Added to that, many people would not feel able to challenge such arrestments, as they do not want to go to court or are scared of doing so. I hope that the amendment will avoid their having to do that.

As we look ahead to changes in how social security in Scotland functions, thinking specifically about the forced migration to universal credit that is being rolled out, more people will likely have more than £1,000 in their bank account at certain points in the month, as their housing costs and support for their children will be getting paid with their universal credit. Scottish child payments will add further to the amounts of money that people might have in their bank account at any one time, so it is possible that the protected minimum balance of £1,000 will not be enough to help people.

Another criticism of the proposal is that it is not clear how the ban would interact with that protected minimum balance. My answer is that it is quite clear that it does not. If the arrestment is incompetent or void, the funds must be released in full and the protected minimum balance is not activated.

The situation is different when wages and benefits are mixed together. Then, the protected minimum balance is activated, but the arrestment of the benefit section is not competent, although the arrestment of the wage section is. It is then appropriate, under section 73Q of the Debtors (Scotland) Act 1987, for the court to decide on how much to release.

I ask that members across the chamber support amendment 24, as I believe that it gives people protection of the benefits to which they are

entitled. I confirm that we will also support Colin Smyth's amendments in the group.

Ivan McKee: As Mr O'Kane set out, amendment 17 proposes to create a requirement for ministers to annually review the protected minimum balance when bank account arrestments are executed and uprate the figure if it is materially lower than the inflation-adjusted figure, and to amend it through affirmative regulations.

The protected minimum balance is an important protection for individuals, so only funds above the minimum in a bank account can be attached by a creditor. The figure for the protected minimum balance was increased to £1,000 as recently as November 2022, following changes made by the Coronavirus (Recovery and Reform) (Scotland) Act 2022. That was a significant increase of roughly 52 per cent from the figure that applied before then. That was done very much from the viewpoint of wanting to protect universal credit payments, and we need to consider the interaction of all the various protections.

The 2022 act also gave ministers the power to further vary the figure by negative procedure regulations. The power is there already. I believe that the existing power, which was approved just two years ago, is the appropriate method to change the figures. I do not think that we need the confusion of an additional power and an annual statutory obligation. The additional power that is proposed by amendment 17 also itself leaves some questions unanswered, such as what inflation measures should be used and when the figure should be measured in order to have regulations ready for the new financial year. For those reasons, the Government cannot support it.

I turn to amendment 10. At stage 2 of the bill, Colin Smyth lodged an amendment to clarify whether social security benefits can be attached by a bank account arrestment. The aim of that amendment was to protect funds wholly deriving from social security payments automatically and without the need for any challenge by a debtor. I agree with the intent of the amendment that was lodged at stage 2. Welfare payments should be protected for the purpose for which they are paid. I also agree that the issue needs some clarity.

However, there are some practical concerns that need to be considered, and we need to have an opportunity to consult with stakeholders on how best to address those matters. I have had the opportunity to speak to Mr Smyth about his previous amendment, and I am grateful to him for working constructively with the Government to find a workable solution on the issue, which we are happy to support.

Amendment 10 does two things. First, it requires the Government to consult on these issues. It

seems entirely appropriate that that consultation should also address the correct mechanism and timing for the future regular uprating of bank arrestment thresholds. On the back of that commitment, I ask Paul O'Kane not to press amendment 17.

Second, amendment 10 creates an enabling power to introduce changes through regulation on the basis of that consultation. That enabling power is sufficiently broad to allow a range of solutions to meet the overriding aim on which we agree, depending on what is going to work best: either by stopping prescribed methods of funds in a bank account from being attached; by providing a simpler administrative process to get those funds released if they are attached; or, alternatively, by exploring other solutions that might come out of the consultation.

An enabling power will give us time to get to a solution that will work. Given that we are at stage 3 of the bill, that is better than putting measures on the face of the bill that might then not work in practice. That seems a reasonable approach, given that we are in agreement with the outcome that we want to achieve, and the debate is about how best to get there. As a safeguard, given that that is a broad delegated power, amendment 10 requires the Government to make a statement to Parliament giving details of the responses to the consultation, what specific changes it proposes as a result of the consultation and its reasoning.

Colin Smyth has also lodged amendment 19, which would introduce a new process into earnings arrestments, allowing a debtor to apply to their creditor to amend the amount of earnings that are arrested, to take account of their household circumstances. I understand that, during the Economy and Fair Work Committee's evidence session on the bill, it heard from stakeholders who drew attention to cases of debtors struggling as a result of a deduction from their earnings. It was pointed out that, too often, a debtor seeks advice and support only after an arrestment of earnings has been imposed and, as a result, has missed their opportunity to engage with their creditor and agree the terms of repayment on a voluntary basis.

However, I have some difficulties with amendment 19, which mean that I cannot support it. It is not clear how it would work in practice, and there does not appear to be any consequence for a creditor who refuses to agree to a request or who simply ignores it. Meanwhile, the statutory obligations that it would impose on creditors are unclear. How is a compliant creditor to assess what is reasonable for an individual, and how are they to assess the accuracy of the information that the individual has provided? The answer, surely, is for the Parliament to set the right level once, for

everyone, rather than ask every small business to have to assess what is reasonable for a family to live on.

I am sympathetic to amendment 19's aim of making sure that earnings arrestments do not put individuals into unacceptable financial difficulties, but there has been no consultation with any of those creditors who would have to put its provisions into effect, nor with employers who would have to deal with a stream of requests to amend salary deductions.

As I will explain in a moment, I am committed to consulting on a different approach to the bandings for earnings arrestments, to reduce their impact on those who earn least. It strikes me that that will be a fairer and more effective way of addressing the issue.

Colin Smyth's final amendment in the group—amendment 22—increases the monetary threshold above which an earnings arrestment can take effect. It would reduce the amount that a creditor can recover each pay period to repay the debt and, if a person earns less than £1,000 per month, it would remove altogether the ability to recover the debt through an earnings arrestment.

More than 90 per cent of earnings arrestments are served by local authorities seeking to recover unpaid council tax. They have found that diligence to be the most effective means of recovering debt. I have heard concerns from COSLA, and I understand that it has also written to the committee to outline concerns about changes to the current system of earnings arrestments and the potential impact that that would have on councils' ability to deliver services to their communities. If amendment 22 were agreed to, the amount of council tax that is collected could be reduced by potentially up to £20 million a year. COSLA has also made it clear that local authorities use earnings arrestments only as a last resort, when someone has refused to engage with them over the debt.

Earnings arrestments are also a very valuable tool for the enforcement of court fines, and I am sure that none of us would want to make it easier for individuals to avoid paying fines of that nature. We need to strike the balance between protecting those who cannot pay and ensuring efficient enforcement against those who will not pay.

I am very aware that we are still emerging from a period of high inflation and that many families are still struggling with the impacts of the cost crisis, so I accept that we need to do more. I commit now to bringing forward to 1 April next year—two years earlier than would normally be the case—the next increase in earnings arrestment thresholds, and I will shortly launch a consultation to look at the bandings of earnings

arrestments. My aim will be to ensure that those who earn less than £1,000 a month will see at least a 50 per cent reduction in the payments that they face, while councils and other creditors' finances are protected by our asking those who earn more to pay more. On the back of those commitments, I ask Colin Smyth not to move amendment 22.

Maggie Chapman's amendment 24 deals with an issue that was considered by the committee at stage 2 when it dealt with an amendment that was lodged by Colin Smyth. However, it takes a different approach to achieving the intended outcome and proposes some protection for debtors who might be excluded by a rule that requires that funds come wholly from social security benefits by discounting small amounts of payments of other specific kinds.

The amendment inserts new provisions into section 73M of the 1987 act, which sets out the process by which a debtor may object to the automatic release of arrested funds to a creditor. The grounds of objection that are available to a debtor include that the arrestment has been executed incompetently or irregularly. Amendment 24 would provide that an arrestment has been executed incompetently if it attaches funds that are derived wholly from social security benefits. It may not be the intention of amendment 24, but that approach seems to restrict any other reasons from being used to suggest that an arrestment has been executed incompetently.

Other than that, my concern is the same as with the original amendment at stage 2. I agree with the aim, but I believe that we need to engage with stakeholders in order to make sure that we achieve it in the best possible way. Therefore, although I am sympathetic to amendment 24, I urge Maggie Chapman not to move it on the basis that the alternative amendment 10 will ultimately be more effective in achieving the substance of what she wants to achieve.

The Government asks members to reject amendments 17, 19, 22 and 24, but to support Colin Smyth's amendment 10 as the best way to progress further reform.

15:45

The Deputy Presiding Officer (Liam McArthur): I call Paul O'Kane to wind up and press or withdraw amendment 17.

Paul O'Kane: We have had a particularly constructive and helpful debate on the group of amendments and the issues that are raised therein. The minister perhaps summed it up when he spoke about the pressures that still exist given the volatile period that we have had with inflation and the uncertainty for people across the country

in dealing with the cost of living. The amendments in the group seek to ensure that those who are in debt and are being pursued for that debt are given the right support to protect their incomes and the balances in their accounts, particularly where they are in receipt of social security.

I heard what the minister said about his view and the Government's view of the provisions in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 and the work that has already been done to increase the minimum balance. I recognise his view that there is a provision in that act that will enable him and the Government to vary that as required. On that basis and given the assurance from the minister, I will not press amendment 17.

We have also had an important discussion about Colin Smyth's amendments in the group, which seek to ensure that there is more detail on protecting those balances. I welcome the minister's interaction and collaboration with Colin Smyth in relation to amendment 10, which will require the Scottish ministers to fully consult on and test the principles, as Colin Smyth outlined. I also welcome the commitment that the minister made today to bring forward by two years the earnings arrestment levels, to look at them in far more detail far sooner than would otherwise have been the case, and to do that in the constructive way that he set out to Parliament.

On Maggie Chapman's amendment 24, again, we understand and respect the principle and where it comes from. We would point to Colin Smyth's work on amendment 10, but also to some of the concerns that have been expressed about devolved competence and the adverse effect that there might be if the restrictions were added to the 1987 act. Although I understand the principle and would support it, we have to be a little careful there.

It was important to have the debate on the group so that we can move forward in a constructive way with the Government, which I hope we will when we vote on the amendments.

Amendment 17, by agreement, withdrawn.

The Deputy Presiding Officer: Group 7 is entitled "Arrestment: duty of disclosure". Amendment 18, in the name of Murdo Fraser, is grouped with amendments 20 and 21.

Murdo Fraser: My amendments 18, 20 and 21 address points that are discussed in paragraphs 127 to 134 of the committee's stage 1 report. Sections 6 and 7 of the bill will introduce a new duty of disclosure on the arrestee. The arrestee—that is, the person who is in possession of the assets belonging to the debtor, which is usually a bank or other financial institution—will be required to tell the creditor when diligence has been unsuccessful. That is a new requirement that has

been introduced. The arrestee must tell the creditor whether the arrestment has been successful within a specified time period of 21 days.

As the committee heard in evidence, the issue is that that would have a significant resource implication for banks and other financial institutions. The NatWest Group said in its submission to the committee that it would have to respond to approximately 70,000 arrestment requests every year, and that there would be no particular purpose in telling creditors that such requests had been unsuccessful. Currently, if they are successful, they are required to report, but if they are unsuccessful, they are not.

The proposal in the bill puts an unduly onerous requirement on financial institutions, so amendments 18, 20 and 21 propose a halfway house. The amendments do not entirely remove the obligation for disclosure, but they try to qualify that requirement and make it less onerous for financial institutions.

Amendment 18 relates to cases in which the arrestee must disclose information about bank arrestments that have been unsuccessful. It provides that the arrestee need disclose information to the creditor only when the creditor requests that information when it was not "under summary warrant procedure" and that that information should be provided

"as soon as reasonably practicable".

Amendment 20 amends section 7 of the bill to say that a person should respond only to a specific request that has been made and amendment 21 says that a person needs to respond

"as soon as is reasonably practicable following receipt of the request"

rather than within 21 days. To my mind, those amendments strike a reasonable balance.

As it stands, the bill proposes a new and onerous requirement on arrestees to report. The cost of doing so may well be significant. I do not know if the minister has looked at the likely costs, but the banks tell us that they could be substantial. My amendments are not about completely removing the requirement to report; they are about trying to qualify it and to strike a balance between the interests of the creditor and of the arrestee.

The amendments seem to be a reasonable set of proposals. I submitted the same amendments at stage 2, when we debated the issue. The amendments were defeated by five votes to four on division. I hope that the minister has had time to reflect and will recognise the good sense of what I propose.

I move amendment 18.

Ivan McKee: The Scottish Government thanks Murdo Fraser for his amendments 18, 20 and 21. As we have heard, those amendments would remove the requirement for the arrestee—often a bank or employer—to notify the creditor in all instances when no property has been attached or when an earnings arrestment has been unsuccessful and would replace that with a requirement to notify a creditor only where that creditor specifically requests confirmation. The amendments would also remove the requirement for the notification to be sent within a defined period of 21 days of the arrestment schedule being sent, replacing that with a duty to respond

“as soon as is reasonably practicable following receipt of the request”

from a creditor.

Amendment 18 goes further because it prevents those who use summary warrants—including local authorities and His Majesty’s Revenue and Customs—from being able to request that information and it would, in fact, exclude the vast majority of arrestments from that duty.

The proposals in the bill come from the report by the diligence working group, which included representatives of the Committee of Scottish Bankers, HMRC, the Society of Messengers-at-Arms and Sheriff Officers, ICAS and debt advice charities. When we consulted on the recommendations in 2022, more than 90 per cent of respondents supported those moves, with those supporters including sheriff officers and creditor representatives such as the Association of British Credit Unions, which said that notification from the banks that arrestment has been unsuccessful will be essential to future decision making.

We agree that we do not want to put an unnecessary burden on the banks and we will, of course, have the flexibility to determine when those sections of the bill will come into force. That will give us time to work with banks, employers and sheriff officers to ensure that the reporting burden is kept to an absolute minimum.

Something strange is going on in the world of bank arrestments. Although around 200,000 are served every year, the latest figures from SMASO show that only around 2 per cent result in any money being returned to creditors. That suggests that everyone in the system is having to do a great deal of potentially unnecessary work. We will not be able to understand why that is happening or to put things right until we know more about what is happening in every case.

The amendments were considered and rejected by the committee at stage 2. As my predecessor did then, I again urge members not to agree to them because they have the potential to prevent or delay creditors receiving important information

and will leave us without the evidence that we need in order to determine how to improve the process. For those reasons, the Government does not support amendments 18, 20 and 21 and I ask Murdo Fraser not to press them.

The Deputy Presiding Officer: I call Murdo Fraser to wind up and to press or withdraw amendment 18.

Murdo Fraser: I did not hear the minister say whether he had looked at the likely cost to the banks of introducing this new measure. If he would like to intervene on me, I am happy to give way.

Ivan McKee: As I indicated in my remarks, we are very keen to engage with the banking sector to understand this process and the burden that it places on the sector; to work with it on the automation of solutions to make the process as easy as possible to implement; and to take evidence from it on potential costs that might be incurred as a consequence, which we would do in advance of setting the date—in consultation with the sector—for when the measures would come into force.

Murdo Fraser: I thank the minister for that clarification. I am aware that he has been engaging with the financial services sector on these matters. In light of the assurances that he has given us, I am happy not to press or move the amendments. I withdraw amendment 18.

Amendment 18, by agreement, withdrawn.

After section 6

Amendment 10 moved—[Colin Smyth]—and agreed to.

Section 7—Diligence against earnings

Amendment 19 not moved.

Amendments 11 to 14 moved—[Colin Smyth]—and agreed to.

Amendments 20 and 21 not moved.

After section 7

Amendment 22 not moved.

Amendment 24 moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Members should cast their vote now.

The vote is now closed.

Craig Hoy (South Scotland) (Con): On a point of order, Presiding Officer. My app either froze or something odd happened to the screen. I would

have voted no, although I note that it might have been recorded.

The Deputy Presiding Officer: I assure you that your vote was recorded, Mr Hoy.

Richard Leonard (Central Scotland) (Lab): On a point of order, Presiding Officer. My app locked me out. If it had not, I would have abstained.

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

Monica Lennon (Central Scotland) (Lab): On a point of order, Presiding Officer. I could not connect—I am still trying to connect. I would have abstained.

The Deputy Presiding Officer: Thank you, Ms Lennon. I will ensure that that vote is recorded.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Mackay, Gillian (Central Scotland) (Green)
 Rennie, Willie (North East Fife) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Siobhian (Ayr) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)

Sweeney, Paul (Glasgow) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 10, Against 83, Abstentions 21.

Amendment 24 disagreed to.

After section 8

Amendment 25 moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Clare Haughey (Rutherglen) (SNP): On a point of order, Presiding Officer. I was unable to connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Haughey. I will ensure that that vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Lab)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Duncan-Glancy, Pam (Glasgow) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Mackay, Gillian (Central Scotland) (Green)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Sarwar, Anas (Glasgow) (Lab)
Slater, Lorna (Lothian) (Green)
Smyth, Colin (South Scotland) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
Whitfield, Martin (South Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Con)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)

Brown, Siobhian (Ayr) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (Alba)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)

Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 32, Against 83, Abstentions 0.

Amendment 25 disagreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

As members will be aware, at this point in the proceedings, the Presiding Officer is required under standing orders to decide whether, in her view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer's view, no provision of the Bankruptcy and Diligence (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Bankruptcy and Diligence (Scotland) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-13477, in the name of Ivan McKee, on the Bankruptcy and Diligence (Scotland) Bill, at stage 3. I invite members who wish to participate to press their request-to-speak button. I call Ivan McKee to speak to and move the motion.

16:02

The Minister for Public Finance (Ivan McKee): Thank you, Presiding Officer, for the opportunity to address the Parliament in this stage 3 debate on the Bankruptcy and Diligence (Scotland) Bill. I thank the convener and members of the Economy and Fair Work Committee for their assiduous scrutiny of the bill during stages 1 and 2 and for their on-going support for the bill's measures and the small number of amendments that we have made.

I thank the Delegated Powers and Law Reform Committee for its input and everyone who gave evidence during the different stages of the bill. I also thank Scottish Government officials, the Accountant in Bankruptcy and legal colleagues in the Scottish Government for guiding me through the process, as I picked up the bill in its later stages. Finally, I thank my predecessor, Tom Arthur, for his hard work, dedication and commitment to the development of the bill.

This is a focused bill that makes small but important improvements, which I believe reflects the fact that our bankruptcy system is widely perceived as meeting our needs. More importantly, however, it represents a chance to make things better for a number of individuals with serious mental health issues and problem debt. The creation of the enabling power to establish a mental health moratorium through regulations will help to improve the lives of those who are struggling with debt and serious mental health issues.

The development of the bill has been a good example of co-production. The initial provisions in the bill were developed from the recommendations of stakeholder-led groups, which reviewed each of the statutory debt solutions to determine what improvements could be made. The provisions have been subject to extensive public consultation and reflect stakeholder recommendations that have achieved a level of consensus.

The bill has been further developed during the stages of the bill process, in which we listened to feedback from committee members, particularly in

their stage 1 report, and from stakeholders to make further amendments to improve the bill.

For the mental health moratorium, we promised and delivered to the Economy and Fair Work Committee a draft set of regulations prior to stage 3. In doing so, we provided it with the opportunity to see the policy intention of the mental health moratorium. We have listened to the committee's concerns about eligibility criteria for the moratorium and have widened them to allow more people access to the scheme.

We will continue to engage with stakeholders as we further develop the regulations. That will include a public consultation, giving stakeholders and Parliament the opportunity to continue to shape the regulations into a scheme that will help the most vulnerable in our society. We will work with the advice and mental health sector to develop clear guidance and training to ensure a successful delivery of the mental health moratorium, and we will work with the sector to ensure that the tools that it needs are available.

Furthermore, we lodged amendments, which were agreed to today, that ensure that Parliament has the opportunity to fully scrutinise the regulations that will establish the mental health moratorium. We have also made a statutory commitment in the bill to undertake a review of the mental health moratorium five years after its introduction, when a full report will be published and presented to the Scottish ministers.

We have implemented the Economy and Fair Work Committee's recommendation to introduce provisions that will allow a private insolvency practitioner to be discharged as trustee where a debtor has been non-co-operative and there are no further actions that the trustee can take. We have also clarified the law to provide that, for a successful petition for recall within the first six months of a sequestration, debts can be paid in full without interest being charged, but thereafter interest would have to be paid on those debts.

We have listened to the witnesses who raised concerns with the committee. After further engagement with sheriff officers, we developed the provisions that provide them with more time to cite an individual to appear at a sequestration hearing and allow them to serve arrestment schedules electronically. That will help to make the process more efficient, cost effective and up to date with modern times.

We are aware that the topic of arrestment of funds is of great interest. The issue requires some clarity, particularly around the protection of funds that are wholly derived from social security payments. As mentioned earlier, we commit to consulting on the matter and will take the time to consider all views to ensure that we get it right and

that the measures that are taken do not have any unintended consequences.

Some other matters were raised by stakeholders in their evidence to the committee that can be addressed through secondary legislation and which we will continue to look at. They include matters such as the minimum period for reapplying for bankruptcy under the minimal asset process and the minimum protected balance for earnings arrestments. As my predecessor said to the committee, those are things that can be addressed in secondary legislation, and I think that that is the best way to address them.

It is also important to note that the bill is part of a wider programme of reform and that we have commissioned an independent review to assess how far current statutory solutions meet the needs of a modern economy. That work has been taken forward by Yvonne MacDermid OBE. Yvonne brings a wealth of experience, having served as chief executive at Money Advice Scotland for many years. Yvonne has now issued a public consultation document to ask for feedback on the current solutions, and she will report back to the Scottish ministers on the results in due course. I look forward to seeing them and to continuing the work to make sure that our statutory debt solutions are fit for purpose.

The real work starts here, and I look forward to working with Parliament, members of the committee and our stakeholders to help ensure that Scotland's statutory debt solutions meet the needs of the people of Scotland, particularly the most vulnerable in our society who are suffering from serious mental health issues along with problem debt. I commend the bill to Parliament.

I move,

That the Parliament agrees that the Bankruptcy and Diligence (Scotland) Bill be passed.

16:08

Murdo Fraser (Mid Scotland and Fife) (Con): I remind members of my entry in the register of members' interests, which shows that I am a member of the Law Society of Scotland, although I am not currently practising.

I start by thanking my colleagues on the Economy and Fair Work Committee for their scrutiny of the bill. I thank all those who gave us evidence, the Scottish Parliament information centre for its background briefings, and the committee clerks who assisted us throughout the process. I also put on record my thanks to both ministers involved, Tom Arthur and Ivan McKee, for their engagement throughout. Mr McKee was a very late substitution, who stepped into the breach, but I enjoyed the conversations that we had on the bill.

It is fair to say that the bill has not provoked a great deal of political controversy, although some of the amendments that we discussed at stage 2 and today generated a little more heat.

Essentially, as the minister set out, the bill provides some modest, albeit important, changes to bankruptcy legislation. Its principal measure is to introduce a specific protection for debtors who have a mental illness, with the creation of a moratorium on debt recovery action.

A similar measure was introduced to the law in England and Wales some years ago by the breathing space scheme, under which individuals who are receiving crisis treatment, which encompasses those who are in compulsory treatment as well as those with conditions of comparable severity who are receiving crisis, emergency or acute treatment without compulsion, are protected from bankruptcy proceedings. It was clear from the committee's work that there was widespread support from stakeholders for the principle of a mental health moratorium to be introduced in Scotland. However, there was also concern about the lack of detail about how such a moratorium would operate in practice.

The committee expressed concern in its stage 1 report that, while we were being asked to agree to the general principles of the bill, the question of how the moratorium would work in practice was being left open. I am pleased that the committee has now seen draft regulations that indicate how the mental health moratorium will work in practice. It was, in our view, essential that a super-affirmative provision be put in the bill for the approval of a mental health moratorium in order to allow the Parliament greater opportunity for scrutiny. In that respect, I was pleased that the minister's amendment 2 was agreed by the Parliament this afternoon. Those who have debt problems and are suffering from acute mental illness should not face the added burden of the prospect of having diligence done against them. The measures in the bill on a mental health moratorium are therefore very welcome. For that reason alone, we will support the bill at stage 3.

On the amendments that were discussed this afternoon, I have raised the point of the undue onerous burden on account holders—many of which are banks and other financial institutions—of having to respond to numerous attempts at arrestments, even if there is to be a nil return. I was interested in the figures that the minister set out in the debate indicating that some 200,000 arrestments are done annually in Scotland, of which only 2 per cent are successful. That clearly creates a substantial burden of administration on those who are having to report nil returns. That is a serious issue that was raised at stage 1 with the committee by NatWest, and I know that Scottish

Financial Enterprise has also been engaged on the issue on behalf of its members. I welcome the minister's assurance that he will engage with the financial services industry on that issue to try to find solutions. We know that some of those who are trying to make arrestments adopt a scatter-gun approach, and that that can create significant administrative costs for those who are on the receiving end. I welcome the fact that the Government will take steps to address that and I will be looking to hold the minister to his commitment on it.

In conclusion, bankruptcy law is there to try to be fair to both debtor and creditor, and to strike a balance between those things. If we make bankruptcy law too favourable towards the debtor, fewer institutions will be prepared to lend, which would leave those who have limited means being driven into the hands of the illegal money lending sector, which would be to no one's advantage. At the same time, the law needs to be able to provide appropriate protections for those who find themselves, often through no fault of their own, in financial difficulty. For those who have a mental illness, the bill provides additional protection and, in that respect, it is very welcome. I confirm that we will support the bill at stage 3.

16:13

Daniel Johnson (Edinburgh Southern) (Lab):

I, too, thank the committee for its hard work. This is an important but technical bill; therefore, the hard work that the committee has done in providing insight and scrutiny on the proposed measures is vital. I recognise that because, given that I am not a member of the committee, I am very reliant on its work. I also thank Tom Arthur and Ivan McKee for their constructive engagement on the bill, which has been incredibly useful.

I will start where Murdo Fraser left off. The role of bankruptcy is incredibly important for individuals who find themselves in crisis. The ability to pause, suspend and write off debts is an important element of making sure that people are not unduly penalised when they find themselves in financial difficulties. I also argue that the ability to write off debt is an important element of enabling a well-functioning economy to continue to work. It is important on both counts, but it is particularly important when so many people now find themselves in financial difficulty.

It is estimated that around 700,000 people are at risk of severe debt. According to StepChange, the debt charity, the average level of debt for its clients is now £16,000, which is up by 27 per cent. That is the real impact of the cost of living crisis—the doubling of household bills and the one-third increase in food bills—set in the context of rising instances of poor mental health across our

society. This is an important and timely bill, which provides people with protection when they find themselves in such circumstances.

Many critical elements of the bill have been left to regulations, and so it is useful that the Government has brought those forward in draft form. I will make some comments with the full acknowledgment and cognisance that I do not sit on the committee. With that understanding, and having examined the regulations last week, I make the following points.

My first point is about the criteria, and in particular the contribution of a mental health condition to the debt being a requirement. I would argue that a person's ability to manage the debt is a much more important criterion than the reason why the debt has occurred. Likewise, the need for debts to have been accrued prior to the person entering the solution is problematic. We need to focus more squarely on the ability of the individual to manage the debt.

I still question the need for a register. I recognise that it is no longer to be a public register but, if mental health professionals deem the arrangement to be appropriate, that should be sufficient. I do not entirely understand the need for a register.

Likewise, we need to look at the fact that only moratorium debts are covered. There needs to be further examination around informal or verbal agreements, beyond simply those that are written down.

A broad variety of timescales are set out in the regulations—some are 28 days and some are only 14. I suggest that 14 days is a very short timeframe for people to get their affairs in order.

My broader point is around access. Compulsory treatment has been softened, but the reality is that it is still incredibly hard to get access to crisis treatment, whether that is on a voluntary basis or otherwise. The Royal Edinburgh hospital is in my constituency and, on the basis of my casework, I am aware that people must be in severe mental health crisis, at a point where they are in personal jeopardy, to get anywhere near that sort of crisis care. My fear is that a huge number of people whose mental health conditions are absolutely relevant to their debt and mean that they are unable to manage it will not meet the criteria.

Finally, I will make a brief comment about framework bills. Part of the issue is that, although the bill is important, it has been hard to examine the detail. I understand the need for framework legislation and the need for regulation-making powers, particularly around setting thresholds and specific amounts and delivering the how, but legislation needs to specify its intent—what it

seeks to set out—even if the detail of that is going to be left to regulation.

Ultimately, it is about the balance between the Executive and the legislature. The reality is that this legislation, like many others, leans the balance heavily to the Executive, and it is not in the Executive's interests for the balance to be that far to its side of the equation. Ultimately, when it comes to technical measures, the processes of this Parliament are there to test legislation, to ensure that it is right and that it will have the intended effect. In these areas, those tests can be helpful to good legislation and, indeed, helpful to the Government.

16:19

Maggie Chapman (North East Scotland) (Green): I am pleased to speak on behalf of the Scottish Greens in support of the bill. I express my sincere thanks to my colleagues on the Economy and Fair Work Committee and to the clerks and SPICe researchers who supported our scrutiny of the bill during its earlier stages. I also thank Tom Arthur, as the minister who was previously responsible for the bill, and Ivan McKee for their willingness to engage, and for the time that they have taken over the past few months to discuss different elements of the bill.

Perhaps most importantly, I thank all the organisations and individuals who contributed to our scrutiny, in person at committee, in written evidence and briefings and in meetings. Citizens Advice Scotland, Advice Talks Ltd, Money Advice Scotland, the Child Poverty Action Group and so many others have all helped to make the bill, and the regulations that accompany it, stronger and more robust.

During our committee scrutiny, we spent much time on the very important mental health moratorium that the bill will introduce. I believe that it is right that we give proper consideration to small but potentially transformative issues, and the mental health moratorium is just that. In the midst of the technical changes to our bankruptcy and diligence law, there is the potential for us to make the lives of people who are struggling with debt and poor mental health much more manageable.

As we heard clearly in committee, debt has a huge impact on mental health. Participants in the engagement session that we held with One Parent Families Scotland and the Poverty Alliance told us their personal stories of mental health issues spiralling out of control because of the pressures of debts, alongside other issues associated with family, work, physical health and so on. The session was very effective.

As Becca Stacey from the Money and Mental Health Policy Institute said,

“we know that people with mental health problems are three and a half times more likely to be in debt, and that half of the people who are in problem debt are experiencing a mental health problem.”—[*Official Report, Economy and Fair Work Committee*, 20 September 2023; c 2.]

It is a vicious circle. Debt and poor mental health are clearly linked, and are reinforcing.

I am pleased, therefore, that the Scottish Government has, in producing the draft regulations that it has laid for the mental health moratorium, listened to the lived experience of those who have struggled with both mental ill health and debt, and to the advice from those who seek to support them.

The widening of the moratorium’s eligibility criteria to include people who do not have a compulsory treatment order will benefit many people, giving those who are receiving voluntary treatment the much-needed support that the moratorium provides. However, as Daniel Johnson outlined, we believe that we still need to do more in that space, and the eligibility criteria remain too narrow.

With regard to the regulations, there are other aspects that still give me cause for concern. I remain to be convinced that the register is appropriate, even though what is proposed is not a public register. We heard clearly in evidence that a register could exacerbate the stigma that is experienced by people who are struggling with both poor mental health and debt. That stigma comes not necessarily from the information being publicly available, but simply from people knowing that there is a register at all. Stigma destroys people’s lives, and we should not be reinforcing structures and systems of oppression that we know will stigmatise vulnerable people. I therefore look forward to future scrutiny of the regulations with interest.

A final issue is the need for financial advice and support organisations and others to have the support, training and resources that they need to do their jobs effectively. The legislation will not have the positive impact that is intended if front-line debt advisers and mental health professionals do not have the time, training or resources that they need to do their jobs. Specialist trauma-informed training and support will be needed so that they are adequately equipped to support people who are struggling with both mental ill health and debt.

I do not have time to address all the other issues in the bill just now, but I look forward to the rest of the debate, and I am pleased to support the bill.

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

16:23

Ruth Maguire (Cunninghame South) (SNP): I will be pleased to vote for the Bankruptcy and Diligence (Scotland) Bill at decision time. This relatively small bill does not propose radical change, but it represents a chance to make things better for a small number of individuals with both severe debt problems and severe mental health issues, and that is not a small thing.

If the bill is passed, it will do three things. It will give Scottish ministers powers to create a mental health moratorium; it will make minor and technical reforms to bankruptcy legislation; and it will make changes to the law on debt enforcement.

According to research from the Money Advice Service, more than 55 per cent of adults have struggled with their wellbeing because of money problems at some time in their lives. A total of 38 per cent pointed the finger at debt as the biggest financial issue linked to suffering with mental illness, and being unable to cope with everyday costs, such as bills, came in a close second.

A recent report from the Money Advice Service found that 59 per cent of people who contacted it for debt advice reported that they had been diagnosed with a mental health condition. That is much higher than the United Kingdom average of 17 per cent, which highlights how money problems and mental health and wellbeing can be interlinked.

As Maggie Chapman said, money issues and mental health problems can cycle, with mental health problems making it harder to earn and manage money or to ask for help, which leads to financial difficulty. Financial difficulty, in turn, increases stress and anxiety, perhaps exacerbated by collection activity from creditors and going without essentials, which increases mental health problems, and so on.

The bill contains powers that would allow Scottish ministers to create a mental health moratorium to protect people with serious mental health issues from debt recovery action. I understand that the idea of a moratorium to provide special protection for those with serious mental health conditions achieved broad support in the bankruptcy and debt advice review consultation. As has been laid out, responses to the Economy and Fair Work Committee also showed strong support for the principle of such protection, notwithstanding people’s questions over the details.

The bill proposes relatively minor reforms, with some benefiting creditors and some benefiting debtors. In summary, the debt enforcement changes would require bodies such as banks and employers to tell creditors why attempts to arrest a debtor’s assets have been unsuccessful; require

debtors to be provided with a debt advice and information package in advance of the relevant hearing for diligence on the dependence; extend the timeframe that a debtor has to reclaim assets seized at their home; and increase flexibility around when a money attachment can be carried out on business premises.

The bill will make a small but important change to bankruptcy and diligence. The introduction of a mental health moratorium is an important step that will help those with the most severe mental health conditions and financial challenges. I will be very pleased to vote for the bill tonight.

16:26

Colin Smyth (South Scotland) (Lab): When the Bankruptcy and Diligence (Scotland) Bill was first published, stakeholders raised concerns that it did not go far enough and that it did not deliver the protections that we need for the most vulnerable at a time when families are facing a real cost of living crisis. There has been some progress since. On the mental health moratorium, I welcome the decision to widen the criteria and not to proceed with a public register, although I still have concerns over the need for any form of register.

Weaknesses remain with the draft regulations. Alan McIntosh from Advice Talks Ltd, Citizens Advice Scotland and the Economy and Fair Work Committee have highlighted several concerns. First, the moratorium will not prevent people from being evicted from their home or having it repossessed, as is the case in the rest of the UK. Under Scottish housing law, a judge should grant an eviction or repossession only if it is reasonable to do so in all the circumstances. However, that ignores the crucial point that such protection is available only if someone can seek advice and obtain representation at any court or tribunal case. Clearly, someone who is suffering a mental health crisis might not be able to do that, or the process of doing so might be too much—it could set back their recovery completely.

Secondly, people will be protected only from debts that were owed up to the date of award of the moratorium. Individuals will have to maintain their on-going liabilities. If they fail to do so, their moratorium could be cancelled.

Thirdly, creditors will have the right to challenge the legality of a mental health moratorium and the right to request cancellation. Surely it is the medical professional, not the creditor, who has the expertise to decide whether someone should be under the moratorium.

Those are just some concerns about the regulations for the proposed moratorium; I could have mentioned others.

Claire Baker (Mid Scotland and Fife) (Lab):

The member has raised a number of issues that the committee was interested in. Does he agree that the issue of the capacity of people who might wish to access the scheme is still to be addressed? The minister might want to consider that further.

Colin Smyth: I thank Claire Baker for her intervention. I hope that, in his concluding remarks, the minister will address that point. It was certainly debated at some length in the committee and it needs to be addressed.

Another concern is the lack of detail on enforcement action that will be taken against creditors that fail to adhere to the moratorium.

Money worries take their toll on most people, but the anxiety and stress that they create for those suffering from a mental health crisis is all the greater. Many are simply not in the state of mind to deal with the debt. There can be a downward spiral—as the debt grows, the mental health impact also grows.

Some members may have seen the survey that was carried out by Advice Talks adviser Alan McIntosh, which showed that earnings arremtsments left people in severe hardship. Most were unable to pay for essentials and had fallen into arrears. They were left unable to pay other debts. Many respondents reported a deterioration in their mental health. One woman said that she was struggling to keep her head above water because of the amount that the courts were taking off her wages. Some had left their jobs to escape arremtsment.

I welcome the Government's decision to consult further on that issue and to bring forward changes on earnings arremtsment levels. Preventing creditors from arremtsing people's benefits from their bank account is also vital. I acknowledge the Government's commitment to stop that from happening through my amendments.

We know that mental ill health and money problems go hand in hand. People can get caught in a vicious cycle, where the debt builds and builds. The bill's overarching aim of supporting vulnerable people who face financial hardship is an important one, although the proposed regulations need to go further.

I add my thanks to all who gave evidence to the Economy and Fair Work Committee as the bill went through Parliament, as well as the committee clerks for the work that they did, and indeed Government officials and the ministers themselves. I pay particular tribute to Alan McIntosh from Advice Talks, who was forensic in his scrutiny of the bill and the regulations and drew attention to several weaknesses that might not have come to light otherwise. He put forward

several constructive proposals that could provide much-needed help to people who are struggling with their mental health and facing severe hardship. I am grateful for that input.

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

16:31

Maggie Chapman: I thank all those who contributed to the debate this afternoon and to the discussion of amendments earlier. The Bankruptcy and Diligence (Scotland) Bill might not be the most exciting piece of legislation and this debate is not the most politically heated, as Murdo Fraser suggested. It has not attracted a great deal of attention. However, it does some very important, if small, things to support people who are struggling with debt and poor mental health, while ensuring that creditors are protected, too.

In my closing speech I will focus on what we need to do after the bill passes, as we know it will. We must listen to those who are directly involved in supporting people who are in debt and who struggle with mental ill health, and we must listen to those who have direct lived experience of both of those. Citizens Advice Scotland and others remain concerned that the regulations that we have in draft form, which will bring the mental health moratorium into effect, will not completely deliver the policy intent of the bill. It is not clear, for example, that the regulations will provide the space and security that are needed for individuals to prioritise their mental health recovery or to halt the vicious cycle of increasing debt and worsening mental health.

We know that recovery from mental ill health is never a linear process. It can cycle through improvements and setbacks and can be totally derailed by unpredictable and unforeseen events. People who have severe mental illness face many barriers to much-needed support, and treatment and crisis can fluctuate. The situation is often enduring, and one-off treatment or one-off support may not work or deal with the issue. In fact, it is very rare that one-off treatment is all that will be required.

As Colin Smyth has outlined this afternoon, for the mental health moratorium to be effective, it needs to do some very specific things. It needs to protect individuals from eviction. We cannot expect somebody to take their mental health recovery seriously if they are worried about losing their home. The moratorium needs to protect individuals from debts that are accrued after it is awarded, including by removing the requirement for maintaining on-going payments. The creditor's right to challenge or request cancellation of a mental health moratorium needs to be removed.

Those are the kinds of issues that we need to take seriously as we consider the draft regulations in the coming months. I hope that the Scottish Government will listen to those concerns and will amend the draft regulations before they are brought to Parliament for approval.

The Bankruptcy and Diligence (Scotland) Bill matters. It will make a significant difference to a number of people who need it to work for them if we get the regulations right, if the eligibility criteria are set wide enough, if we ensure that the legislation does not embed stigmatising measures such as a register, and if we ensure that it gives people the security and safety that they need to deal not only with their mental health recovery but with their debts. That will be good for them, for their families and their communities, and for creditors.

16:34

Paul O'Kane (West Scotland) (Lab): It is a pleasure to close this debate on behalf of Scottish Labour.

As we heard from my colleague Daniel Johnson, Labour members have sought to support the aims and principles of the bill. We have heard from members across the chamber that the bill is technical, but I think that it has the scope to make a real impact on many of the challenges that exist in the area. As we know, there is much more to be done.

I join colleagues in thanking Ivan McKee and the previous minister, Tom Arthur, for their stewardship of the bill and the way in which they have engaged. I also thank their officials.

A lot of our debate this afternoon has rightly been taken up with thinking about those in our society who are vulnerable and who, because of the debt that they face or other factors, deserve support to escape those problems and get on to a more stable footing. It is very important that that is approached with compassion.

That is why there has been such strong support for a mental health moratorium on debt recovery actions. We have heard that roundly across the chamber and, indeed, calls for the provisions to be as strong as possible. I was successful in securing an amendment to change "may" to "must"; that small change is important because it shows the intent in the legislation that that must happen and the will of Parliament in supporting it.

We know that the regulations have been drafted and brought forward by the minister, so we hope that the moratorium will continue to progress and come into effect in the near future. However, there are concerns remaining about the strength of those regulations and the protections that will be

provided by that moratorium. Those concerns have been outlined by Maggie Chapman, Daniel Johnson and other members.

We know that many organisations, such as Citizens Advice Scotland, have called for the inclusion of protections from eviction or repossession from on-going liabilities. We have also heard, in the exchange involving my colleagues Claire Baker and Colin Smyth, about the need to do more to create a process that would enable access for those who lack capacity. It is clear that there is still time to address those concerns before regulations go through the necessary parliamentary scrutiny. I hope that the minister recognises the concerns of members as well as those of stakeholders, and that he will reflect on some of those in his closing speech and as the bill progresses.

More broadly, beyond the moratorium, we know that the bill could have gone further in many places and could have been stronger. The Economy and Fair Work Committee made a number of recommendations to the Government at stage 1 that have not been taken forward. However, there is the opportunity for further work and dialogue in that regard.

Overall, the bill is an improvement on the status quo. We should not let the perfect be the enemy of the good and the enemy of progress when the scale of the debt problem that Scottish families face is as large as it is. Every positive measure, however small, goes some way in helping them just a little bit more than they are currently being helped.

This is not necessarily the end of the line. There is scope to strengthen and support protections in enhanced regulations or better working practices. We should continue to engage and learn from third sector organisations. We are all grateful for the contribution that such organisations—not least Advice Talks, which Colin Smyth mentioned, Citizens Advice Scotland and Aberlour Children’s Charity—have made in the process. In speaking to the amendments, I mentioned the innovative work that has been done, such as in the Tayside pilot that is run by Aberlour, which provides wraparound support to families in problem debt. We should all engage with such organisations where we can.

To conclude, people have been pushed further into debt in this cost of living crisis. The Money and Pensions Service has estimated that 700,000 people in Scotland are at risk of being in, or are already in, problem debt. We know that those people cannot afford to wait for the perfect solution to come along. We need to use the bill’s provisions to benefit those people. I hope that we will continue to engage on all of these issues, not

least the mental health moratorium, in order to try to make as much change as we can.

16:39

Brian Whittle (South Scotland) (Con): I apologise to my colleagues for not being able to be in the chamber for the debate. Given the consensual nature of the debate and of the bill, members will be pleased to hear that I will be keeping my contribution to a minimum.

I echo others’ thanks to my committee colleagues, the committee clerks and all those who gave us evidence on the bill. I thank SPICe for the very helpful background briefings.

As has been demonstrated in the debate, the committee was mostly in agreement throughout the evidence-gathering process, with very little dissent. My colleague Murdo Fraser, with his usual attention to detail, helpfully highlighted that bankruptcy provides a solution for those who find themselves unable to meet their financial obligations. It avoids the need for creditors to pursue those individuals indefinitely and offers a way to clear the deck, so to speak. All the while, though, there is an understanding that there is a balance to be sought between creditors and debtors.

In evidence, and in the cases that we have been considering this afternoon, we have heard that it is predominantly public bodies such as local councils—especially in the case of council tax arrears—and His Majesty’s Revenue and Customs that are the main creditors. There is, therefore, a requirement to balance the needs of debtors against the collection of funds to support public services.

As members have said, the bill represents mostly minor and technical changes to existing bankruptcy legislation. Much of the evidence taken and discussed centred around debtors with significant mental illness and their capacity to attend to the debt recovery procedures against them adequately. We all agreed that that was a legitimate reason to support a moratorium on the recovery of said debt.

Other speakers in the debate have cited breathing space, which is a similar scheme in England and Wales, where individuals receiving what is termed crisis treatment are offered such protections. That includes those subject to compulsory orders but, crucially, those suffering from conditions of comparable severity who are receiving crisis, emergency or acute treatment without compulsion. The lack of detail on how the moratorium would operate has raised concerns. It is, therefore, good to see that draft regulations indicating how the mental health moratorium would work in practice have been made available.

Again, the provision for a super-affirmative procedure is very welcome. It has been raised that creditors also need some assurance and support, and it is welcome that the minister has assured us that he will engage with the financial sector to look for optimum solutions.

Those who have a debt issue while suffering from an acute mental health issue should expect a degree of protection. Indeed, the debt issue could be a reason for their poor mental health. That alone is reason enough to support the bill at stage 3, and we will therefore be voting for the bill at decision time.

16:42

Ivan McKee: It is a pleasure to close the debate. I am grateful to all the members who have contributed to the debate, lodged amendments and taken part in the constructive discussions on the bill over the past few weeks since I have been involved. I will touch on a few of those points, although by no means all of them, given the brief time that I have available.

On Murdo Fraser's point about potential additional workload for the banking sector, he can rest assured that I will commit to working with the sector to minimise effort or any onerous workload that will be required of it. Indeed, I hope that we can get better data to understand the on-going situation, which will perhaps lead to a reduced workload in the future, which would certainly be our intention.

I thank Murdo Fraser and Daniel Johnson for raising the importance of balance in the bankruptcy process and its critical impact on individuals, businesses and the overall economy. It is important that we get the balance right and that we have a functioning bankruptcy system that works for everyone. It is in that spirit that we will seek continually to improve the relevant legislation and regulations.

Daniel Johnson raised a number of issues about regulations. He can rest assured that those have been noted and will be considered. He also mentioned framework bills—he is keen to mention them whenever he has the opportunity.

Daniel Johnson: On the point that the minister just made, how we define “crisis” is important, as is the nature of the conditions that meet the threshold. The reality is that acute care in our mental health system is quite difficult to access at the moment. Therefore, getting the definition right in the regulations is important. Will the minister comment on that?

Ivan McKee: Daniel Johnson has made an important point. The Government will follow up on that issue—as it will do on a number of other

issues that members raised in the debate—through the process that we are taking forward with regulations and beyond implementation. We will focus on understanding how we can find the best definitions that work for everyone concerned, bearing in mind the points that Daniel Johnson has rightly raised.

Members have made a number of other important points, although I do not have time to go through them all. Maggie Smyth—I am sorry; I meant to say Maggie Chapman and Colin Smyth. I am now in the business of renaming members, ad hoc, from the Government benches. *[Laughter.]* Those members raised similar points, both of which were well made. They have my commitment that we will continue to consult publicly on the regulations, and that we will work with stakeholders and members to ensure that we deliver solutions while taking on board all the important points.

As I mentioned, the draft regulations that now sit with a committee will be the subject of public consultation. I will reflect on the feedback from that and will undertake further work with stakeholders and the committee to shape the regulations to ensure that they can deliver their intention and improve the lives of people who are struggling with debt and serious mental health issues.

Furthermore, now that amendment 2 has been agreed to, there will be more time for Parliament to scrutinise the regulations when they are laid, to ensure that they are fit for purpose. Although Parliament has rejected some of the amendments that were debated today—my thanks to members who chose not to press their amendments, having heard the Government's comments, in particular on the attachment of property and funds—I am, as I have said, sympathetic to the aims behind them and will work with members to take them forward, where appropriate.

The Scottish Government agrees that it is important that welfare payments be protected for the purposes for which they are paid. However, it is also important that we get that right, so taking time to consider the amendments and the statutory requirement to consult before making regulations is the correct way to proceed.

We have also committed to consulting on a different approach to the bandings for earnings arrestment in order to reduce its impact on people who are on low incomes. It strikes me that taking time to consider that fully would be a fairer and more effective way of addressing the issue.

Throughout the process, we have committed to introducing more bankruptcy measures that can be achieved through secondary legislation. We will continue to work with stakeholders on those

issues in order to ensure that our statutory debt solutions are fit for purpose.

This is certainly not the end of the process. We will continue to engage in work with stakeholders and the Parliament to improve Scotland's statutory debt solutions and to ensure that they meet the needs of the people of Scotland. As many members recognised during the debate, the bill is only a small step that might help only a limited number of people, but it is, nonetheless, an important step in demonstrating Parliament's commitment to helping all the people whom we represent.

I commend the bill to Parliament.

The Presiding Officer (Alison Johnstone): That concludes the debate on the Bankruptcy and Diligence (Scotland) Bill at stage 3.

Point of Order

16:48

Liam McArthur (Orkney Islands) (LD): On a point of order, Presiding Officer. I apologise to you and to members. I will be as brief as I can.

At First Minister's question time earlier today, I invited the Deputy First Minister to commit to providing on-going support for the international island games, which will take place in Orkney, and to congratulate young athletes from Orkney and Shetland on having taken part in last weekend's junior intercounty competition. At the time, I should have declared my interest as the former chair of the Orkney islands games bid committee.

While I am on my feet, let me declare an interest as the uncle of Emily McArthur, who won the 400m and 800m races before joining her sister, Ella McArthur, and the rest of the hockey team to beat the Shetland team 2–1. I recognise that this is not a point of order, and I also recognise that Emily and Ella McArthur will be mortified by this. *[Laughter.]* However, in the interests of transparency, I thought it important to put that on the record. *[Applause.]*

The Presiding Officer (Alison Johnstone): It is probably fair to say that that is the first time that a non-point of order has been applauded so warmly in the chamber. I am not going to add anything to that, Mr McArthur—you are well aware that it is not a point of order—but your sentiments and comments are on the record.

We have concluded the debate on the Bankruptcy and Diligence (Scotland) Bill at stage 3. We will now move to the next item of business.

Motion without Notice

16:49

The Presiding Officer (Alison Johnstone): I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, to bring forward decision time to now. I invite the Minister for Parliamentary Business to move such a motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4:49 pm.—[*Jamie Hepburn*]

Motion agreed to.

Decision Time

16:49

The Presiding Officer (Alison Johnstone): The question is, that motion S6M-13477, in the name of Ivan McKee, on the Bankruptcy and Diligence (Scotland) Bill at stage 3, be agreed to.

As this is a motion to pass the bill at stage 3, the question must be decided by division. Members have been voting throughout the afternoon. I suggest that they refresh their app.

Members should cast their votes now.

The vote is closed.

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): On a point of order, Presiding Officer. My app was frozen. I would have voted yes.

The Presiding Officer: Thank you, Ms Gougeon. We will ensure that that is recorded.

Sarah Boyack (Lothian) (Lab): On a point of order, Presiding Officer. Can I just double-check that my vote was cast?

The Presiding Officer: I can confirm that your vote has been recorded, Ms Boyack.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S6M-13477, in the name of Ivan McKee, on the Bankruptcy and Diligence (Scotland) Bill at stage 3, is: For 109, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Bankruptcy and Diligence (Scotland) Bill be passed.

The Presiding Officer: The Bankruptcy and Diligence (Scotland) Bill is therefore passed.

That concludes decision time.

Meeting closed at 16:53.

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

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