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AITHISG OIFIGEIL

# Meeting of the Parliament

**Wednesday 20 December 2017**

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## Scottish Parliament

Wednesday 20 December 2017

[The Presiding Officer opened the meeting at 13:15]

### Alcohol and Drug-related Deaths

**The Deputy Presiding Officer (Christine Grahame):** The first item of business is a members' business debate on motion S5M-09389, in the name of Monica Lennon, on alcohol and drug-related deaths. The debate will be concluded without any question being put.

I ask those members who wish to speak in the debate to press their request-to-speak buttons now. I have to tell members that the debate must conclude by 2 o'clock. I give warning to the three final speakers—Neil Findlay, Fulton MacGregor and Michelle Ballantyne—that I might have to cut their speeches to three minutes and I say to the minister that we have to conclude at 2 o'clock, as the Parliament's business begins then.

*Motion debated,*

That the Parliament understands that 1,265 alcohol-related deaths, and a record 867 drug-related deaths, were registered in 2016, which were 10% and 23% more respectively than in 2015 and represented a combined annual increase of 276 deaths; notes that of the total 2,132 deaths that year, 715 of the people were under 44; recognises that Scotland's alcohol death rate is one-and-a-half times that of the rest of the UK and that its drug deaths rate is two-and-a-half times; expresses sympathy to the bereaved families and friends of the people who have died, in so many cases at such a young age; acknowledges that stigma around addiction can make it difficult for people to seek the help they need; believes that alcohol and drug-related deaths are preventable, and notes the view that the refreshing of the alcohol and drug strategies presents unique opportunities to that ensure that an evidence-based approach can be put in place to reduce the number of deaths in Central Scotland and across the country.

13:15

**Monica Lennon (Central Scotland) (Lab):** Back in September when I raised with the First Minister the worrying increase in the number of people dying as a result of alcohol and drugs harm, I wanted to draw particular attention to the issue of stigma. Stigma stops people from getting the support that they need and is costing people their lives. Stigma is also harming the families who are affected by substance misuse. Today, we have an opportunity to agree that we need to do much more to change attitudes and develop a new national conversation on drugs and alcohol. We must work together to achieve that.

Stigma stops us from having honest conversations with family, friends and colleagues

about alcohol and drugs harm. Language contributes to that. For example, labels such as "alky", "jakey" and "junkie" dehumanise people. Television characters such as Methadone Mick poke fun at some of the most vulnerable people in our communities, who are people with underlying mental health problems and people who are likely to have experienced trauma, neglect or abuse.

I grew up watching "Rab C Nesbitt" on BBC Scotland. Rab is best known as the string-vested alcoholic layabout who is the central character in what the BBC website describes as "Glasgow's greatest ever sitcom". His illustrious CV, according to the BBC, includes being a

"work shy slob and all round nutter."

Rab and Jamesie Cotter and their working-class bampottery gave us the impression that drinking to excess was a lifestyle choice and certainly not one that the middle class would make. We even had "Rab C Nesbitt" Christmas specials.

Losing my own dad to alcohol harm in 2015 has perhaps tempered my sense of humour, but today I do not feel much like laughing along with snooty, class-based prejudice dressed up as entertainment. Perhaps that is because I have felt the suffocation of stigma—that cloak of shame that stops people from accessing treatment and support or walking through the door of Alcoholics Anonymous, Narcotics Anonymous or any 12-step programme—or because I know that stigma hurts the people who are affected by a loved one's harmful drinking or drugs use.

I asked people affected by alcohol or drugs harm to get in touch and share their stories with me. I was especially struck by the testimony of Alan Brady, who grew up in Easterhouse with an alcoholic father. Alan was a traumatised youngster who witnessed violence and chaos that no young person should ever see. Later in life—in fact, quite recently—Alan wrote a play based on his experiences and he discovered that many of his childhood friends had gone through much the same as him, but none of them had talked about it. Alan is a proud member of Al-Anon and he welcomes this debate because he says that it is often worse for the families of alcoholics and especially for children.

We are all well briefed on the statistics and facts: 1,265 alcohol deaths and 867 deaths to drugs in 2016 alone, with a combined cost of £3.6 billion a year to the Scottish economy in dealing with the harmful effects of drinking. However, the very human costs of those cold, hard facts can be harder to convey. For every person who remains in the grip of alcohol or drugs harm, there are countless individuals—families and friends—affected. Alan put it perfectly when he said that there are women and men in Scotland today going

to their work and the shops and trying to hold families together with

“their hearts blazing and their heads screaming.”

That has to change, because people need to feel able to talk and to know that they will not be laughed at. That is why I believe that we urgently need a national conversation about the role of drugs and alcohol in our society. I have already raised the issue with the Scottish Government in relation to a national information campaign, and I look forward to exploring it when I meet with the public health minister in the new year.

It is estimated that 51,000 children in Scotland today are affected by a parent’s harmful drinking. In October, Dr Catherine Calderwood, Scotland’s chief medical officer, wrote in the *Sunday Post*:

“Those affected by parental substance misuse are among the most vulnerable in society and they need particular care and support.”

The chief medical officer is correct.

Cross-departmental working is vital, and I am pleased that the Minister for Childcare and Early Years is here today. I urge the Scottish Government to make this issue an urgent priority and to use the upcoming child and young person wellbeing strategy and the 2018 year of young people to mainstream the issues of alcohol and drugs harm to young people.

It is five days until Christmas. At this time of year it is human nature to want to be in the company of the people whom you love and who love you back, but for a child who is affected by alcohol or drugs harm, without the sanctuary of school, the festive season can be lonely and scary. A focus on the young people and families who are affected by alcohol and drugs misuse has to be central to the forthcoming strategy refresh. Giving support to those who are affected by substance misuse is vital to breaking the cycle of misery.

During the lifetime of the Scottish Government’s 2008 alcohol strategy and 2009 drugs strategy, 15,077 people have died from substance misuse. I will try to put that 15,000 figure into context: it is equivalent to the entire population of Larkhall, which is one of the towns that I represent. If we continue at this rate, in 10 years’ time—by 2027—the population equivalent of another significant town will have been wiped out too. That amounts to a national crisis. Of course I welcome the policy refresh that is under way, but when 15,000 people have died during the course of the current strategies, we have to be brutally honest and say that it is not simply a refresh that is required. It is time for a reality check.

I am optimistic that we can start to change the situation. I am very grateful to the members of all

parties who signed the motion to make this debate possible. I also want to thank the many individuals and organisations that have provided briefings and all the organisations that are holding people up. I will not name them all, because I am watching the clock.

I want to conclude by extending a heartfelt thank you to members of the public in the gallery who have travelled from various parts of Scotland to be here today, and to everyone who has shared their stories with me. I say to those people that if you have recently lost a loved one due to drugs or alcohol harm, I realise that this will be a very challenging time for you. Those of us who have lived through it understand. I pray that you will find comfort and peace this Christmas. You are at the heart of this debate. If we listen and act on what we learn from you about alcohol and drugs harm, I believe that we can set Scotland on a journey of radical culture change that is urgent, necessary and possible.

**The Deputy Presiding Officer:** Thank you. I am sorry to hurry people, but as I said, time is pressing. If you can all shave a little bit off your speeches, we will get in a reasonable speech for everybody.

13:23

**Clare Haughey (Rutherglen) (SNP):** I thank Monica Lennon for bringing this important debate to the chamber. I also remind members of my entry in the register of interests, as I am a mental health nurse who holds an honorary contract with NHS Greater Glasgow and Clyde.

There can be no denying that Scotland continues to have a very troubled relationship with both drugs and alcohol. It is an uncomfortable reality, and one that we must not shirk from: the number of deaths from drugs misuse across the United Kingdom is rising, and the number of alcohol-related deaths is higher now than it was in the mid-1990s.

However, it is a problem that the Scottish Government is committed to tackling. At the start of next year, it is set to unveil a new alcohol strategy; in spring, it will unveil a combined alcohol and drugs treatment action plan; and in May, the minimum pricing policy will come into force.

During a statement to Parliament last month, I raised the issue of so-called drug consumption rooms with the Minister for Public Health and Sport. Otherwise known as safer consumption facilities, DCRs are places where illicit drugs can be used under the supervision of trained staff. Although having them is controversial, it is an initiative that I support as I fully believe that it could help to save lives.

Officially sanctioned DCRs have been in existence for over 30 years, and they currently exist in eight European countries, as well as Canada and Australia. Throughout the 1990s, Sydney particularly struggled in the fight against heroin and, knowing the demands of the drug, many businesses would rent out rooms to users so that they had a private place to inject. The practice continued, with police turning a blind eye to it, but it fuelled further criminal activity, as many businesses then started to sell drugs. To tackle the problem, Australia's first safe consumption room was established in 2001, at a time when I actually lived near the city. In the 10 years after the room opened, ambulance call-outs to drug users near the facility reduced by a staggering 80 per cent. The success of the scheme has not gone unnoticed, and local government in Victoria, Australia has recently announced plans to pilot a safe injecting room in a Melbourne suburb.

Robust evidence demonstrates that such facilities reduce street injection and decrease the number of discarded syringes on streets. The risk of needle sharing is minimised, the number of drug-related deaths is reduced and there is an increase in uptake of drug treatment. An all-party parliamentary group at Westminster recently commissioned a report from a drug policy think tank, which found that drug consumption rooms do not increase drug use, the frequency of injecting, drug dealing, drug trafficking or even drug-related crime in the surrounding areas. Furthermore, research also shows that not one person has died of an overdose in a DCR.

Ultimately, injecting in a safe environment gives the user the opportunity of life-saving interventions should they overdose. Users can also receive help from addiction services, social care staff and other healthcare professionals, which are opportunities that might not be readily available to those with chaotic lives or those who do not readily engage with such services. As it stands, the risk to the user and the public remains too high, so a change in thinking is required. Users often take drugs in alleys, hidden under bridges or elsewhere out of sight so, if they overdose, no immediate help is available. For the public, there remains a risk of coming across discarded needles, syringes and other injecting equipment. Safe injecting rooms are an obvious solution to those problems.

The issue of DCRs has become far more prominent over the past year, following a concerted effort to establish one in Glasgow. For a safer consumption facility to be granted legal permission to operate, the United Kingdom Government must grant an exemption from the Misuse of Drugs Act 1971, but it is not currently minded to do so. Therefore, the proposals put forward by Glasgow health and social care partnership have hit an impasse. If the UK

Government is unwilling to grant the exemption, it must commit to devolving the powers to our Parliament.

**The Deputy Presiding Officer:** I am afraid that you must conclude.

**Clare Haughey:** Scotland's relationship with drugs must be changed and radical solutions such as DCRs must be considered.

13:27

**Miles Briggs (Lothian) (Con):** I congratulate Monica Lennon on securing this important debate and commend her for previously speaking so frankly and movingly about her personal experience of having a family member with an alcohol addiction. I also thank the organisations that are represented in the public gallery, which provided useful briefings ahead of the debate.

Like Monica Lennon, I share the concern that the 2016 alcohol and drug-related deaths statistics show such an increase on the previous year. In my Lothian region, there were 150 alcohol-related deaths last year, which was an increase of 20 on 2015 and which compares to 72 deaths recorded in 1980. Each and every one of those deaths is a tragedy for the individual involved, their family and friends and for our society more generally, and each was preventable. I hope that that is the message that we will send out from the debate.

The work of local drug and alcohol partnerships in our communities is vital, which is why the Scottish Conservatives expressed such concern at the Government's almost £15.5 million cut to funding for those partnerships in the 2016-17 budget. Half of national health service boards in Scotland simply did not cover those cuts, which in many areas led to unacceptable pressures and constraints on local provision and the destabilisation of services that were already in place. The Scottish Government's belated recognition of the error that it made in reducing that funding is welcome, but it is deeply regrettable that things happened in that way.

Alcohol Focus Scotland, in its briefing for the debate, rightly states that preventative measures have a pivotal role to play in preventing alcohol-related deaths. Education and information are key if we are to ensure that people can make informed choices and understand the risk of heavy drinking. We need a particular focus on Scotland's most deprived communities, where people are six times more likely to die as a result of alcohol than those in the most affluent parts of our country.

We now have clarity over minimum unit pricing, which is a welcome policy intervention and which will be moving forward. A possible 10 per cent reduction in alcohol-related deaths by the end of a

20-year period is welcome, but minimum pricing is just one tool in a broad range of measures that we need to tackle alcohol misuse in Scotland.

The importance of preventative measures and education applies also to drugs, as does the need to reduce the huge health inequalities in drug-related deaths. The vast majority of drug deaths involve opioids, and it is alarming that the number of hospital admissions for overdoses of opioids increased substantially in 2016 and was running at almost 50 each week. We need to have an honest and open discussion about the effectiveness of some of the programmes that we have in place. That is why I was keen to call on the minister and the cabinet secretary to look at reviewing those programmes. I also support what Monica Lennon has said today.

We can all support individual measures to prevent and tackle alcohol and drug misuse—and all those measures are valuable—but I think that we need to recognise that we must develop a new and transformative approach to the huge challenges that our country faces from the misuse of both drugs and alcohol. We need to see the societal and cultural changes that Monica Lennon spoke about, in terms of how we depict people and the stigma that we attach to them.

In conclusion, I reiterate my call, and that of Monica Lennon, to both the cabinet secretary and the minister to commit in their statements on the alcohol and drugs strategies to convening in the new year a cross-party working group on alcohol and drug misuse, so that we can work across portfolios. That is something that the Parliament keeps hearing—that we need to look beyond the portfolios that each minister covers—and it should be the ministers' new year resolution that we start to tackle the issue in that way. I believe that tackling the issue can unite the whole Parliament to work together to develop and implement the policy change that must be made to ensure that, in future years, we can demonstrate that our work has led to a continuous decline in deaths from alcohol and drug misuse.

13:31

**Ruth Maguire (Cunninghame South) (SNP):** I thank Monica Lennon for bringing this important topic to the chamber. I am sorry that we appear to be short of time.

Stigma remains a huge problem when it comes to addiction and recovery. When speaking on this subject before, I have mentioned that my heart sinks a little bit when I receive media requests for a response to a drug or alcohol-related story, because I know that what they are looking for is a sensational or judgmental comment. It is incumbent on all of us to challenge that and to do

all that we can to tackle stigma because, in reality, problematic alcohol and drug use is something that we are all impacted by. It is not something that can be othered—it is not other people's problem. Alcohol and drug abuse affects us all, and every life lost is an absolute tragedy not just for the family and friends of the person we lose but for our whole community.

It is in all our interests to work together and to do our very best both to prevent the damage and loss caused by addiction and to aid recovery. Not only is that of immeasurable benefit to individuals who will go on to lead to healthier and happier lives, but it is of benefit to us all, as we will have happier, healthier, safer communities, too.

I would like to use the time that I have to let Parliament know about a programme unique to North Ayrshire that was created and developed by two young persons drugs workers, Claire and Donna. The Charlie programme is a 30-week group work peer support programme for children aged between eight and 12 who are affected by parental substance use, and I have been privileged to see it in action and to meet the young people a number of times over the years.

The programme gives the children space in a safe environment to speak about parental substance use with other young people who know exactly what they are experiencing. The peer support aspect has been consistently cited by the young people in evaluations as one of the most valued aspects of the programme. The programme also incorporates mindfulness and emotional regulation as well as first aid and basic drug awareness. Evaluation consistently finds that young people have a significant reduction in self-reported levels of anxiety—or worries, as they describe it—and an increase in feelings of inclusion and respect. Young people on the Charlie programme regularly feed back as positives that greater understanding of substance use and the ability to freely speak about it without fear of repercussions.

A Charlie teen film was made by some of our young girls in North Ayrshire who were affected by parental substance abuse. The workers, Claire and Donna, brought them together in a peer support group. Throughout the group's work, the girls were clear that they wanted to get their own stories out. They wanted young people like them to know that they were not alone—the girls had felt so alone themselves and did not want others to feel that way. They decided that a film was the best way to do that, and they told their stories.

One of our girls speaks about losing a parent to overdose when she was very young. Tragically, during filming, she lost her grandmother, whom she was living with, due to alcohol misuse. Also during filming, one of the other girls lost her

mother—again, due to alcohol abuse. The video has been used in training on child protection, some of which was facilitated by the girls. They are young women now; they are in training or employment and are all doing very well.

I thank the girls' workers for the vision, care and love that they showed our young people in North Ayrshire, and I thank the girls for their honesty, creativity and kindness in making their film, which has undoubtedly helped others. I am really proud of them.

13:35

**Colin Smyth (South Scotland) (Lab):** Like other members, I thank my colleague Monica Lennon for lodging this incredibly important motion.

Last year, there were more than 2,000 drug and alcohol-related deaths in Scotland. There was an increase of 10 per cent in the number of deaths that were caused by alcohol, which reached its highest point since 2010. The number of deaths related to drugs hit an all-time high, increasing by 23 per cent. The rate is two and half times that of the UK as a whole and is the highest in Europe.

Those numbers are not just statistics; they represent real people, real lives and real families, needlessly destroyed. We owe it to each of those victims of drugs and alcohol to have an open and honest debate about why we are failing both those who needlessly lose their lives and the loved ones they leave behind. We need to take bold and transformative action to tackle addiction, and we should start by focusing on the causes of addiction.

All too often, the burden of alcohol and drug addiction falls disproportionately on those from our most deprived communities. Just yesterday, the latest report on the long-term monitoring of health inequalities in Scotland revealed that those from our most deprived communities are more than nine times as likely to die an alcohol-related death than their better-off counterparts. Although the alcohol-related death rate among the wealthiest has remained fairly static, the rate among those from our most deprived areas has increased in each of the past three years. The record is no different when it comes to the impact of drugs. Last year, drug-related general hospital admissions were more than 16 times higher among those from our most deprived communities than they were among those from our wealthiest areas.

A recent NHS report on drug-related deaths in Scotland highlighted the profound impact that an austerity-driven agenda can have. It said that

“the social, economic and political context of the 1980s”

and, in particular, “rising income inequality” and “the erosion of hope” contributed to a rise in drug deaths. The report, which looked at drug-related deaths from 1979 to 2013, found that the risk of death from a drug addiction was 10 times higher among men living in the poorest neighbourhoods than among women living in more affluent areas. It is no coincidence that many of the deaths from substance misuse today are among older people whose addictions first took hold in the 1980s and are only now facing the multiple health problems that those addictions have caused.

The relationship between health and wealth inequalities could not be more stark and the lessons of the 1980s could not be clearer. If we continue with the current policies of austerity and the loss of hope that they bring, we will be back here again in 30 years' time debating how many more lives were needlessly lost.

Recent research by Niamh Shortt of the University of Edinburgh found not only that those from our most deprived communities are more likely to die due to alcohol, but that they have access to considerably more places to buy alcohol than those in our most affluent areas. The research highlighted a range of reasons, including a higher reliance on resources in the local vicinity and an increased use of alcohol as a coping mechanism, and it concluded that those from lower socioeconomic groups bear a double burden of low income and higher-risk environment. The research was clear: we require radical policies that address inequalities, the social, political and economic drivers of poverty, and alcohol availability.

Changes to alcohol licensing, labelling and advertising need to be part of any future strategies on alcohol, and there must be an acceptance that one of the consequences of minimum unit pricing will be an increase in income for retailers, who will no doubt use some of that extra income to boost advertising. Those strategies will also need to address the impact of online alcohol sales and the way that online retailers can bypass local licensing.

Any strategy must also be properly resourced. I have seen at first hand the heartbreaking impact on my community of the Scottish Government's 24 per cent cut in funding for alcohol and drug partnerships in recent years. If we are serious about tackling the impact of drugs and alcohol in Scotland, we can never again turn our backs on those with addictions who rely on the lifeline services that are provided through our alcohol and drug partnerships.

**The Deputy Presiding Officer:** Speeches of three minutes, please.

13:39

**John Finnie (Highlands and Islands) (Green):**

I congratulate Monica Lennon on lodging the motion and her on-going work on the issue. I particularly welcome her reference to stigma, which is an important factor, as other members have said. I am also grateful for the briefings that we have been provided with.

As others have said, we are talking about people. The figures that are outlined in Ms Lennon's motion are mind boggling. We have to ask why. In my second period in the Parliament, I have spoken many times in such debates, and I will undoubtedly repeat much of what I have said previously. I do not want to keep coming back to the issue.

It must be accepted that the present situation is unacceptable. There are many reasons for that. Strategies are very important, but we are talking about people. There is no doubt that the influence of alcohol in our culture is deep seated. I am a keen football fan and I listen to football on the radio. I am apparently one of the few people who do not have a bet on the game or go for a drink after the game. I am not being a killjoy; I am just commenting on the normalising of such behaviour.

One of the briefings talks about an issue that I have mentioned previously in the chamber. We had a fascinating speech from a professor at Cardiff University—forgive me; I forget the gentleman's name—who talked about the influence of social media. It is not people of my generation that the alcohol industry is trying to influence; indeed—I say this with the greatest respect—it is not anyone in the chamber that it is trying to influence. It is trying to influence teenagers. There is a process of normalisation. The professor gave an example whereby it was such-and-such a day, so such-and-such a product was being promoted. The drip feeding of that message has a significant effect on our communities.

I want to contrast the alcohol industry with the drugs industry. The alcohol industry, which is a legal industry, has huge implications for the public purse: the state derives income from it, but it also incurs great expenditure in respect of health, social care and justice. The drugs industry is criminal. The question must be asked: given that it has exactly the same implications as the alcohol industry, why we are not taking a different approach?

I welcome the change in the approach of the Scottish Government, which is now looking at drugs as more of a health than a justice-related issue, but we must—as others, such as Colin Smyth, have said—ensure that the support mechanisms are there, because all the evidence

suggests that people need support. Lapsing is an important issue.

Among the other important issues that have been discussed is that of safe consumption rooms. They are an integral part of the approach that needs to be taken. There are not the answer, but they must be part of the answer.

As far as the refreshing of strategies is concerned, I do not believe that we need a refresh; I think that we need a fundamental change, and I hope that we will listen to practitioners and people who have suffered from such addictions.

13:42

**Brian Whittle (South Scotland) (Con):** I thank Monica Lennon for securing the debate and enabling us to discuss and highlight the important issue of alcohol and drug-related deaths.

The statistics for Scotland make stark reading. Scotland has the unwanted tag of the drug and alcohol-related death capital of Europe, and the figures are on the rise. Perhaps the most telling statistic is the fact that Scotland's alcohol death rate is one and a half times that of the rest of the UK, while its drug death rate is two and a half times that of the rest of the UK. However, for me, the most powerful part of the motion is the assertion that

“alcohol and drug-related deaths are preventable”.

We need to have a consistent and targeted funding strategy, but, as we know, funding for the alcohol and drug partnerships was cut in 2016-17 and the allocation for this year remains unchanged. Now, we are having a refresh of the strategy. How on earth are the ADPs supposed to create a long-term and cohesive strategy for treatment and prevention under such ever-changing conditions?

The costs of an ineffective strategy are high, not just in monetary terms, as manifested in the health, welfare and justice budgets, but, more importantly, in the unseen human costs for those in the family network who have to live with and support a loved one who has an addiction. There is an impact on people's quality of life, and the long-term costs for the most vulnerable in those situations—the children—are sometimes overlooked. Having to grow up in that environment, whereby they go home dreading the situation that they might find when they get there, has a hugely detrimental effect on their mental health, their confidence and even their ability to just be children and have their friends over. That inevitably spills over into the need for mental health interventions, interventions to address behavioural issues and educational attainment,

and contact with the judicial system. In turn, that creates potential barriers to long-term integration into society.

That leads me to the need for a joined-up approach when we consider our health strategies. Alcohol and drug addiction has a huge footprint on mental and physical health issues. In pulling together the refreshed strategy, what consideration was given to the mental health strategy, the educational support and judicial strategies or the obesity and diet strategy? Government departments must start speaking to one another and recognise that those strategies are linked.

I am fed up of hearing prevention and early intervention talked about in this chamber and seeing only lip service paid to those ideas when it comes to policy. If the issue is about budgets, it is time for the money that we would not need to spend if a cohesive and comprehensive strategy were implemented to be investigated and entered into the balance sheet.

Most important is that the issue is about the human cost to those who have to live with the disease—the addicts and those who have to support them, who face long-term implications.

13:45

**Neil Findlay (Lothian) (Lab):** Because of time, I will focus my comments on drugs.

Supply and demand changes over the decades. Today, the streets are awash with cheap cocaine, which was previously affordable only to the middle classes, and new psychoactive substances are the latest drugs phenomenon. It is an undeniable fact that some drugs can cause death, and Scotland has an appalling record on drug deaths. Figures that were published by National Records of Scotland show that the rate of drug death in Scotland is two and a half times that of the rest of the UK. That rate is the worst in Europe.

In 2016, 867 of our fellow Scots died from using illegal or prescription drugs, which was 23 per cent more than in the previous year and 106 per cent more than in 2006. Those are shocking statistics, and they should shame us all. Imagine the reaction if we saw a 106 per cent increase in the number of deaths from heart disease or strokes. There would be outrage. There would be an action plan. Budgets would be allocated and working groups set up. However, this is about drug addiction, so there is no outrage, little media coverage, no task force and no mention in Derek Mackay's budget. Indeed, last year, the budget for drug and alcohol partnerships was cut. Why? Cynically, I suggest that there are few votes in addiction.

In my work, I come into contact with a number of families who are affected by drugs and addiction. The issues can affect any of our families and any of our friends—indeed, they can affect any of us. However, the reality is that drug and alcohol deaths impact disproportionately on the poorest communities. Drug and alcohol deaths are overwhelmingly a class issue, because poverty, unemployment, poor housing, isolation and despair, alongside cuts to essential services, create a yawning gap that leads to people turning to drugs and alcohol in an attempt to take away the pain and misery of life or of past trauma.

A few weeks ago, I attended a seminar that was hosted by Scotland's Futures Forum. The purpose was to look back at the report on drugs policy that the forum published 10 years ago. The sad reality is that much of that good work failed to shift policy in any meaningful way. That has to change. We must face up to the fact that our drugs policy has failed. People are dying in record numbers. The streets are awash with drugs. Cocaine is now affordable to many. The war on drugs has failed and is contributing to a public health crisis. We will never arrest our way to a drug-free society, and we cannot criminalise all the dealers and users. We must stop people taking drugs in risky environments, politicians have to face up to the fact that their policy has failed, and we have to put treatment and public health at the heart of our approach to the issue.

I do not have all the answers—no one does—but I want to see a major review of drug policy. A real, genuine and brave national debate must start now. I know that parliamentarians from all parties share that view. I say to the minister that we need action now, and we need to have that national debate. The issue is too important to be party political; it has to involve all of us, now.

13:48

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I thank Monica Lennon for securing the debate, and I quickly remind members that I am the parliamentary liaison officer to the Cabinet Secretary for Health and Sport.

I acknowledge Monica Lennon's story, which she bravely relayed to the chamber. My experience of working in social work for 12 years backs up a lot of what she said. I worked for a time in the child protection team, and a lot of child protection cases—if not the vast majority—involved alcohol and drugs to some extent. When I worked in the justice area, too, I saw that the vast majority of folk who come through the justice system have some form of substance misuse problems. John Finnie mentioned that, too. I welcome the recent changes to the community payback orders, which allow treatment orders to

be put in place as part of that process, in order to help people. I also welcome the refresh of the strategy that the minister unveiled and the minimum unit pricing policy. Those initiatives will go some way towards addressing the issue.

Brian Whittle talked about Scotland being the drug and alcohol capital of Europe. Coatbridge forms half of Monklands, which, at certain points, has been known as the drug and alcohol capital of Scotland, so it would be remiss of me not to stand up and speak to that. In August this year, shocking statistics revealed that the number of alcohol-related deaths in Lanarkshire was at its highest for some time. At the same time, NHS Lanarkshire was cutting its drug and alcohol partnership by approximately 10 per cent. I wrote to Calum Campbell about that and I received support from the minister.

This is a multilayered issue. As other members have said, we must leave party politics at the door. We need to be innovative in finding ways to deal with the problem.

In the minute that I have left, I will talk about Reach Advocacy Scotland, which is based in Coatbridge and works to promote practice within the addiction and mental health fields on a dual-diagnosis basis, which, as other members have said, is important. Reach encourages the recognition of the client's right to health and works to put the person before the label and to understand a person's history and life.

Poverty, social inequality, trauma, abuse and the environment are many of the common themes that contribute to the unfair differences between people across social groups. The unequal distribution of income and life chances, for example, means that factors that promote good health and wellbeing are not equally available. We need to reduce those inequalities.

Reach is one of the first organisations of its kind to use the World Health Organization's quality of life survey in its approach to assessing someone's perception of their position in the context of our culture and value system. It works to enable the skills and talents of people who are in recovery and to create opportunities for people to undertake accredited learning. Its intention is to promote a sense of social inclusion through a Scottish Qualifications Authority level 7 advocacy practice award.

I could say a lot more about that service but I see that my time is up.

**The Deputy Presiding Officer:** It is, indeed. Please remember to use full names in the chamber, Mr MacGregor.

13:51

**Michelle Ballantyne (South Scotland) (Con):** I thank Monica Lennon for bringing the debate to the chamber today.

This is probably one of the most frustrating subjects that I have ever had the pleasure of being involved with. Twelve years ago, I took over as the head of a drug and alcohol service, and we were having the same conversations then. We were worrying about the drug death rates and how we were going to change things. Here I am, 12 years later, still having that discussion.

I agree that this is a shared problem and we should be apolitical about it. We need to get a grip on it and we need to do it now. It is too late to keep saying that we should have a debate on it; now is the time to take action.

On that basis, I thank the Scottish Government for introducing minimum unit pricing and getting the policy through. I supported and fought for it then in the context of young people. Today, I will talk about what we need to do to change the next generation—I have to do that in two minutes, so it will be amazing if I achieve it.

I am going to talk about the three pillars of alcohol and how we change that culture, because that is what we need to do. We knew it back then, we have talked about it for at least 12 years and we now need to get a grip on it.

Price is the first pillar, and minimum pricing is happening.

Availability is the second pillar, and it is something that we have struggled with for years. I chaired the local licensing forum and debated the point endlessly. We must accept that, as long as alcohol is available, particularly in our poor communities and deprived areas, we will have a problem. There are 16 times more licences than there are general practices—that says it all. We can buy alcohol almost anywhere we go, whether it be a garage or the local corner shop. It is at our convenience everywhere, and why? Because it provides an income for the people who sell it.

We must redress that situation. I know that it is tough and that people are not going to like it, but we have to look at it again and think about how alcohol should be made available. We must start to get tough on availability and minimise the number of places where alcohol is accessible.

The third pillar is something that we can do something about more quickly—marketing. The marketing of alcohol is now aimed at young people. It is particularly devised to do that subliminal thing of making people think that alcohol is about making their lives better. We all say to each other, "God! I've had a hard day. I need to go home and have a large glass of wine,"

or, "I've had a great time, so let's go out and have a drink to celebrate." Everything is associated with alcohol—commiserating, celebrating and reviewing things. How many times do we all say that we are going to have a drink to celebrate or commiserate over what has just happened?

We must change that whole culture, and we must start with marketing and those subliminal messages. My challenge to the Government today is to address those three pillars.

**The Deputy Presiding Officer:** That has to be it—I am sorry.

**Michelle Ballantyne:** It has done well on price; now it must tackle availability and marketing.

**The Deputy Presiding Officer:** I am sorry; the time is just not available. I call Aileen Campbell to close for the Government. You have until 2 o'clock, which is just five minutes.

13:55

**The Minister for Public Health and Sport (Aileen Campbell):** Oh right; just five minutes. Thank you, Presiding Officer.

Like others, I am grateful to Monica Lennon for bringing the debate to the chamber; I know that this particular subject has real personal significance for her. I am grateful, in particular, for the way that she raised and articulated the issues around stigma, as did Ruth Maguire in her comments.

It is timely to debate the issue in the run-up to Christmas. For many, it is the time for family and happiness, but for far too many it is lonesome, isolating and further confirmation of the often chaotic circumstances in which many children and families are living. As Monica Lennon described, those people can be suffocated by stigma, even though there is nothing for them to be ashamed about. That is why stigma will be a key element of the refresh of the strategy.

Work on stigma is on-going, because it is a focus of our partnership for action on drugs in Scotland group. Indeed, shifting the corrosive narrative that embeds stigma was the reason for Scotland's first gathering of our recovery communities to celebrate the journey that folk have been on, their commitment and achievement, and the support that has been brought to them by dedicated teams across the country. That is also why I have been engaging directly with families who are impacted by addiction, whether that has been through Scottish Families Affected by Drugs or the Family Addiction Support Service, both of which do phenomenal work to support others.

As Ruth Maguire said, it is clear that addiction is not something that happens to someone else,

somewhere else; it can impact any one of us. That is why I announced the recovery initiative fund, to help families working with SFAD to help grow family networks of support. It is also why it is important that we listen to the voices of children. I commend the work of the Corra Foundation and its publication, "Everyone Has a Story". We support that work, which was recently celebrated here in Parliament.

Members are absolutely right to look behind the statistics of drug-related deaths. Each drug or alcohol-related death represents lives lost, potential unfulfilled and families devastated. We must endeavour to do what we can to avoid that where we can. In my recent statement to Parliament, I set out my intention to publish a new drug and alcohol treatment strategy. I highlighted the need for a change in the quality of treatment and its consistent application, and that it must be trauma informed and patient centred.

Our current drug strategy, "The road to recovery", had cross-party support and I am very keen to work with others to build on that for our refresh. Nevertheless, the challenges of tackling substance misuse have changed and our new approach must reflect that. Looking specifically at alcohol, we have taken bold action to tackle and reduce the damage that it causes through our alcohol framework for action, which includes a package of more than 40 measures to reduce alcohol-related harm. Given the clear and proven link between consumption and harm, minimum unit pricing is one of the most effective and efficient ways to tackle the problem of cheap high-strength alcohol that causes so much damage to many individuals and families. I am delighted that the United Kingdom Supreme Court agreed with us and that we are now pressing on with our plans for implementation.

**Monica Lennon:** Given that we have talked a lot about the availability of alcohol, is the minister able to say whether a review of licensing policy will form part of the important refresh?

**Aileen Campbell:** There is an opportunity for us all to work out what more needs to be done. In response to Miles Briggs, in particular, I say that minimum unit pricing was only ever one tool. When we are talking about drug-related deaths, I remind members that it is estimated that minimum unit pricing at our preferred rate of 50p will prevent 58 deaths and 1,299 hospitalisations in its first year alone. It is important to recognise that while it is good that we got the policy through, that has taken five years during which we have not had that positive impact on people's lives.

**Miles Briggs:** Will the member take an intervention?

**The Deputy Presiding Officer:** The minister is just closing.

**Aileen Campbell:** I have only a couple of minutes left to finish my remarks. The other thing on which we have the opportunity to work together is our new approach to drug misuse. That is why the central aspect of our new treatment strategy will be to meet the needs of a particular cohort of hard-to-engage individuals, which will specifically be addressed through the development of our new seek, keep and treat framework. That will examine explicitly the operational implications of engaging with older drug and alcohol users, how we encourage them into services and how we keep them there as a means of promoting protective factors associated with being in treatment.

The strategy has to be mindful of the points that Colin Smyth raised about the relationship between inequality and the impact that that has on poor health, and it has to be bold in the way that Clare Haughey outlined, through safe consumption, which is very important.

**Miles Briggs:** Will the minister give way?

**Aileen Campbell:** I have only 15 or 20 seconds left to talk about this.

It is important that we recognise Clare Haughey's authoritative account of her Australian experience and the robust evidence that shows that a rational public health measure to deal with a public health issue must be seen as such. That is how we will help this vulnerable cohort of people, who have experienced deep inequalities and have probably suffered adverse childhood experiences, too. There are a host of other aspects to this issue, and we need to make sure that there is not just a health portfolio response, because the issue touches on education, housing and the wider inequality work that the Government is doing. I hope that the refreshed approach that we are outlining will have the impact that it needs to have and that we do not just continue having conversations; we need to make sure that we take action, too. This issue that Scotland faces will not go away, so we need to ensure that what we do is effective and appropriate and helps to tackle it.

## Portfolio Question Time

14:01

### Environment, Climate Change and Land Reform

#### Marine Plastic Pollution

1. **Maurice Corry (West Scotland) (Con):** To ask the Scottish Government what action it is taking to tackle plastic pollution in Scotland's seas. (S5O-01614)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The Scottish Government recognises the seriousness of the global challenge of plastics in our seas. In conjunction with over 40 actions that we identified in our marine litter strategy, we have prioritised tackling marine plastics in our programme for government with four commitments. We will establish a deposit return scheme to increase recycling rates and reduce littering; we will establish an expert panel to consider environmental charges for disposable items such as coffee cups; we have committed £500,000 to begin to address litter sinks around the coast and to develop policy to address marine plastics, which will involve working with community groups; and we will host an international conference in 2019 to discuss improving our marine environment and protecting our wildlife, focusing on marine plastics.

With the rest of the United Kingdom, we are introducing a ban on the manufacture and sale of rinse-off personal-care products containing plastic microbeads, which is expected to be in place on 9 July 2018. We have also recently pledged our support for the global ghost gear initiative to ensure that the issue of lost or abandoned fishing gear, which is often made of plastics, is addressed around the world.

**Maurice Corry:** It is clear that the UK Government is taking the lead in the fight against the scourge of plastic waste in our oceans. I am sure that we all saw the scenes in the documentary "Blue Planet II" that highlighted so vividly the damage that plastic pollution causes to marine life. Will the cabinet secretary commit to working with the UK constructively, in the light of the ban on microbeads, and consider how charges on single-use plastic items could reduce waste?

**Roseanna Cunningham:** I thank Maurice Corry for that follow-up question, although I think that he will find that Michael Gove is on record as saying that there is a lot that England could learn from the more ambitious approach that Wales and Scotland take on environmental issues.

Of course we support any initiative that the UK Government wants to take forward in this respect. I hope that it will follow us in a number of the things that we are discussing. I am aware of the recent statement by Michael Gove on this issue—I am conscious that he is asking for a task force to look at environmental taxes. Maurice Corry will know that such taxes are not devolved to this Parliament, which is why we were careful about using the words “charges” and “levies” rather than the word “taxes”. I welcome any moves on this. It is a global problem and it will require a global effort.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** As an MSP who represents east and west coastlines, I think that urgent action is required to reduce ocean plastics. Given that the Government has taken a lead on changing behaviour, such as through the plastic bag charge, does it agree that urgent action is required to crack down especially on single-use disposable plastics, such as straws, cotton buds and cutlery, which all have environment-friendly alternatives?

**Roseanna Cunningham:** Yes, I do, which is why we indicated in the programme for government that we would look very closely at single-use items. Coffee cups are the example that tends to be most often given, but a great many other items that are made of plastic can have an enormously damaging effect on our seas, as we all saw if we watched “Blue Planet”. All the options that are open to us should be looked at very carefully. That is why we flagged up the issue in the programme for government. We are considering a number of options that we can take forward in that context.

**Claudia Beamish (South Scotland) (Lab):** I recognise the work that the Scottish Government, Zero Waste Scotland and others are doing on the serious issue of marine litter, particularly plastics.

Last week, along with members of all parties, I attended the #CleanBeachesScotland reception; it was truly inspiring to see what art can do to support communities and others in their work on the issue. The Marine Conservation Society, Fidra, the Scottish Fishermen’s Federation and harbourmasters from my region and elsewhere were involved, along with others. What work can the cabinet secretary highlight to ensure that all partners are included and involved as we go forward?

**Roseanna Cunningham:** We are in almost constant dialogue with just about all potential stakeholders. I, too, am struck by the extent to which the issue has become something that people understand at almost every level in society. Even before “Blue Planet”, we were aware that many young children in schools, for example, were coming to an understanding of the damage that

marine litter is causing. For example, Sunnyside primary school has set up the ocean defenders project and has begun work on its NaeStrawAtAw campaign. The plastic straw is one of many items that we could be looking at.

We are working with absolutely everyone. The work of the organisations that the member flagged up is incredibly important, and it needs to be backed up by Government and global action, because, however strongly people feel about the issue and whatever work they do locally, without global and Government back-up our response will continue to be insufficient.

**Kenneth Gibson (Cunninghame North) (SNP):** I hosted an event in Holyrood last August on behalf of eXXpedition, which was an all-female round-Britain expedition to highlight plastic pollution in our seas, so I am delighted that the Scottish Government is working hard to decrease such pollution. Will the Government fund further research into the impact of toxins that are found in plastic entering the food chain and how it can be reduced?

**Roseanna Cunningham:** The member will have heard my comments about the work that is beginning on single-use items.

Marine Scotland science has researched the uptake of toxic pollutants from microplastics and their bioavailability to species in the food chain. Marine Scotland is also working with the marine alliance for science and technology for Scotland to co-chair the microplastics group, which includes Heriot-Watt University and is researching the impact of toxins from microplastics—in a sense, that is an answer to Claudia Beamish’s question, too. The member can be assured that we are aware of the problem and are working to see what can be done to decrease pollution.

**The Presiding Officer (Ken Macintosh):** I call the constituency member for Sunnyside primary school, Ivan McKee.

**Ivan McKee (Glasgow Provan) (SNP):** Thank you, Presiding Officer.

I am glad to hear the cabinet secretary recognise the work of Sunnyside primary school’s ocean defenders, in my Glasgow Provan constituency, and their NaeStrawAtAw campaign. Does she agree that their work shows that not just constituencies that have beaches but everyone has a role in marine conservation?

**Roseanna Cunningham:** That is very important, because there is a tendency on everyone’s part to assume that coastal communities somehow have more responsibility. The truth is that it is not necessarily populations in coastal communities that create the biggest problem for our seas. The health of our seas and

oceans is essential for everyone's health and welfare, whether they live on the coast or inland.

I reiterate how impressive Sunnyside primary's NaeStrawAtAw campaign is, because it sends out exactly the right message. It highlights a single-use item that is unnecessary and wasteful, it flags up that the use of such items is behaviour that must change, it is innovative and creative, and it is coming from young people who, of course, are our future. We are looking hard at where and how we can legislate to reduce single-use items such as the one that Sunnyside primary school is flagging up, and I hope that we can count on continued support from members across the Parliament as we move forward.

#### **Registration of Local Authority-owned Land**

**2. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what action it is taking in light of concerns raised by the Convention of Scottish Local Authorities regarding local authorities not being able to register all of their properties on the land register of Scotland by 2019. (S5O-01615)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** Perhaps that question might have been more properly put to the Cabinet Secretary for Economy, Jobs and Fair Work, who is responsible for the land register of Scotland.

However, I advise Liz Smith that progress is being made by public sector bodies, including local authorities, to meet the 2019 target. A number of local authorities have voluntarily registered land assets, and Registers of Scotland has established a team of advisers who are dedicated specifically to supporting that task. We recognise that the target is challenging, and we remain committed to working with local authorities on the matter.

**Liz Smith:** I note the cabinet secretary's comment about to whom the question should be addressed. Nonetheless, COSLA has highlighted that resources issues can lead to delays, which means that the 2019 deadline will likely prove to be too much of a challenge, given the number of titles that need to be added to the land register. Will the Scottish Government—the cabinet secretary's colleagues, if necessary—provide assistance to local authorities to progress with that?

**Roseanna Cunningham:** I am aware of the comments that COSLA has made on the matter. Members should be aware that the Scottish ministers introduced in June 2015 a 25 per cent reduction in fees for voluntary registration, which reduced the costs of registration for local authorities. Registers of Scotland has also

extended its keeper-induced registration programme to include publicly owned land. That means that the majority of—if not all—local authority housing stock will be entered in the land register by Registers of Scotland with no cost or resource implications for local authorities. The 2019 target is challenging, but we hope to get as many areas of Scotland as possible there by that target date.

**The Presiding Officer (Ken Macintosh):** Question 3 has not been lodged.

#### **Reintroduction of Beavers (Legislation)**

**4. Graeme Dey (Angus South) (SNP):** To ask the Scottish Government when it will bring forward legislation regarding the reintroduction of beavers. (S5O-01617)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** As Graeme Dey will be aware, I set out the position on that on 11 December in answer to a written question. The date on which beavers will receive protection in line with the European Union habitats directive, and placed on the list of protected species, depends on the completion of the strategic environmental assessment process. The SEA was published for consultation on 12 December. It is expected that that process will be completed and that a Scottish statutory instrument will be laid in the first half of 2018.

**Graeme Dey:** What progress is being made on developing an accompanying practical management regime? Will that be available for scrutiny alongside the secondary legislation? Will a scheme be in place to compensate anyone who is affected by serious and verifiable damage that has been caused by beavers?

**Roseanna Cunningham:** Good progress is being made on the development of practical management arrangements, which were part of the agreement that was made at the start of the process. Our intention is that those arrangements should be sufficiently responsive and robust to prevent damage from occurring in the first place. However, officials intend to discuss shortly with farmers and other land and fishery managers what sort of financial support might be appropriate where damage has occurred and is attributable to beavers. Documents that set out the management regime and the associated financial arrangements will be made available for scrutiny alongside the secondary legislation when it is laid.

**David Stewart (Highlands and Islands) (Lab):** Is the cabinet secretary aware of the Trees for Life assessment of beaver release in Strathglass, in my region? Could I meet her to discuss that issue further?

**Roseanna Cunningham:** I am always happy to meet David Stewart to discuss whatever subject he wishes to raise with me. I am aware of the campaign that Trees for Life is running and am conscious that there are issues that relate to beavers in David Stewart's part of the world. I expect that that is exactly what he wishes to talk to me about, and I would be happy to meet him.

**John Scott (Ayr) (Con):** The cabinet secretary is aware of the illegal release of beavers in the River Tay catchment area, which is, in its own way, a wildlife crime. What steps is she taking to stop and discourage illegal releases of beavers and other animals in the future?

**Roseanna Cunningham:** As John Scott may remember when I made the initial announcement, I made it very clear that I will not tolerate continued illegal releases. People need to remember that illegal release is a criminal activity that must be treated extremely seriously.

I am conscious that we have two major beaver populations, one of which is there officially, while the other arose from an unauthorised release. Needless to say, the one that arose from the unauthorised release is causing the greatest difficulty. That shows that, without proper planning and management, release of any animal can create problems that are difficult to manage in the longer term.

We will take decisive action if there are unauthorised—or illegal—releases. I hope that John Scott takes my word for it absolutely that we mean what we say in that regard.

### **Brexit (Environmental Legislation)**

**5. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding the impact of Brexit on environmental legislation. (S5O-01618)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** We are in regular contact at both ministerial and official levels with the UK Government on the potential impacts of the decision to exit the European Union.

In November, I met Mr Gove, Ms Griffiths, who is the Welsh Government's Cabinet Secretary for Energy, Planning and Rural Affairs, and officials from the Northern Ireland Executive, and set out Scotland's commitment to the core EU environmental principles of precaution, prevention, rectifying pollution at source and the polluter pays principle. We met again last week, when I reaffirmed Scotland's ambition not only to carry over the status quo, but to keep pace with Brussels to limit any potential divergence in standards.

The Scottish Government is carefully considering whether gaps could arise in existing domestic monitoring and enforcement powers that would need to be addressed to ensure that Scotland maintains high standards of environmental protection. I have asked the round table on environment and climate change for its views on where potential gaps may arise, and to provide a range of options on how best to fill them.

**Bill Kidd:** I thank the cabinet secretary for her kind and comprehensive reply. Here is the political bit. Is the cabinet secretary confident that the UK Government has the ability—or the desire—to deliver what is being dubbed "green Brexit"? What are the envisaged potential impacts of Brexit on Scotland's environment?

**Roseanna Cunningham:** I think that it is fair to say that the quality and depth of engagement by the UK Government since June 2016 makes it very hard to judge its readiness or commitment, so it is impossible to be absolutely confident in answering that question. I cannot tell how far the ambition for a green Brexit is shared among UK ministers, but the Scottish Government remains committed to engaging constructively, so at meetings with UK ministers I continue to press on matters of concern for Scotland's environment.

Brexit must not provide an excuse to lower environmental standards. Current environmental standards should be maintained, and where it is in our interest to set higher standards, we should be absolutely free to do that. To be fair to the UK Government, I say that recent dialogue with it has been more constructive. However, there are unanswered questions, not least in relation to the devolved powers that are exercised in the framework that is provided by EU law. Furthermore, there is no clarity about what future engagement in European agreements and institutions—or, indeed, on funding guarantees—will be agreed.

### **Marine Plastic Pollution**

**6. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what action it is taking to reduce plastic waste in the marine environment. (S5O-01619)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The member will have heard my response to his colleague at question 1. This answer is on those same terms. I am heartened by the significant interest in marine issues that is being shown not just by Tory members, but by all members in the chamber.

**Miles Briggs:** What assessment has the Scottish Government made of Seabin technology, which is a floating debris-interception device that

is powered by an underwater pump? That technology is being trialled in England and 16 other countries. I do not wish to take away any of the focus on the prevention of plastic waste entering our seas in the first place, but does the cabinet secretary believe that use of such technology could play a significant role in reducing waste in harbours, marinas and shallow coastal waters?

**Roseanna Cunningham:** That sounds like a promising piece of technology. We are embarking on a marine litter sink project. Arrochar, because of its proactive community engagement, has been identified as a case study area and work is being carried out there. I will ask whether that group is considering Seabin technology: it may already be part of what it is looking at.

#### **Air Pollution (Birth Defects)**

**7. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government what its response is to a recent study that found that air pollution can increase the risk of birth defects. (S5O-01620)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** I am aware of the study to which the member refers. The Scottish Government recognises the impact that poor air quality can have on public health, especially for the young and old and those with pre-existing conditions. For that reason we have, in partnership with others, developed the “Cleaner Air for Scotland” strategy, which sets out a series of actions for Government, Transport Scotland, local authorities and others to further reduce air pollution across all areas of Scotland.

**Colin Beattie:** Does the cabinet secretary agree that Scotland has the opportunity to be a world leader in reduction of air pollution, particularly through steps such as the introduction of low emission zones?

**Roseanna Cunningham:** I certainly hope that Scotland can become a world leader in this, as in other things, where possible. The air quality issues that we face in parts of Scotland are principally local in origin, but transboundary pollution is also an issue. We will continue to play our part in reducing the impact of Scotland’s emissions, recognising our international responsibilities and working in partnership with other countries to learn from and share expertise with them. That is something that I am very keen to do whenever I can.

## **Rural Economy and Connectivity**

**The Presiding Officer:** We move to rural economy and connectivity questions. Question 1 has been withdrawn.

### **Rail Services (Renfrewshire South)**

**2. Tom Arthur (Renfrewshire South) (SNP):** To ask the Scottish Government what action it is taking to improve rail services in the Renfrewshire South constituency. (S5O-01625)

**The Minister for Transport and the Islands (Humza Yousaf):** The Scottish Government is committed to improving rail services in Renfrewshire South. Through the ScotRail franchise, we have delivered enhanced passenger facilities including new waiting shelters, customer information screens, cycle parking and new ticket vending machines at stations in the constituency. In addition, the car park at Johnstone station was expanded in 2015 to provide a further 80 spaces. Finally, more than £475 million is being invested in Abellio ScotRail’s rolling stock, which will deliver major enhancements to train facilities and increase seating capacity by 23 per cent by 2019 to support growth in our railways.

**Tom Arthur:** I very much welcome the Government’s commitment to investing in rail services in Renfrewshire South. However, my constituents are concerned that improved services could be threatened by the United Kingdom Government’s proposal to cut funding for Scotland’s railway by £600 million. When I raised the issue with the cabinet secretary for finance, he informed the chamber that the UK Government had failed to give a satisfactory explanation. Is the minister able to update Parliament on whether there has been any progress on the matter and on what support, if any, he has had from other parties in the chamber?

**Humza Yousaf:** There has been a further update from Her Majesty’s Treasury, but it still leaves a shortfall of more than £400 million. That is £400 million short of not what the Scottish Government is asking for or demanding but what the industry has asked for directly—what the industry has told us that it needs for maintenance, operations, renewals and enhancements on the network in the future.

I have to say that I am disappointed by the response by some in the chamber. I was not surprised by the Tories’ response, in which, of course, they defended their Westminster colleagues, but there has been no response from some of the other parties. It has been almost three months since I wrote the letter to Labour’s transport spokesman, and I have received not a single response. He never writes; he never calls. All members, regardless of party affiliation, should

join with the Scottish Government, and they would do well to stand up for Scotland's railways against these savage Tory cuts.

### **Food and Drink Exports (European Union)**

3. **David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government how much Scotland's food and drink exports were worth in the first nine months of 2017, and— (S5O-01626)

**The Presiding Officer:** I call the cabinet secretary, Fergus Ewing.

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** HM Revenue and Customs estimates show that Scotland's overseas food and drink exports in the first nine months of 2017 were valued at approximately £4.3 billion—in other words, £4,300 million—which represents an increase of around £500 million, or 13 per cent, compared with the same period in 2016. Forty-two per cent of those exports, worth around £1.77 billion, were to the EU; indeed, almost 70 per cent of food exports alone were to the EU.

**The Presiding Officer:** I must apologise to the member—I think that I cut him off in mid-flow.

**David Torrance:** I thank the cabinet secretary for that answer. Will he advise Parliament of the value of Scotland's farmed salmon exports and which countries are the best importers of Scottish farmed salmon? Does he share my concerns about such exports being held up at borders because of a hard Brexit—a result that the Scottish Salmon Producers Organisation says would be a disaster?

**Fergus Ewing:** The member is correct. Salmon exports are extremely valuable. They were worth £483 million in the first nine months of this year, which is a quite staggering increase of 56 per cent in value from that in 2000. With France being the number one destination, the EU remains the biggest single regional market for our salmon, as it imported £215 million-worth in the first nine months of this year.

I share the concerns that Mr Torrance expresses. A hard Brexit risks access to Scotland's biggest overseas regional food and drink export market and could risk increasing the cost of exporting to the EU. The Scottish Government position remains clear that the whole of the United Kingdom should remain in the single market. If that is not possible, Scotland should—like Northern Ireland—be entitled to a special arrangement. That will be essential in order to maintain a successful and sustainable aquaculture sector in Scotland and, indeed, for similar food sectors. Mr Torrance can be absolutely assured that I and my colleagues will continue to make

such points to the UK Government at every available opportunity.

**Edward Mountain (Highlands and Islands) (Con):** I refer members to my entry in the register of members' interests, as I am a member of a farming partnership that produces food.

The figures that the cabinet secretary gave replicate the latest figures, which are from 2015. They show that £1.8 billion of Scotland's exports went to the EU, whereas £4.1 billion—which is £2.3 billion more—went to the UK. Does he believe that the UK single market in 2018 will remain more important to Scotland's food producers than that in the EU?

**Fergus Ewing:** Of course all markets are important, which is why, in working with Scotland Food & Drink, we will do even more to build up further trade in the UK market. However, at the moment, the threat to the existing market is to that in the EU, which is because of Brexit. The SSPO has put forward a very clear set of concerns regarding issues such as

“automatic ‘inheritance’ ... continuation of bi-lateral rights and obligations for the UK under existing International Trade Arrangements with Third Party (non-EU) countries ... clear and reliable legal redress and dispute resolution mechanisms ... a definitive position on the jurisdiction of courts ... a clear and definitive position on arbitration mechanisms ... continued harmonisation of UK and EU laws”

and others that I cannot mention. None of those questions has been answered, and we are very close to Brexit, so the threat to the market that Mr Mountain seems to think is not of concern is of huge concern to salmon producers. The UK market will continue and we will build on it further.

### **Cross-border Rail Services (Meetings with Secretary of State for Transport)**

4. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government when it last met the Secretary of State for Transport to discuss cross-border rail services. (S5O-01627)

**The Minister for Transport and the Islands (Humza Yousaf):** Keith Brown, the Cabinet Secretary for Economy, Jobs and Fair Work, met the Secretary of State for Transport on 3 July 2017. I am currently in an exchange with Mr Grayling regarding cross-border matters of mutual interest. Later today, I will sign off a letter in relation to the east coast partnership.

**Colin Smyth:** I thank the minister for that answer. When ministers next meet the Secretary of State for Transport, I ask them to raise the concerns of the hundreds of thousands of passengers who now use Lockerbie station in the south of Scotland. As a direct result of the United Kingdom Government's current franchise and

delays in awarding new franchises, those passengers from Lockerbie see more trains pass through the station than actually stop there. They still do not have a direct early-morning service to Edinburgh, there are no services to the capital between 10 am and 2.30 pm, they regularly suffer from overcrowding and they even find themselves banned from booking seats from Lockerbie to Edinburgh during busy periods. Will the minister raise the plight of those passengers and fight for extra services from Lockerbie station?

**Humza Yousaf:** The member raises a good point. Just as a bit of context, it is probably worth noting that, as the member alludes to, cross-border franchises are specified and awarded by the UK Government's Department for Transport. We have generally a good relationship with the DFT and we look to input there where we can. I will certainly take the points that the member has raised, and if he wants to formalise them and add to them in terms of a future west coast partnership franchise, I will certainly take that up. It is probably worth saying at this point that it is because of this Government's direct intervention that there are stops at Lockerbie and Motherwell on the west coast main line that were not there before. Wherever we can make an input to strengthening those services, the member has an absolute guarantee and reassurance from me that we will make that case to the UK Government.

**Jamie Greene (West Scotland) (Con):** Any cross-border services will require extensive community buy-in, and outreach will therefore be needed to ensure transparency and accountability. How is the Scottish Government engaging with stakeholders and community groups to ensure that any cross-border rail services meet their expectations?

**Humza Yousaf:** The member raises a good point. Again, it is worth mentioning that cross-border contracts are specified and awarded by the UK Government and that we have only limited input. However, we have already started conversations on the west coast partnership with the three bidders that have been mentioned. We will continue to have dialogue with MSPs across the chamber on the matter. I issue an open invitation to any MSP to write to me about their expectations for future cross-border franchises, and I will certainly take them forward with the appropriate UK Government minister.

#### Northern Isles Interisland Ferries

**5. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government what steps it will take regarding northern isles interisland ferry services, in light of the debate on 6 December 2017. (S5O-01628)

**The Minister for Transport and the Islands (Humza Yousaf):** The 2016 Scottish National Party manifesto contained a commitment to

"take action to reduce fares on ferry services to Orkney and Shetland."

The Government is delivering on that commitment and that is our priority. The interisland ferry services that the member talks about are the responsibility of the local authorities, and there was never an agreement that the Government would automatically fund the councils' financial asks. There is no provision for that in the draft budget for 2018-19, but we look to continue to work constructively on the issue. There is a window of opportunity for other political parties to engage constructively on it, too. If the funding is in the budget, will Rhoda Grant vote for it? A simple yes or no would suffice.

**Rhoda Grant:** Despite promises being made to the northern isles councils, the minister has confirmed again that there is no additional money in this year's budget—not a penny—for the northern isles interisland ferry services; worse than that, there are huge cuts to council budgets, making those services even more precarious. When will the Government implement its policy of fair funding for ferry services and stop playing politics with lifeline services?

**Humza Yousaf:** The member is wrong in the premise of her question. There is a cash increase to local government in the draft budget, so it has been treated well. However, there is a window of opportunity here. Instead of reading from her prepared script, the member could have looked to answer my question, which is this: if that funding is included in the finalised budget, will Rhoda Grant vote for the budget?

**Rhoda Grant:** I will not—

**Humza Yousaf:** She is saying from a sedentary position that she would not vote for additional funding for internal ferries, so there we have it. Members are playing politics because, instead of standing up for their constituents, they are siding with their political parties.

**Liam McArthur (Orkney Islands) (LD):** Three years ago, the transport minister's predecessor, Derek Mackay, informed me in the chamber that

"the provision of transport services should not place a disproportionate financial burden on any council, particularly with reference to revenue support for ferry services".—[*Official Report*, 26 November 2014; c 12.]

Does Mr Yousaf believe that the lifeline internal ferry services in Orkney, which account for 14 per cent of Orkney Islands Council's total annual budget, represent a disproportionate financial burden? If not, why not?

**Humza Yousaf:** The member will be aware that Orkney Islands Council and Shetland Islands Council receive additional funding through their special islands needs allowance. Again, though, I go back to the point that the promise by the Scottish Government was to engage constructively in dialogue, and we have done that. In fact, after the most recent meeting between me and Derek Mackay, and the council leaders of Orkney Islands Council and Shetland Islands Council, the council leaders said that the meeting was constructive and that the engagement was positive. I say to the member that there is a window of opportunity. At the fifth time of asking whether he would vote for the budget if it included funding for internal ferry services, he refused to say that he would.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Just last week, the member for Orkney Islands asked the economy secretary:

“When will the Scottish Government honour the commitment that it made in 2014 to provide fair funding for those lifeline services?”

The economy secretary responded that the commitment was made

“as long ago as when I was transport minister, and directly to the councils involved.” —[*Official Report*, 13 December 2017; c 17.]

Will the minister now accept that there is a clear commitment from the Scottish Government to deliver fair funding for Orkney and Shetland’s internal ferries, and will he advise us on how the Scottish Government plans to deliver on that clear commitment?

**Humza Yousaf:** The hypocrisy of a Conservative standing here—while the Conservatives cut the Government’s budget by £500 million over the next two years and demand that we reduce taxes—and demanding that we put in funding for something that is not even the Government’s responsibility is quite unbelievable. Does the member have no shame and no understanding of how budgets tend to work?

Once again I will present the member with an opportunity—an olive branch, if you will. If that money has been put in the budget by the time we get to the finalised budget scrutiny process, will he vote for that budget—yes or no? So far, he has not said that he will.

**The Presiding Officer:** Minister, the questions are to you, not to the other members in the chamber.

### Trains (Action on Overcrowding)

6. **Gordon Lindhurst (Lothian) (Con):** To ask the Scottish Government what action it is taking to reduce overcrowding on trains. (S5O-01629)

### The Minister for Transport and the Islands

**(Humza Yousaf):** The Scottish Government is committed to significant investment in new and refurbished rolling stock in order to reduce overcrowding. Since 2007, 160 extra carriages have been introduced to the ScotRail fleet, with an extra 200 carriages to follow in the next 18 months. Over £475 million is being invested in ScotRail’s rolling stock fleet during the franchise term. That investment includes new class 385 trains, which will provide almost 26 per cent more capacity when they operate with seven cars. When they operate with eight cars, that will be an increase of 44 per cent.

When we introduce the 26 fully refurbished high-speed trains between Scotland’s main cities from summer 2018, that will provide an additional 121 coaches, which will mean 40 per cent more seats. In the short term, the recent introduction of seven-car electric class 380 trains operating on the Edinburgh to Glasgow route will see an increase of about 9,500 seats across the day.

**Gordon Lindhurst:** What matters to commuters and those who are travelling to and from Edinburgh at the minute at this festive time of year is what is happening now. We have heard stories in recent weeks of customers fainting, bursting into tears and panicking as they are “crammed in like sardines”. What are the minister and the Government doing now to improve rail passengers’ situation and make train services more efficient now.

**Humza Yousaf:** ScotRail is aware of the fact that the trains are busier during the festive period, and it does what it can to strengthen services where possible. At the moment, it is using an automated passenger counting system, which gives it a more accurate idea of where some of the services have a heavier load. An example of addressing that is strengthening the 7.17 North Berwick to Haymarket weekday service from four to six carriages. Where ScotRail can strengthen services, it absolutely will. I think that passengers and commuters understand that, particularly during the festive period as we get towards Christmas, with that last-minute Christmas shopping and people travelling to winter markets, there will be more passengers on our train service.

As I said in answer to the member’s colleague Jamie Halcro Johnston, I find it a tad hypocritical that the Conservatives stand here demanding more money for our railways while simultaneously cutting the budget for the railways by hundreds of millions of pounds.

### Integrated Smart Ticketing (Implementation)

7. **Monica Lennon (Central Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on the implementation of

integrated smart ticketing on public transport. (S5O-01630)

**The Minister for Transport and the Islands (Humza Yousaf):** Smart tickets can now be used to make journeys on rail, bus, subway, tram and air, and work is progressing on their use on ferries. That means that Scotland has one of the most advanced smart, integrated, multimodal public transport networks in the United Kingdom outside London.

Integrated ticketing between the Glasgow subway and ScotRail, as well as the introduction of multioperator bus smart zones in Aberdeenshire, Dundee and more recently Glasgow—with the hope that Edinburgh will follow in early 2018—have proved successful. Transport Scotland is now looking to expand that cross-mode interoperability for the full saltire smartcard estate. In addition, we are working with the industry to support the contactless bank card payment system to bring more convenience to the travelling public.

**Monica Lennon:** A constituent of mine from Hamilton has raised concerns about the delays in implementing an integrated smartcard system for our railways. His worry is that the ScotRail smartcard will not be as functional as Oyster or the Strathclyde partnership for transport subway smartcard and will have little advantage over paper tickets. I know that the Government has consulted recently and I wonder when the results will be published. Also, although having one form of ticketing is a worthy aim, is the minister satisfied that that proposal has been an effective use of money, especially when so many people are struggling to pay the increasing fares of transport operators such as ScotRail?

**Humza Yousaf:** On that final point, it is worth noting that the Government has capped any increase in fares.

The points that Monica Lennon raises on behalf of her constituent are very fair ones. The more integrated and seamless access to transport is, the better for everybody. I should say that the use of smart ticketing on ScotRail has increased by 50 per cent in the past six months, with 2.4 million journeys now being done on ScotRail using smart ticketing. More and more of ScotRail's ticketing options are coming on to smart. As I said to the member—going by her supplementary question, she probably agrees with this approach—a lot more focus is now going on to an EMV contactless solution, which will make the system even more accessible. I am of course more than happy to take further suggestions from Monica Lennon, her constituent and others. As she has rightly alluded to, the consultation on the issue has just closed, but I will of course keep her updated on the analysis.

## Energy Strategy

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Paul Wheelhouse on the publication of the Scottish energy strategy. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:41

**The Minister for Business, Innovation and Energy (Paul Wheelhouse):** Today's publication of "Scottish Energy Strategy: The Future of Energy in Scotland" marks a significant advance in Scottish Government energy policy and, indeed, energy policy for the Parliament. It follows a major process of consultation, which covered not only the draft energy strategy but detailed matters relating to onshore wind, Scotland's energy efficiency programme, the development of local heat and energy efficiency strategies and district heat regulation.

The strategy that we are publishing today is fully in line with our draft climate change plan. It also supports our programme for government commitments and our ambitions for sustainable growth. It sends a series of clear messages about our determination to decarbonise; our commitment to support the innovation and evolution of our energy system; and our focus on inclusion and economic benefit and the development of supply chain opportunities. We also make plain to the wider world that Scotland is an open, modern and excellent location for energy investment and collaboration. The strategy is accompanied by the "Onshore Wind Policy Statement", which confirms the value of onshore wind to Scotland's energy system and our economy and communities.

This year, 2017, has been an important year for the energy sector. We have seen dramatic reductions in the cost of offshore wind and more success for Scottish projects in securing long-term contracts at auction. Those developments and others in sectors such as floating wind energy and wave and tidal power generation provide a huge opportunity for the Scottish supply chain. Our programme for government, which was announced by the First Minister, contained new commitments on electric and other low-emission vehicles and our intention to support up to £60 million of new innovation funding under the low-carbon innovation fund, setting Scotland apart as a country at the vanguard of the global move to low-carbon energy systems.

Scotland is also leading the way in promoting community and locally owned renewable energy. We are well ahead of the rest of the UK on that approach, which gives people a genuine stake in

the nature and operation of their energy systems. I can announce today that the latest figures from the Energy Saving Trust show that an estimated 666MW of community and locally owned renewable capacity is now operating in Scotland, which is an increase of 12 per cent from last year's figure. I firmly believe that people want more of such opportunities and we will continue to work with industry and communities to make that a reality.

Our local heat and energy efficiency strategies will set out a long-term prospectus for investment in new energy efficiency, district heating and other heat decarbonisation programmes. Indeed, a second consultation is now under way on the detail of those proposals.

The energy strategy includes our vision for 2050 of a flourishing competitive energy sector delivering secure, affordable and clean energy for Scotland's households, communities and businesses. Scotland's social and economic well-being and the sustainable productivity and competitiveness of our economy depend on secure, affordable and reliable energy supplies.

We can build on Scotland's existing industrial strengths, including harnessing the capabilities of our world-class oil and gas sector, and leading industrial clusters such as Grangemouth, as well as the growing strength that we have in all areas of renewable energy. Scotland's businesses are also well placed to capture the economic benefits of developing and pioneering new approaches. Smarter ways to generate and store renewable energy, and to monitor energy use, can open up fresh opportunities for consumers, with applications and technologies that can reduce both carbon emissions and energy bills.

The move to electric and ultra-low-emission vehicles will create both opportunities and challenges for our electricity and transport systems. A co-ordinated approach involving all stakeholders will help us to understand and tackle those opportunities and challenges in the best way possible. Scotland's energy efficiency programme places a renewed emphasis on reducing the energy consumption of our buildings and decarbonising their heat. Our earlier designation of energy efficiency as a national infrastructure priority underlines the economic benefits of that kind of investment.

We are determined to make our energy system as inclusive as possible, protecting and informing, but also involving and empowering Scotland's consumers. However, for far too many households, energy is still unaffordable and the market is failing many Scottish consumers. Many of those fuel-poor households are part of a significant group of consumers who do not switch suppliers and are therefore on some of the most

expensive energy tariffs. Although recent moves by the United Kingdom Government to cap tariffs for certain consumers may help to reduce bills, that may be insufficient in isolation, and such tariff reductions must form part of wider efforts to ensure a fairer market for all.

That is why the First Minister announced in October the ambition to establish a new energy company. The aim is that the company will support economic development and contribute to tackling fuel poverty, as well as being owned by the people of Scotland and run on a not-for-profit basis. It is important to seek views and expertise as we further develop that proposal.

Early feedback on the strategy consultation has been constructive, and we are grateful for that input. In one of those responses, the University of Edinburgh's department for social responsibility and sustainability said that it would

"welcome exploration of a place for a government-owned energy company to act on a non-profit basis, addressing market failures to assist in lessening instances of fuel poverty."

Following the announcement of our aim in October, Dermot Nolan, the chief executive of the Office of Gas and Electricity Markets, was widely quoted as saying that Ofgem would

"welcome any form of potential new entry"

into the energy market. Today, we commit to a formal process of public consultation in the later part of 2018.

Scotland has always set a high bar when it comes to our energy potential and goals, and we are internationally recognised for the strength of our commitment to the development of renewable energy, particularly in electricity. I can confirm today that we are building on that progress by adopting two new and ambitious targets for 2030. The first target is for the equivalent of 50 per cent of Scotland's total energy consumption for heat, transport and electricity to be supplied from renewable sources. That demonstrates our commitment to a low-carbon energy system and to underpinning the continued successful growth of the renewable energy sector in Scotland. The second target is for an increase of 30 per cent in the productivity of our energy use across the Scottish economy. That means delivering more economic output for each unit of energy that is consumed across the economy.

Alongside those important targets, we have developed six new strategic priorities, which I will summarise briefly. First, we will make greater efforts than ever to protect consumers from excessive costs while helping them to take advantage of new opportunities arising from energy. Secondly, we will continue to prioritise energy efficiency, supporting and improving the

efficient use of energy in Scotland's homes, buildings, industrial processes and manufacturing. Thirdly, we will continue to champion Scotland's renewable energy potential, with an ever greater focus on creating new jobs and supply chain opportunities. Fourthly, we will ensure that Scotland's homes and businesses can continue to depend on secure, resilient and flexible energy supplies. Fifthly, we will empower our communities by supporting innovative and integrated local energy systems and networks to drive both local community and economic regeneration. Finally, we will continue to support investment and innovation across our oil and gas sector, including in exploration, innovation, subsea engineering, decommissioning and carbon capture, utilisation and storage.

The strategy includes a range of actions to deliver our goals. We have committed up to £20 million, through an energy investment fund, to support and stimulate renewable and low-carbon energy investments in 2018-19. That will build on the success of the renewable energy investment fund. Expansion of the funding support to include low-carbon technologies alongside renewables will ensure that future investment reflects the wider systems approach and local energy ambitions that are being encouraged in the strategy.

Today, we are also publishing our onshore wind policy statement. We expect onshore wind to play a growing and invaluable role in our transition to a low-carbon future. The support and investment frameworks for onshore wind have fundamentally changed, just as the technology is also changing, with moves towards larger, more efficient turbines that have made onshore wind highly cost effective.

We are determined to secure a route to market for new developments through policy changes at a UK level and through actions of our own. Our planning system already makes positive and practical provision for onshore wind, protecting our landscapes and ensuring that development goes ahead only in the right places. That will remain the case, which will ensure that onshore wind can continue to power Scotland's low-carbon future while involving, regenerating and benefiting local communities.

Today's publications mark the next stage of a process rather than a full stop. We are determined to increase public and business engagement on our energy future. People are much more aware, interested and informed about energy issues—not just policy, but the ways in which technological and other changes can give households, businesses and communities more options and control. As we move ahead, we will need to take all of society with us.

Together with the final climate change plan and Scotland's energy efficiency programme, we will

develop a new approach, drawing on experts from a range of backgrounds. We will monitor the strategy annually, working closely with the Scottish energy advisory board and its industry leadership groups. We expect to publish the first annual statement in 2019.

Scotland has world-class skills, expertise and knowledge from the North Sea oil and gas industry to our growing renewable energy sector and from academic institutions to small start-ups. The strategy recognises and builds on our past, our achievements to date and Scotland's capacity for innovation. It confirms the vital role of energy efficiency and our renewables potential as well as our desire to create new, local energy systems and develop the Scottish supply chain to deliver a sustainable energy future. It places consumers and their interests more firmly than ever at the heart of everything that we do. I commend Scotland's energy strategy to the Parliament.

**The Deputy Presiding Officer:** The minister will now take questions on the issues that have been raised in his statement. I will allow around 20 minutes for that.

**Alexander Burnett (Aberdeenshire West) (Con):** I note my entry in the register of members' interests, particularly in relation to businesses that are involved in renewable energy.

The publication of the strategy is long overdue and, disappointingly, the delay does not appear to have resulted in more substance. We welcome the overarching goals for 2050 and the support for and recognition of Scotland's island wind and the UK Government's role in the contracts for difference process.

However, the remainder of the strategy provides no detail about what should be achieved, and how that should be done, between now and 2050. The only indication of further detail is the route map for Scotland's energy efficiency programme, which will not appear until May 2018. In six pages of strategic priorities, financial commitments are given for only two Scottish Government actions. The remainder consists of promises of further engagement and development of aims, and mere words of support.

Once again, we have a Government strategy that is long on rhetoric and short on detail and which looks like a draft. When will we see details of targets and actions that are to be achieved before 2050?

**Paul Wheelhouse:** I will point out a few things to Mr Burnett. First, the strategy is not at all delayed. We published the draft strategy in January for consultation until the end of May. We committed to publish the strategy by the end of this year and we have delivered on our commitment to do so, so it is wrong for Mr Burnett

to claim that it has been delayed. I can understand the industry's excitement about the strategy being published, as it strongly supports the direction of travel in which the Scottish Government is going, and the industry is obviously eager to see the final document.

I challenge what Mr Burnett said about the detail, in that the process has involved considerable consultation with the Scottish energy advisory board and the industry, and they are strongly supportive of the list of actions that we have published. The strategy is to be seen in concert with the climate change plan, which will be published early in the new year, and it has been developed using the TIMES model. It is a very thorough document, which has been warmly welcomed by the industry.

We understand that the UK Government is looking very closely at taking a similar line to the Scottish Government's whole-system approach. As with many other decisions that we have taken ahead of UK ministers, such as on underground coal gasification or—in due course, I believe—on fracking, Mr Burnett will find that the UK Government has plans to take a similar approach to the Scottish Government in this respect.

**Jackie Baillie (Dumbarton) (Lab):** I thank the minister for providing an advance copy of his statement. There is much to welcome in the energy strategy but, as ever, the Government will be judged on its actions.

The minister talked about the renewable sector's potential and having an even greater focus on creating new jobs and supply chain opportunities, and we agree. It is fair to say that, so far, the major investment in renewables has not led to a significant number of jobs or to the retention of supply chain opportunities in Scotland. Mr Wheelhouse will be well aware of the recent problems with Burntisland Fabrications Ltd, and I welcome the efforts of the workforce, the trade unions and, indeed, the Scottish Government in ensuring the future of the yards.

However, it is clearly the case that the overwhelming majority of the investment in the Beatrice project, to take one example, has gone overseas. Less than 4 per cent of the value of that £6 billion of development has been retained in Scottish manufacturing. It is surely not beyond us to retain a greater proportion of work and jobs at home. There is scant detail in the energy strategy that tells us how the Scottish Government will do that, so can the minister tell us what he will do to ensure that opportunities turn into reality?

**Paul Wheelhouse:** I thank Jackie Baillie for the constructive tone of her question. I reiterate the point that I made in my statement: we propose to monitor delivery of the strategy. I fully accept that,

now that we have it, we must deliver on it. We will report annually on it, so Ms Baillie will be able to judge us on our progress, and I am sure that she will do that in her usual robust style. I look forward to engaging with her on that.

Jackie Baillie is right to identify that there are some examples of projects that have a low Scottish content and even a low UK content. That is frustrating to us, and I know that it is frustrating to UK ministers. There are good examples, such as Nova Innovation's project up in the Bluemull Sound, 80 per cent of which, I think, has a Scottish supply chain. That is an exemplar, but we must try to make sure that more projects hit such milestones, if we can achieve that.

I apologise, but I do not recognise the figures that Ms Baillie cited with regard to the Beatrice project—I would be happy to look at that. We understand that a higher percentage share has gone to Scottish manufacturing than she implied in her question. In addition, of course, the operations and maintenance expenditure will all be local. It will be spent in harbours such as Wick, which is being widely regenerated. That is a welcome development.

I reassure Ms Baillie and other members that we are taking the supply chain issue extremely seriously. I have flagged it up in the strategy as a strong priority for the Government. The offshore wind industry group has a specific supply chain focus and the oil and gas industry leadership group has an increased focus on supply chain issues, and I promise Ms Baillie and others that, through the work of such groups, we are taking an ever-greater interest in the issue. I ask members to judge us on our record, and I am sure that Ms Baillie and others will do so.

**The Deputy Presiding Officer:** Quite a few members want to ask questions. If we are fairly succinct, everyone should get in.

**Richard Lochhead (Moray) (SNP):** I welcome the minister's statement and, in particular, his comments about the progress that has been made on community and locally owned renewable energy and the work that is being done to establish a publicly owned energy company in Scotland.

Can the minister reassure Parliament that such a company will be at the heart of his energy strategy, given that, in today's society, we still experience unacceptable levels of fuel poverty, and much of the profits that come from the exploitation of energy resources in this country go overseas? A publicly owned energy company is one way in which the people of Scotland could get much more benefit from the abundance of energy resources on their own doorstep.

**Paul Wheelhouse:** I thank Mr Lochhead for his question, which hits on an extremely important issue. The strategy sets out our rationale for our ambition of setting up a new energy company, which is largely to do with the unacceptably high levels of fuel poverty in Scottish society. In 2016, 26.5 per cent of Scottish households were fuel poor, and many of those fuel-poor households are part of the significant group of people who we know do not switch suppliers. The market is proving very sticky, in the sense that people are not switching to less expensive energy tariffs. In the energy strategy, we have set out our intention to meet our ambition of setting up an energy company vehicle that supports economic development and which also—crucially—contributes to tackling the drivers of fuel poverty in Scotland. We will consult on that in the course of 2018. It will be a formal consultation, which will give opportunities to all stakeholders, including members across the chamber, to feed in their thoughts on the role and remit of such an organisation.

Central to our concern are the level of trust that consumers in Scotland have in the energy market and the need to improve our approach to tackling inequality and promoting inclusive growth. I welcome Mr Lochhead's interest in the issue. I know that he has had a long-standing interest in it as a minister and as a back bencher, and I look forward to working with him and other members to deliver on our ambition in due course.

**Donald Cameron (Highlands and Islands) (Con):** I refer to my renewable energy interests in my entry in the register of members' interests.

Notwithstanding his comments in the statement and in the onshore wind policy statement, does the minister genuinely believe that wild land can be protected at the same time as increased onshore wind is delivered? Does he recognise the significant concerns of many environmental groups, as well as a huge number of local communities, which feel that our natural landscape has already been compromised by onshore wind?

**Paul Wheelhouse:** I do not have time today to go through the onshore wind policy statement, but we recognise those issues in the documents. Obviously, our ambition to improve our performance in terms of the delivery of renewable energy must be viewed in the context of our ambition to protect important landscapes as best we can, and we ensure that full account is taken of those issues when we consider planning applications.

The cabinet secretary and I consider section 36 consent for projects over 50MW, and wild land issues are very much part of our considerations. Wild land is not a formal designation, as Mr Cameron knows, but it is important that we

recognise the issue in the process. That is an improvement that we have made to the planning system in Scotland, and I think that it has been warmly welcomed. In a number of cases, the issue of wild land has been a contributory factor to the rejection of the planning application. However, equally, we do not want to give the impression that the wild land issue is a barrier to the development of sensible projects in good locations. It is obviously a factor that we balance against other factors such as economic impact and the contribution to tackling climate change, which should be a priority for all of us.

**Lewis Macdonald (North East Scotland) (Lab):** The minister described six new strategic priorities, all of which I thought that I recognised as the existing and well-established energy priorities of his Government. Can he tell us what is new about the priorities and, in particular, what new initiatives will support investment and innovation across our oil and gas sector?

**Paul Wheelhouse:** Lewis Macdonald is right that there is consistency on some of our priorities, but we have provided a lot of detail about the specific actions that we propose to take forward in relation to each of the six priorities. That provides some reassurance that our strategy has been broadly along the right lines. That strategy has been informed by people in this chamber and stakeholders outside this chamber, and we are putting some meat on the bones in terms of the specific actions that we will take.

Lewis Macdonald mentioned the oil and gas sector. We are creating a new forum to help us to take forward work with academia and industry around carbon capture and storage and hydrogen, which is part of enabling the industry to have a part in the low-carbon transition. We want to commission evidence on the impact of technology and market and regulatory barriers on hydrogen and carbon capture, usage and storage opportunities in Scotland. We are supporting the Acorn carbon capture and storage project at St Fergus in the north-east of Scotland, and we will continue to work with the UK Government and the Oil and Gas Authority to progress Scottish CCUS interests.

I can perhaps write to Lewis Macdonald with the full details of the projects that we are undertaking, and I reassure him that we are putting meat on the bones of the actions that we will take on each of those strategic priorities.

**John Mason (Glasgow Shettleston) (SNP):** The minister talked about smarter ways of storing energy. How can we expand Scotland's capacity for energy storage?

**Paul Wheelhouse:** Mr Mason raises an important point. Storage is critically important to

our approach and that of the UK Government. Indeed, internationally, energy policy is focusing more on storage. The application of storage technologies will be strategically important to and deliver real benefits for Scotland, which is why we place great emphasis on it in our strategy.

Obviously, Scotland has great capacity for pumped hydro storage, which is crucial. Scotland already hosts key facilities for the Great Britain system at Cruachan and Foyers. Those stations can store large amounts of water and can release that energy when demand on the system is high, and they are crucial to our black-start capabilities.

We believe that investment in new pumped hydro storage capacity would greatly enhance the flexibility and resilience of our electricity network, but we are also working on areas such as the UK smart systems and flexibility plan. In that regard, we believe that regulatory changes are crucial to increasing Scotland's storage capacity.

We also support Ofgem's on-going work to facilitate the co-location of storage and renewables obligation feed-in tariffs scheme accredited projects to experiment with how we make use of storage to enable intermittent sources of energy to become a more reliable feature of our black-start capability and to provide resilience in the system. I am convinced that that can work, if we get the strategy right.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I welcome the energy strategy. In particular, I welcome the green box on page 63, which embeds the fracking ban in the energy strategy in the way that the Green Party requested in the chamber a few weeks ago.

Eleven waste incinerators have either been built or are proposed for Scotland. That is raising concerns about our ability to meet the increase in Scotland's recycling rate. There are concerns about the impact on communities. Many developers cite the market downturn in the value of recyclates as a reason why more incinerators should be built. There is clearly a loophole in the waste regulations. Why is there no reference to energy from waste in the energy strategy, and when will the Scottish Government review the position?

**Paul Wheelhouse:** I recognise that there is strong community interest in issues such as waste incineration. We do not want to be tied to any specific technology. Mr Ruskell is very experienced in these matters, and he will see that the strategy is not specific about which technology is dominant up to 2050. Indeed, it sets out some scenarios around the greater use of electricity or hydrogen just to present some alternative pathways.

I am happy to engage with Mr Ruskell on issues such as waste-to-energy projects, although colleagues, including Roseanna Cunningham, have responsibility in the areas of recycling and waste, and I do not want to tread on Ms Cunningham's toes and portfolio responsibilities. However, I am happy to engage with Mr Ruskell to better understand his concerns and those of the communities that he represents.

The energy strategy is a living document and it will be updated as time goes on. Parliament will have the chance to influence it as we go forward and we will report back on its performance.

**The Deputy Presiding Officer:** It is quite clear that I am not going to get through all the question requests, but please could we speed up a bit with questions and answers?

**Graeme Dey (Angus South) (SNP):** Will the minister outline the role of offshore wind in the delivery of clean green energy, particularly in the firths of Forth and Tay? How will the Scottish Government facilitate progress on those developments off the Angus and Fife coasts so that we can recover some of the time that has been lost in the near three-year delay caused by the failed legal challenge that was mounted against them?

**Paul Wheelhouse:** In the cause of brevity, I will focus on two points. We are strongly supportive of offshore wind development. It is highly cost competitive in comparison with nuclear energy. We know that the strike price that has been agreed by the UK Government is around £92.50 per megawatt hour for Hinkley C, whereas it is in the region of £57.50 per megawatt hour for the latest Moray offshore project. The Forth and Tay projects are seeking to bid for contracts for difference. A contract for difference has been secured in the case of Neart na Gaoithe, but another three sites are yet to secure CFDs. We expect those projects to be competitive, and that is driving down the cost of electricity for consumers, whereas nuclear has the potential to push it up.

We strongly support offshore wind developments. We are working closely with stakeholders such as the Royal Society for the Protection of Birds, renewable energy developers and the conservation agencies to ensure that we take a balanced approach to developing that technology. It is vital for our low-carbon future and for protecting and enhancing our wildlife. We are keen to engage positively with all parties and I am confident that we can do so.

**Liam McArthur (Orkney Islands) (LD):** I declare an interest, in that I am in receipt of FIT scheme and renewable heat initiative payments. I welcome the publication of the energy strategy.

Given its strategic priority, what assurances can the minister give that the upcoming warm homes bill will contain ambitious measures to improve energy efficiency? Consumers across the Highlands and Islands, including in Orkney, pay a surcharge of 2p a unit for energy at the same time as having the highest levels of fuel poverty in the country. What steps will the minister take to make the case for socialising energy costs across the country?

**Paul Wheelhouse:** We continue to commit significant funding to improving energy efficiency in our housing stock. It is one area in which comparable schemes in the rest of the UK have sadly ceased, but the Scottish Government has committed £0.5 billion over this session of Parliament to supporting the roll-out of Scotland's energy efficiency programme. We are looking at some innovative projects, including the low-carbon infrastructure transition programme and SEEP pilots in Mr McArthur's constituency, to ensure that we develop the right approaches in the right circumstances and take some of the learning out of the private sector so that we can de-risk investment in the area.

A total of approximately £10 billion is estimated to be the cost of bringing our housing stock and energy efficiency standards up to the levels that we want to attain by 2030, so we clearly want to work with the private sector. The programmes that we have put in place are substantially funded by the Scottish Government and I hope that they will benefit Mr McArthur's constituency. We will look to develop supply chain opportunities in areas such as Orkney to support that work at a local level.

**Ruth Maguire (Cunninghame South) (SNP):** Earlier this year, the First Minister opened the world's first floating wind farm. Does the minister agree that that venture is testament to the huge renewables potential of our seas? Will he confirm the Scottish Government's future plans for that technology in Scottish waters?

**Paul Wheelhouse:** I certainly concur with Ruth Maguire that Hywind is a very exciting project. Perhaps because of its innovative nature and its origins, we did not secure as much supply chain opportunity in it as we would like, but, crucially, it demonstrates the deployment of that technology in the Scottish context and we are confident that it is already helping to drive further interest in investment in offshore floating wind.

Crown Estate Scotland is already developing plans for further licensing rounds up to 2030 and it is specifically looking at what provision can be made for both traditional fixed offshore wind and, increasingly, floating offshore wind, which I hope will benefit many constituencies across the country. I look forward to working with both Crown Estate Scotland and Marine Scotland on that.

**Maurice Golden (West Scotland) (Con):** What level of feasibility study has been undertaken to establish the commercial and operational viability of the state-owned energy company?

**Paul Wheelhouse:** As I set out in my response to Mr Lochhead, considerable work is going on to establish the nature of the challenges that we face. I am sure that Mr Golden recognises that it is challenging to create an energy company. We have been doing extensive work with stakeholders, and propose to hold a formal consultation in the next year. We are working on a strategic case, which is being developed through a private contract. That work will support the Government by providing the necessary underpinning analysis that will allow us to take forward our work on the energy company. I hope that in due course we will be able to talk more about that, but if Mr Golden is interested, I would be happy to discuss it with him. We are doing the necessary due diligence. It is a serious issue, and I can assure members that we are taking it very seriously.

**Claudia Beamish (South Scotland) (Lab):** Building on the previous question, I ask the minister whether he can give any more detail on the proposed energy company in light of the feedback on the strategy consultation, particularly in relation to how the not-for-profit company will help to tackle fuel poverty, not least in rural Scotland.

**Paul Wheelhouse:** I made the point in my statement that we have identified a number of stakeholders who are very supportive of the principle of the work. Indeed, Ofgem has been widely quoted as being supportive of our efforts, and that is welcome. I have to remind myself that it has been only 71 days since the announcement in October, so it is perhaps not reasonable to expect a blueprint to be provided at this time.

I assure Claudia Beamish and other members who have expressed an interest in the issue, through parliamentary questions and other routes, that fuel poverty is a key driver behind why we are trying this approach. We obviously have an interest in protecting consumers. Innovative ideas around price caps and other measures have been put forward but, in isolation, we think that they may not be successful. Competition in the market has increased over recent years and the sheer market dominance of the big six energy companies has slipped back from 98 per cent in 2013 to about 80 per cent today. That is thought to be one means by which downward pressure can be maintained on prices. I am happy to engage with Claudia Beamish as our plans develop.

**The Deputy Presiding Officer:** That concludes questions on the Scottish energy strategy. I

apologise to those who wished to ask a question but were not able to.

## Ferry Services Procurement Policy Review

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Humza Yousaf on the ferry services procurement policy review. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

15:13

**The Minister for Transport and the Islands (Humza Yousaf):** As Minister for Transport and the Islands, I am responsible for the provision of safe, efficient and reliable ferry services to the island and remote rural communities that rely on them for their economic, social and cultural sustainability. It is a responsibility that I, and this Government, take extremely seriously.

That is why, in my statement to Parliament on 2 February 2017, I announced a policy review on the future approach to the procurement of the Scottish Government's three contracted ferry services: namely, the Clyde and Hebrides, the northern isles and the Gourrock to Dunoon town centre route.

My announcement was informed by the Scottish Government's joint approach with the National Union of Rail, Maritime and Transport Workers to the European Commission on 1 April 2016, and the Commission's response of 22 September. That correspondence concerned the possibility of making a direct award to an in-house operator in compliance with full requirements of the Teckal exemption and the state-aid rules, potentially removing the need for competitive tendering procedures in the future.

In my announcement on 2 February, I said that, should the review conclude that it would be possible to apply the Teckal exemption and meet the state-aid rules, the Scottish Government would be minded to make a direct award to an in-house operator. That remains our position, subject to wider financial and policy implications and crucially to the views of local communities and stakeholders.

On 20 July 2017, I informed Parliament of the policy review's progress. I said that further consideration would need to be given to the application of the Teckal exemption and the state-aid rules. Following that, a final decision could be taken on whether it would be possible to make a direct award to an in-house operator at some point in the future. I made it clear that that would require an extension to the planned timeline for the completion of the policy review, but that I would publish an interim report setting out the emerging findings and implications for each of the three ferry

services. I have today published that report, copies of which are available in the Scottish Parliament information centre and on Transport Scotland's website.

The report confirms that a direct award to a Teckal-compliant in-house operator under the procurement regime would be compatible with the maritime cabotage regulation, subject to further consideration of how we will in practice satisfy the Teckal control test. The control test requires the Scottish ministers to exert similar levels of control over the in-house operator to that which we exert over one of our own Government departments. The immediate consideration will therefore focus on changes to governance arrangements for the David MacBrayne Group companies, which we believe is achievable and can be completed with very little or no impact on employees.

The report also confirms the need to satisfy the state-aid rules. The rules pursue different aims from the procurement regime, although the two are related. The state-aid rules flow directly from article 107 of the Treaty on the Functioning of the European Union and state that any aid that is granted by a member state that threatens to distort competition is incompatible with the internal market.

It is therefore necessary to consider those rules when assessing the possibility of making a direct award to an in-house company, even if that company is Teckal compliant. That is clear from the Commission's response of 22 September.

In our assessment of the state-aid rules, we have considered the application of the Altmark criteria, the 2007 passenger transport regulation and services of general economic interest. The conclusion that has been reached is that it will be necessary to demonstrate full compliance with the four Altmark criteria in order to satisfy the state-aid rules.

The fourth Altmark criterion can be particularly challenging. It can be satisfied by means of a public procurement procedure, as highlighted in the European Commission's letter of 22 September. It can also be satisfied by means of a detailed benchmarking exercise to demonstrate that the compensation for discharging the public service obligation does not exceed that which would be required by a typical well-run and adequately equipped undertaking in the ferry sector.

It is therefore clear that a number of complex legal, policy and financial issues still need to be addressed before we can ascertain whether it would be possible to make a direct award to an in-house operator. However, I am working to address those issues in a positive manner. We need to build a case for making direct awards that satisfy

the Teckal exemption and the state-aid rules, we have to follow up on the initial views of local communities and stakeholders, and we have to engage rigorously with the European Commission on the final approach that we intend to take to the future procurement of ferry services.

It will take time to conduct the necessary analysis, which has implications for each of the three ferry service contracts. The Clyde and Hebrides ferry services will continue to be operated by CalMac Ferries under the terms of the recently tendered contract. That contract will deliver efficiency savings and 350 service improvement commitments. That said, I believe that similar savings and improvements could also be delivered by means of a direct award to an in-house operator, and that will be part of our case for making direct awards that satisfy the requirements of Teckal and the state-aid rules.

The current contract effectively guarantees that the Clyde and Hebrides ferry services will be provided by a public sector operator for the best part of the next seven years, until the end of September 2024. We cannot, and will not, put the protection that is afforded to the Clyde and Hebrides ferry services by the current contract at any risk whatever. We need to be sure that a direct award to an in-house operator meets the full requirements of both the Teckal exemption and the state-aid rules before we make such an award. However, if I can satisfy the European Commission, which I will work hard to do, it is my intention to scrap future tendering processes for the Clyde and Hebrides ferry services and appoint the contract to CalMac indefinitely.

The current contract provides sufficient time for further detailed analysis to be given to CalMac's governance arrangements, as required by the Teckal control test, and for detailed benchmarking, as required by the fourth Altmark criterion. The conclusion of that analysis will be used to build the Scottish Government's case for making a direct award to an in-house operator for the Clyde and Hebrides ferry services in the future.

In the case of the northern isles ferry services, arrangements are in hand to extend the current contract by 18 months, from April 2018 to October 2019. A decision on whether it is possible to make a direct award for the northern isles services, and whether to continue tendering, will have to be taken by the spring of 2018. That timeline allows 18 months to complete a full tendering procedure, should that be required.

In reaching a decision, we will take account of progress that has been made in further consideration of the Teckal exemption and the state-aid rules. We will also follow up on our earlier engagement by writing to key local community stakeholders so that we can gain a

better understanding of their preferences on the future approach to the procurement of the northern isles ferry services. That is crucial.

On the Gourock to Dunoon service, the current contract was due to expire in June 2017 but was extended by nine months, to March 2018. We will make arrangements to extend it by a further nine months, to December 2018. A direct award that allows for the transport of vehicles under the state-aid rules is not considered to be a deliverable option, given the limitations of the public service obligation, which applies only to the transport of foot passengers. The Scottish Government's long-standing policy position and the local community's aspiration is for the return of a vehicle-carrying service to the town centre route, and tendering is an approach that could realise that outcome. For that reason, the currently paused tender exercise will be restarted as soon as is practicably possible.

In setting out the implications for the three ferry service contracts, our priority is to ensure the provision of the best ferry services possible to our island and remote rural communities, while ensuring value for money to the taxpayer. That priority is supported by "A Nation With Ambition: The Government's Programme for Scotland 2017-18", in which we set out our commitment to

"maximise the socioeconomic development of Scotland's remote and island communities"

through the provision of safe, efficient and reliable ferry services.

The interim report that has been published today demonstrates our continued commitment to delivering that outcome.

**The Deputy Presiding Officer:** The minister will now take questions on the issues that were raised in his statement. I will allow about 20 minutes for questions.

**Jamie Greene (West Scotland) (Con):** I thank the minister for advance sight of his statement.

What we have learned today is that despite more than 18 months of intensive wrangling, the Government is no further forward in its pursuit of a policy to ditch open and transparent procurement of ferry services in favour of a strategy of directly awarding contracts to a Government-owned entity, which will effectively sew up future contracts, if contracts are given indefinitely to CalMac. It is clear that the Altmark criteria and Teckal exemption hoops that have to be jumped through are onerous and are causing the Government an unnecessary headache. In the minister's words, they are "challenging", to say the least.

Audit Scotland said:

"Transport Scotland will find it challenging to continue to provide ferry services that meet the needs of users within its allocated budget."

In the context of that advice, why is the minister dogmatically pursuing an ideological decision to avoid future tenders? What are the cost implications to the taxpayer, including the legal costs and the cost of spending Government time on engaging with the European Commission on its state-aid rules?

Given the success of recent tenders, including the Arran service on the Firth of Clyde, does the minister agree that the tender process is vital in ensuring that incumbent operators are kept on their toes, and in offering the Government the opportunity to choose the best operator from a variety of bids, in order to best meet the needs of users and to provide value for money to the taxpayer?

**Humza Yousaf:** I will try to be constructive in responding to Jamie Greene. I thought that it was unfair of him to say that we are "no further forward". We are further forward; it is our belief that we can, as a result of the detailed work that we have done, make a case for a direct award.

We have to satisfy the European Commission, of course. Jamie Greene will know from his party's discussions with the European Union that such things can take a bit of time. We will, of course, approach the issue as quickly as possible, but it is clear that we are reliant on the opinion of the European Commission. Work has been done, and the interim report is very detailed. I would welcome Jamie Greene's feedback on it.

Jamie Greene made the good point that there can be benefits, or perceived benefits, in tendering. The competition helps those who are bidding to sharpen their pencils and ensure that they put in the most efficient bid. Competition can help to drive efficiency. Jamie Greene and some of his colleagues have made that argument to me before, and I do not dismiss it. On the other hand, I believe that it is possible to drive similar efficiencies with a direct award, through key performance indicators.

Tendering can cost, of course. We know that the Clyde and Hebrides ferry services tender cost about £1.1 million. That does not include the cost that would have resulted from CalMac—which is, of course, a wholly Scottish Government owned company—having to bid.

Jamie Greene mentioned Arran. He would do well to speak to the community on Arran to hear whether it would prefer to have the contract directly awarded to CalMac, or to have a competitive tender in the future.

Our ferry services are run well. On the final point that Jamie Greene made on the Audit Scotland report, the opening line of that report says that the ferry services in Scotland are run well.

**Neil Bibby (West Scotland) (Lab):** I thank the minister for the advance copy of his statement.

It is inevitable that there will be some frustration that a decision on Teckal exemption has been delayed, but that gives us the opportunity to get it right. I ask the minister to build a case with island communities, trade unions and members across the chamber for ending the costly tendering process.

How many times has the minister met the European Commission to discuss the four Altmark criteria on state-aid guidelines? He will be aware that specification changes can be made to the northern isles service irrespective of Teckal. Will he agree to an expanded contract to include interisland services and increased freight capacity?

Two weeks ago, Parliament called on the Scottish Government to agree fair funding for interisland ferry services in the northern isles. What steps has the Scottish Government taken since then to ensure that investment in the fleet does not put the northern islands' councils at a disproportionate financial risk?

Finally, since the minister's previous statement, Audit Scotland has published its report on ferry services. It found that

"There is no Scotland-wide, long-term strategy"

for ferries, and it said that it would be

"challenging to continue to provide ferry services that meet the needs of users within"

allocated budgets. In the light of the minister's statement, how will he address the concerns that Audit Scotland has raised—

**The Deputy Presiding Officer (Linda Fabiani):** This should be your final question, Mr Bibby.

**Neil Bibby:** Does the minister accept that publicly owned ferry services can be run effectively, affordably and in the public interest?

**Humza Yousaf:** Of course I will engage with the unions and any other stakeholders on building a case. I have met them on a number of occasions—most recently, just a couple of weeks ago—to discuss the issue. My officials regularly meet the European Commission to discuss the Teckal exemption. That is how we have managed to get to the position that we are in.

Neil Bibby strayed slightly off topic and on to interisland ferry services. I am sure that he did so accidentally. I repeat what I said in the chamber only a few moments ago. There is a window of opportunity for his party to put on the record whether it would support a final budget in February if it were to include provision for interisland ferries.

I asked his colleague Rhoda Grant that question and she, of course, refused to say that she would do that. She or any of Neil Bibby's colleagues who are going to ask questions may clarify the point.

The recommendations in the Audit Scotland report were very positive, and we will reflect on them. We have a ferry plan up until 2022, of course. Audit Scotland called for a longer-term ferry plan, which is an eminently sensible recommendation on which we will reflect.

**The Deputy Presiding Officer:** We are probably oversubscribed with questions, so please be succinct.

**Kenneth Gibson (Cunninghame North) (SNP):** As the constituency MSP for the island of Arran, I can say that certainty on service delivery is very important to islanders, so I believe that they will welcome the minister's comments.

The minister talked about governance arrangements in his statement. What changes to governance would have to be made by David MacBrayne Ltd should the minister's plans come to fruition?

**Humza Yousaf:** In the interests of brevity, I say that I am hoping that the changes will be minimal. We certainly do not envisage that the changes that we will make will have any impact on employees. If they do, we envisage the impact being small.

The matter relates to the Teckal tests. I will read out paragraph 8 of the judgment, which states:

"the contracting authority exercises over a person ... control ... similar to that which it exercises over its own departments"

That is called the control test.

Essentially, we will have to ensure that governance of David MacBrayne Ltd is aligned similarly to our own Government departments. How Transport Scotland aligns with the Government is perhaps an example of that. We will work through the detail of what that will mean and, of course, we will work closely with CalMac.

A minimal change would be better, because our relationship with CalMac works well at operational level.

**Maurice Corry (West Scotland) (Con):** I am pleased to learn from the minister that the Gourock to Dunoon ferry tender process has restarted. Will the minister confirm how the timeline and the process will be affected as a result of the tender? Will there be job losses? Will he also update us on the Gourock to Kilcreggan ferry tender process?

**Humza Yousaf:** I cannot update Maurice Corry on the Gourock to Kilcreggan ferry tender because, as he knows, that is the responsibility of

Strathclyde partnership for transport and not of the Government. However, I will look to get an update before the holidays from Councillor Martin Bartos, who is the chair of SPT.

On the member's other question, we do not envisage job losses as a result of the tendering process. As I have said, there is a nine-month extension for the Gourock to Dunoon route contract. That measure is the only way that I can see that a vehicle service would come to fruition.

**Jackie Baillie (Dumbarton) (Lab):** The minister has, of course, previously said that the transfer of the Gourock to Kilcreggan ferry service from SPT to the Scottish Government had to await the outcome of the procurement policy review. Local passengers and, indeed, members of Parliament, have been very patient. Now that the minister has decided to tender the Gourock to Kilcreggan route, will he—as promised—take steps to transfer that service to the Scottish Government? Will he provide me with an indication of the likely timetable for that?

**Humza Yousaf:** Again, I am not entirely convinced that that question relates to my statement, but I will give Jackie Baillie an update. The promise has also been made to have constructive dialogue in order to explore the fair funding formula for the transfer. That will continue.

The member will be aware that the Gourock to Kilcreggan service was recently retendered and that a number of bidders have come forward. Once a bidder has been chosen, I hope that we will be able to establish the true cost of the contract, which will help to inform our discussions. I give the member the absolute assurance that those conversations will continue in the very constructive manner in which they have been conducted with SPT thus far.

**The Deputy Presiding Officer:** I remind members that their questions should be about issues that were raised in the statement. Members are using very imaginative hooks, in that regard.

**John Finnie (Highlands and Islands) (Green):** I thank the minister for early sight of the statement. I commend the good work that has been going on, and I hope that there will be much more of that to come.

Community views are very important, but they are only one factor in decision making. The problem with a commercial supplier, particularly a multinational company, is that they will always weigh up costs and profits, so the situation can change.

A member asked about political philosophy. That member was right: this is about a political philosophy.

**The Deputy Presiding Officer:** Mr Finnie, can I have a question, please?

**John Finnie:** Yes.

We either support ferries to be run exclusively in the public interest, or we do not. Will the minister explain what weighting is given to the public's views? Does he accept that they can change?

**Humza Yousaf:** I accept that views can change. On political philosophy, since my statement in February, I have consistently said that the Government's preference is to make a direct award. Equally, our political philosophy is that we should listen to communities, so that if they are hostile to a direct award, or if they want a tender process for whatever reason, we cannot discount that. I would give a lot of weight to that view, but it is not, by any means, the only factor that should be considered.

In the new year, my officials and I will engage with the community. I will keep the member updated on how that goes.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Will the minister be more specific about the timescale for the restarting of the Gourock to Dunoon ferry tender exercise? What does he hope to achieve with that process?

**Humza Yousaf:** The process will start as soon as that is practicably possible. When a tender is paused, a number of things must be done in order to restart it. Our intention is to restart it in the new year. The extension that we have asked for will take us up to December 2018, so a new ferry contract will have to be in place by then. I will keep the member updated on the progress of the tender exercise.

**Tavish Scott (Shetland Islands) (LD):** Does the minister accept that people in the northern isles—Orkney and Shetland—will be disappointed that he has not announced the retendering of the northern isles services, which is very much what they want and which is, indeed, reflected in his own document that has been published today? Does he also accept that, if he decides to take this in-house, a freight operation will be set up in competition? That is what happened 15 years ago, and I do not think that it would be in the interests of either the Government or the islands. Given that situation, will he undertake to get on with retendering the northern isles services, which is very much what people are looking for, and publish the freight fares review, a document that is badly needed not just in the northern isles but on the west coast, too?

**Humza Yousaf:** I do not mean to sound surprised, but I found those questions from Tavish Scott genuinely very helpful.

We did not commit to any timing for publication of the freight fares review, but I accept Mr Scott's point whole-heartedly. Whenever I have travelled to the islands, I have found that to be an issue of much concern. I therefore accept what the member has said, and I assure him that we are working towards a solution that shows the benefits of a review in policy. I do not think that we have got there yet, but I will continue to keep the member updated.

On Mr Scott's more substantive point, I found what he had to say interesting and helpful, because, if I heard it correctly, I think that it is probably the first indication that I have had from the constituency member that the people there would oppose a direct award. I have to say that, on my travels around Shetland and Orkney, I have found the communities to be agnostic on the matter at best, with some openly hostile. The member's view is important to me, as are the views of the MP, the council, ferry groups and local communities, and he can be assured that our extending the contract should reassure the local community in Shetland that there will be stability for that 18-month period.

**John Mason (Glasgow Shettleston) (SNP):** I very much welcome the fact that the minister is proceeding carefully in all this. What would be the risks if he rushed the process and made an in-house award?

**Humza Yousaf:** I know that John Mason was an accountant in a former life, and I am pleased that he is continuing with his prudent approach. He is right that we have to be careful in our approach, because, if we simply awarded a contract directly without satisfying state-aid rules or the Teckal criteria, we could well face a challenge by the European Commission and would therefore have to retender, which would be a costly exercise in itself. We must fulfil the various criteria, whether they relate to state aid or to Teckal. I am of the opinion that we can do that, and that is the approach that the Government will take. If we can satisfy the criteria, certainly with regard to Clyde and Hebrides ferry services, it is my intention to scrap any future tenders.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Can the minister update us on the outcomes of discussions with Serco NorthLink on the extension of the northern isles ferries contract to October 2019? Moreover, is he able to give assurances that the extension will have no adverse impacts on the current service?

**Humza Yousaf:** I give that assurance. I have a very good working relationship with Stuart Garrett, who, as members will know well, is based at Serco NorthLink. He has taken a very helpful and constructive approach from day 1, and I commend him and give him credit for that. The extension will

mean stability for the service in the northern isles, and there should be no detriment at all to that service for the period of the extension of the contract.

**Angus MacDonald (Falkirk East) (SNP):** I refer members to my entry in the register of members' interests as an owner of a non-domestic property in the Western Isles.

Like, I am sure, the majority of customers, I hope that future tendering processes will be scrapped for Clyde and Hebrides ferry services and that CalMac will be appointed indefinitely. Does the minister agree that the priority of the whole process is to guarantee the best possible ferry services and to ensure value for money for taxpayers?

**Humza Yousaf:** The member is absolutely right. Indeed, that brings me back to my answer to Jamie Greene. If a direct award is possible and legally compatible, we must put in place the appropriate KPIs to drive efficiency and best value for the taxpayer and consumer through the contract. It is worth pointing out the huge increase that there has been in ferry traffic and tourism to our islands, which has no doubt been driven by our decision to roll out the road equivalent tariff in the Western Isles. I hope to see a similar boom in tourism as we look to meet our manifesto commitment and roll out the RET in the northern isles in the first half of 2018.

15:39

**David Stewart (Highlands and Islands) (Lab):** The minister referred to the challenging nature of the fourth Altmark criterion, but, as the solicitors Thompsons have made clear, that criterion has been successfully met in the past, in the case with place reference L189/03, which involved the Italian postal service. Will the minister ask his officials to check that case, as it may help in discussions around the northern isles and the Gourock to Dunoon ferry service?

**Humza Yousaf:** I will, but I know that they have checked it. I, too, have looked at the case, and I know that it has been raised by David Stewart himself and by the RMT. I place on record my thanks to Mr Stewart, who, along with colleagues from the RMT, has been a driving force on the Teckal exemption. It is also my belief that we can satisfy both the state-aid criteria and the Teckal exemption test. Clearly, I now have to make that case to the European Commission, and it will be for the Commission to determine whether we have satisfied those. Nonetheless, I know the case that he is talking about and will give it further reflection.

**Mairi Gougeon (Angus North and Mearns) (SNP):** Will the minister confirm that any decision that is taken will not delay arrangements for the

introduction of cheaper fares on the northern isles services?

**Humza Yousaf:** Yes.

**The Deputy Presiding Officer:** Members have surpassed themselves this afternoon. We have run out of questions. That concludes questions on the ferry services procurement policy review, and we move on to the next item of business. I will allow a couple of minutes for members to move seats.

## **Wild Animals in Travelling Circuses (Scotland) Bill: Stage 3**

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-09648, in the name of Roseanna Cunningham, on the Wild Animals in Travelling Circuses (Scotland) Bill at stage 3.

Before the debate begins, I remind members that the Presiding Officer is required under standing orders to decide whether, in his view, any provision of the bill relates to a protected subject matter. Put briefly, that is whether it modifies the electoral system and franchise for Scottish parliamentary elections. If it does, the motion to pass the bill will require support from a supermajority of members: that is, a two-thirds majority, which is 86 members. In the case of this bill, the Presiding Officer has decided that, in his view, no provision of the Wild Animals in Travelling Circuses (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

15:43

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** I am pleased to open this brief debate. At the outset, I thank all stakeholders who provided evidence and the committee members involved for their detailed and constructive consideration of the issues raised.

First, I deal with a very formal matter. I advise the Parliament, for the purposes of rule 9.11 of the standing orders, that Her Majesty, having been informed of the purport of the Wild Animals in Travelling Circuses (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill. It turned out that the bill required Crown consent.

The principle of a ban on wild animals in travelling circuses has had cross-party support for many years, although such circuses rarely visit Scotland now. The bill is therefore a preventative measure, based on ethical concerns about the use of animals in travelling circuses in general. It makes a clear statement to the world that the Scottish people respect the innate character of wild animals and will not tolerate their being subjected to a nomadic lifestyle in order to provide a spectacle for entertainment.

The Environment, Climate Change and Land Reform Committee raised some concerns about the bill's wording in its stage 1 report. I responded by explaining the reasoning behind the wording and supporting some changes to the bill at stage

2, when the definitions of “wild animals” and “travelling circuses” in particular were debated vigorously and also, on occasion, humorously. Suitable amendments were, however, agreed, to avoid requiring lists of types of animal or characteristics of a circus in the bill.

I do not have much time, so I will deal with one substantive issue that has arisen more recently and subsequent to my appearances at committee. I believe that the Delegated Powers and Law Reform Committee regarded as unusual the new powers to specify whether a kind of animal is or is not wild and whether a kind of undertaking is or is not a travelling circus. The scenarios covered by the powers are themselves unusual. Guidance on the meaning of “wild animal” and of “travelling circus” and how those phrases should be applied in practice will, of course, be provided. However, the Environment, Climate Change and Land Reform Committee felt that guidance alone was insufficient, given the crucial role of the definitions in the bill. There is a huge variety of forms of entertainments using wild animals and of kinds of wild animals. Although the bill’s definitions will be sufficient in the majority of cases, the additional powers provide a mechanism to provide clarity in marginal cases where there is uncertainty, confusion or disagreement about whether or not particular kinds of animals or undertakings fall within the definitions.

The powers in the bill to specify a kind of animal as wild or not and an undertaking as a travelling circus or not are for the purposes of the bill. It is expected that a court would, in the case of that animal or undertaking, apply the act on the basis that the specified animal is a wild animal and the specified undertaking is a travelling circus. The regulations specifying what is a wild animal or a travelling circus are, however, expressly without prejudice to the general definitions in sections 2 and 3 of the bill. It is possible that, after regulations came into force, difficult issues could arise in a specific case because, for example, circumstances relating to that status of the animal have changed; for example, we often refer to that happening in our lifetime for llamas and alpacas. We therefore accept that a court would have to construe the act on the basis that sections 2 and 3 have determinative effect and regardless of what previously had been specified by regulations. In that sense, we accept that the regulations would have been indicative only.

Those powers, and specifically the way in which they were drafted to protect the generality of the definitions in the bill, were supported by Environment, Climate Change and Land Reform Committee members at stage 2. The powers would be used only after looking at the evidence case by case and would be subject to the

affirmative procedure after consideration by a parliamentary committee.

I believe that those powers, backed up by the clear guidance that we will issue, will ensure that we have a robust bill that is practical and easy to enforce. Again, I thank all those who have been involved in the bill process and those who tested the notion of having a list one way or the other in terms of wild or domesticated animals and who came to the same conclusion that we did, which is that it is extremely difficult to do that.

**John Scott (Ayr) (Con):** Will the cabinet secretary take an intervention?

**The Deputy Presiding Officer:** It has to be very brief, Mr Scott, as the cabinet secretary is over her time.

**John Scott:** Thank you. Will the guidance be issued timeously?

**Roseanna Cunningham:** Yes, it will.

I move,

That the Parliament agrees that the Wild Animals in Travelling Circuses (Scotland) Bill be passed.

15:48

**Donald Cameron (Highlands and Islands) (Con):** Here we are again, ringside, at stage 3 of the bill. In sincerity, I am delighted that, as we reach the end of what has been an eventful year in politics, we are here today to discuss legislation that will protect many wild animals and prohibit their use in Scotland within the realm of a travelling circus. With the bill likely to receive royal assent, we are catching up with the 18 other European countries that presently have restrictions on the use of wild animals in circuses; and it appears that United Kingdom Government legislation on the matter will be forthcoming.

I think that we have all agreed, on both animal welfare and ethical grounds, that it is correct that we now ban the use of wild animals in travelling circuses. Although there is no evidence that such circuses have recently operated in Scotland, I think that everyone acknowledges that it remains imperative that we pass legislation to ban their using wild animals.

This is a bill in which the Environment, Climate Change and Land Reform Committee has played an important role, and although it cannot be said that it is a landmark bill, it is one that highlights the necessity of our committee system and the rigour and scrutiny that it provides.

When this bill was first discussed at stage 1, we collectively raised a variety of concerns about legal definitions, which were primarily concerns of the many and varied industries that potentially could have been affected by such legislation. At

the time, we raised the fact that the bill risked criminalising some shows and events that have high standards of animal welfare, such as llama displays at the Royal Highland Show or organisations in my region of the Highlands and Islands, such as the Cairngorm reindeer centre.

We raised the fact that there was a problem around the definitions of the terms “circus” and “travelling circus” and a lack of clarity about what constituted a “wild animal”.

All in all, those areas presented many legal issues with the bill as it stood. However, it is a testimony to the Environment, Climate Change and Land Reform Committee that it was able to listen to the evidence and work with the Scottish Government to implement needed changes. I would like to thank my colleagues John Scott, Mark Ruskell, David Stewart and the convener, Graeme Dey, who I hope will not mind being described as veterans of the system and who helped guide us novices through the intricacies of stage 2 and the amendments that were lodged either to improve the definitions or to provide assurances of one kind or another.

Although several amendments were not moved in their original form, it is clear that they prompted a response from the Scottish Government. I thank the cabinet secretary for the clarity that she has provided both today and on past occasions.

I should also comment on the input of the Delegated Powers and Law Reform Committee, which raised several points last week around similar issues. I again thank the cabinet secretary for clarifying, today and on the record, those issues in relation to definitions and accompanying guidance. Those matters are not just of arcane legal interest to lawyers such as herself and me; they are very important and I am glad that they have been taken on board.

It is abundantly clear, Presiding Officer, that the Environment, Climate Change and Land Reform Committee has played an important role in ensuring that the bill is fit for purpose and in addressing many of the concerns that operators had with the initial wording of the bill. As a result, the Scottish Conservatives are satisfied that the bill will deliver what it sets out to achieve and we will vote for it at decision time. It will ensure that shows and exhibitions that adhere to the high standards that are presently set out will be able to continue operating, while it ensures that the exploitation of wild animals in the arena of travelling circuses is now at an end.

As a result of the passage of this historic bill on to the statute book, we will in Scotland, finally and at last, truly be able to say:

“Nellie the elephant has packed her trunk and said goodbye to the circus.”

**The Deputy Presiding Officer:** I know that there is more of that to come.

15:52

**David Stewart (Highlands and Islands) (Lab):** Labour will support the Wild Animals in Travelling Circuses (Scotland) Bill at decision time.

As a member of the Environment, Climate Change and Land Reform Committee and a strong supporter of a number of animal welfare organisations such as OneKind, I moved a number of amendments that I felt would have improved the bill. I am grateful to the cabinet secretary and the committee for supporting my amendment on the offence ground.

At one level, one could argue that we are attempting to restrict something that does not happen, as we have no travelling circuses in Scotland. However, once passed, the bill will futureproof that position as it will be introduced on ethical rather than welfare grounds.

As the Scottish Parliament information centre paper makes clear, “circus” is Latin for a circle or a ring. One of the first major entertainment complexes in ancient Rome was the circus maximus, which held up to 300,000 spectators. Moving to more modern times, in 2014 the Scottish Government public consultation received more than 2,000 responses. A strong majority of 98 per cent were in favour of the ban, while 96 per cent were opposed to the performance or exhibition of wild animals.

As we have heard, the bill proposes to prohibit the performance, display or exhibition of wild animals in travelling circuses. The policy memorandum lists the Scottish Government’s view of the ethical challenges to society of using wild animals in travelling circuses, which are basically the impact on people’s respect for animals, the impact of travelling environments on the animals, and the ethical costs versus the benefits of such animal use.

On a technical point, the bill does not seek to prohibit circuses from travelling with wild animals but seeks to create a criminal offence of travelling with or transporting such animals for the purposes of performance, display or exhibition. The offender is liable, on summary conviction, to a fine not exceeding level 5, which is currently £5,000.

Enforcement will be by local authorities, but the philosophical underpinning is based on the five freedoms that were set out by the Farm Animal Welfare Council in 1979, which are basic freedoms relating to environment, diet, normal behaviour, housing with or apart from other animals, and protection from suffering, injury or disease.

As I said during the stage 1 debate, animal welfare organisations such as OneKind believe that there are strong animal welfare justifications for a ban on the use of wild animals in travelling circuses. OneKind's excellent petition to the Public Petitions Committee said:

"A travelling circus combines a number of specific characteristics (including extreme confinement, frequent transport and relocation, and training for performance) which create an environment where the needs of wild animals cannot be met. This combination is not found elsewhere, even in zoos where wild animals are kept captive. It increases the risk of stress and, in some cases, ill-treatment of the animals, and makes effective inspection and regulation very difficult."

Investigations into United Kingdom circuses in recent years have documented shocking examples of severe habitual abuse of animals. For example, in 1999, individuals from Chipperfield's circus were found guilty of cruelty to a chimpanzee and an elephant and, in 2009, the beating of elephants prior to performance was filmed in the Great British Circus by Animal Defenders International. Earlier this year, a further exposé by Animal Defenders International showed an arthritic elephant named Anne being repeatedly beaten and abused by a member of staff in the Bobby Roberts circus.

As OneKind has argued, it is crucial that, in the future, there are no gaps in legislation covering performance, display or exhibition of animals in Scotland. The Scottish Government has announced its intention to develop new licensing requirements to protect the welfare of wild and domesticated animals in areas that are not covered by legislation.

I am pleased to support and endorse the bill.

15:56

**Graeme Dey (Angus South) (SNP):** The road to the point at which, in less than a couple of hours, we will, I hope, pass the bill has been long, to say the least. It was 13 years ago that the Scottish Executive consulted on the Animal Health and Welfare (Scotland) Bill and, in the process, identified significant concerns regarding the use of wild animals in travelling circuses, and it will be three years next month since the Scottish Government launched its consultation on introducing a ban. However, we are here now and rightly so. As children, many of us will have attended travelling circuses and marvelled at the lions, tigers and elephants, but times change and so does society's view on what is and is not ethically or morally justifiable.

The scrutiny process that the Environment, Climate Change and Land Reform Committee undertook highlighted a number of issues, and I want to reflect on some of those. Criticisms were

made about the justification for the bill, including its assertion that it was harmful to young people to see animals being used in such a way. It was pointed out that the opinion of children and young people had not actually been sought. Helpfully, however, in parallel with the committee's consideration, the Scottish Parliament's education service used the bill as a live example of the passage of legislation and asked school groups visiting Holyrood for their views on whether wild animals in travelling circuses should be banned. Of over 1,000 votes cast by nine to 13-year-olds, 81 per cent were in favour of introducing a ban.

As we head into the year of young people, the Parliament might do well to consider how we ought to more formally build on that sort of engagement. Young people have opinions—very often considered, valid and well-formed opinions—and we as MSPs ought to take those on board as we consider legislative change. I am pleased that the bill is widely supported by the next generation.

As we have heard, definitions were perhaps the main concern for the committee. We considered definitions to make clear what is and is not a circus and what therefore, when travelling, would or would not be captured by the bill, and what is and is not a wild or indeed a domesticated animal. In the absence of such definitions being offered by the Government in response to the committee's stage 1 report, a number of members lodged amendments at stage 2. The amendments that were lodged by David Stewart, John Scott and Mark Ruskell were entirely constructive and well intentioned and they sought, in line with the committee's stage 1 report, to secure helpful clarity. Unfortunately, as the stage 2 process unfolded, it became clear that none of them would achieve their laudable intentions and overcome the challenges that are involved in seeking to define circuses, wild animals or domesticated animals.

The exchanges on those matters were splendidly and humorously captured in a *Holyrood* magazine sketch that was penned by Liam Kirkaldy. If members have not read it, I highly recommend getting online and doing so. The discussions on the omissions of raccoon dogs, woolly lemurs, tamarins, vicuñas, night monkeys and squirrel monkeys and on the ambiguities surrounding wallabies in the context of John Scott and Mark Ruskell's amendments were quite amusing at the time, and are even more so when wrapped up in a superbly written piece.

Of course, there is a serious side to the issue. Where possible, we needed to find some mechanism of addressing the legitimate concerns that had been highlighted. In the case of the definition of a circus at least, I appreciated the support of colleagues and of the cabinet secretary

in backing a stage 2 amendment that I lodged, which affords ministers a power to bring forward regulations, either to define an activity that was perhaps contending that it was not a travelling circus, when it was indeed intended to be subject to the bill, or similarly, to define an activity that was never intended to be captured but might become the subject of efforts to contend that it was.

In moving the amendment, I made the point that, if accompanied by clear guidance, it would go some way to addressing the committee's concerns and would not create wriggle room either to allow activities that should be captured by the scope of the bill to escape it, or to allow what might be described as acts or entertainments that were never intended to be captured to be caught.

I understand the concerns that were raised by the Delegated Powers and Law Reform Committee, but I hope that the cabinet secretary has addressed those in her comments.

In conclusion, Presiding Officer, let me acknowledge, as others have, the contribution made by a raft of individuals and organisations in getting us to the point that we are at today, and I welcome the cross-party support that it appears the bill will command at decision time.

16:00

**Finlay Carson (Galloway and West Dumfries) (Con):** In the stage 1 debate there were plenty of puns. My contribution will certainly not be as slick as Donald Cameron's, but I ask members to bear with me, as it will certainly not be irrelephant. Perhaps the Labour group should have been leading today's debate, with the bill going through Parliament at a time when the only circus to look forward to is the next Labour leadership election. Since Kezia Dugdale's trip to visit the wild animals in the jungle, she certainly has the koalafications.

However, as I have said previously, the light-hearted manner in which members across the chamber have approached this and previous debates in no way reflects the serious manner with which we have dealt with the bill, or indeed the importance with which the committee and my colleagues treat any subject relating to animal welfare.

The Scottish Conservatives supported the general principles of the bill at stage 1 and lodged amendments at stage 2, reflecting the commitment that my colleagues and I have to ensuring we have good laws to secure the highest standard of animal welfare. We support a ban on the use of wild animals in travelling circuses on ethical and welfare grounds by delivering robust legislation.

Across the chamber, we have heard of a number of concerns over the drafting of the bill,

which we now believe the cabinet secretary has taken on board. Those concerns were chiefly around definitions of a wild animal and a travelling circus. Our concerns have always been founded on the desire to see the most effective legislation without either leaving wriggle room for those who would seek to continue to use wild animals in this type of activity or outlawing other types of activity that were never intended to be covered by the bill, including llamas and raptors at country fairs or even sheepdog trials. Vague definitions risked criminalising those who put on a show or event where animals have to be transported to the event, and that needed to be clarified.

The committee's view was that the bill as introduced did not fully address the issues that it set out to cover and that it was at serious risk of capturing animal performances and shows that it may not have been intended to cover. The bill as amended should now not result in another piece of weak legislation from the Scottish Government that will fall down or be ineffective in the courts.

The fact that little time was spent exploring the use of the ethical argument behind the bill indicates that right across the chamber, whether on welfare or ethical grounds, we believe that public performances by wild animals are no longer acceptable. The debate surrounding the bill has largely centred on poor drafting and fears that it had the potential to fail in what it sets out to achieve. We on these benches believe that significant progress has been made and we will be supporting the bill this evening.

16:03

**Colin Smyth (South Scotland) (Lab):** I am pleased to have the opportunity to contribute to what I hope will be the next step in ending cruelty and distress inflicted on animals in travelling circuses. Like you, Presiding Officer, I am a deputy convener of the cross-party group on animal welfare, so I was delighted that we unanimously agreed the principles of the bill when it was previously debated. I am sure that today we will also unanimously make it clear that the days of exploiting wild animals for human gratification in Scotland will soon be nothing more than a shameful memory, sending a welcome, powerful message about the value that we place on animal welfare.

The use of wild animals in travelling circuses is fundamentally cruel, and a full ban is the only way to stop that mistreatment returning to Scotland in future. Highly respected animal welfare charities such as OneKind have rightly made the powerful case that there are strong ethical and animal welfare grounds to ban the practice.

The mobile nature of travelling circuses means that they invariably fail to effectively recreate a wild animal's natural environment. Animals are often subjected to restrictive conditions and uninteresting surroundings, without the space to recreate their natural behaviour, to explore, to socialise or to find food as they would in the wild. That can have a wide range of serious physical and psychological implications for the animals.

Likewise, the performances and tricks that animals are forced to do require intensive training and can inflict significant amounts of pain and distress on the animals. There is widespread use of negative reinforcement and, in some instances, abusive training techniques. Even in instances of best practice, the very act of forcing wild animals to perform on command alters their natural behaviour and suppresses their natural instincts, which is directly in opposition to their welfare and is fundamentally unethical.

There is a great deal of research into the impact of travelling circuses on the welfare and wellbeing of wild animals that supports that view. The conclusion of research that was undertaken by the Welsh Government was that

"captive wild animals in circuses and other travelling animal shows do not achieve their optimal animal welfare requirements"

and

"the evidence would therefore support a ban".

Those are not problems that can be fixed through increased regulation or strengthened guidelines; they are inherent to travelling circuses and must be addressed with a full ban.

We now have considerably more insight into the intelligence and sentience of wild animals than we did in the past, yet the appalling use of wild animals for entertainment continues. By reducing wild animals to a source of entertainment at the expense of their wellbeing, travelling circuses contribute to a culture that undervalues the welfare and rights of animals.

The bill as introduced was by no means perfect. I thank the Environment, Climate Change and Land Reform Committee, which has tried to tackle those imperfections and shortcomings through its commendable work on the bill, which has preempted many of the potential problems that the bill might have faced. It is vital that the laws that we pass are legally watertight and easily enforceable, and the changes that have been made in line with the committee's recommendations have significantly improved the bill. The inclusion of more clearly defined terms and the establishment of ministerial powers to clarify those definitions protect against wilful misinterpretation and potential loopholes, although more could have been done to incorporate that message in the bill

itself. Likewise, I am pleased that David Stewart's amendment clarifying what constitutes an offence was also agreed.

However, I am disappointed that the Scottish Government has failed to respond to other points that were raised by the committee and by members during the stage 1 debate. In particular, serious concerns were raised by council officials and the Scottish Society for the Prevention of Cruelty to Animals about the practicalities of enforcement. The discretionary nature of local authorities' enforcement duty, combined with the continued cuts to their budgets, pose serious questions about the bill's enforceability. Enforcement on the ground must be closely monitored and the possibility of an inspector appointed by ministers must be revisited should there be any evidence of problems in that regard.

There is also a need to ensure that there are no gaps in legislation covering performance, display or exhibition of animals in Scotland, and I look forward to the Scottish Government coming forward with new licensing requirements to further protect the welfare of all animals that are used for public performances, including those that are not covered by the bill.

The bill is a positive step forward that finally consigns this archaic, outdated cruelty to the history books where it belongs.

16:08

**Mark Ruskell (Mid Scotland and Fife) (Green):** I declare an interest as a member of the British Veterinary Association.

I welcome today's stage 3 debate, which marks a watershed moment. For years, there have been incremental improvements in welfare legislation to protect key freedoms and place responsibilities on animal keepers, but this is the first time that ethical reasons have been used alongside the welfare evidence to bring about a change, and that is welcome.

The bill fundamentally recognises that meeting basic welfare needs is not enough and that for a wild animal to be unable to display its natural behaviours for its entire life is unethical and unacceptable. The educational benefits of seeing wild animals in a travelling circus and the conservation benefits are non-existent. There might have been educational benefits in an age before the internet or TV, but we live in a different world in which the power and grace of a hunting tiger or the social intelligence of an elephant is displayed on prime-time TV or on the digital whiteboard of a school classroom.

Today, an important precedent is being set for anyone who is concerned about the rights of

animals. and it begs the question about where we go next. I welcome the Government's commitment to review further the regulations of all performance animals. It would have been better to have conducted the full review in advance of the introduction of the bill, as the Welsh Government did, with clear conclusions as to which animal performances to ban, regulate further or leave alone. The use of wild animals in travelling circuses is the starkest example of a practice that needs to be banned, but we should not have closed minds when it comes to reforming how domestic and wild animals are used in other performances, particularly in static circuses.

Although some members might poke fun at the idea of Christmas reindeer or birds of prey displays at garden centres being further regulated, I ask them to look at the evidence with an open mind. If there are welfare issues that need to be answered, why would we not want to regulate further?

I turn to the bill's consideration at stage 2. It is clear that there were concerns about which animals should be included in the ban and about the definition of a circus. The fact that the cabinet secretary pointed out that there were omissions in John Scott's amendment and my amendment suggested to me that there probably is a list of animals that the Government considers are captured by the ban but that the Government just does not want to include it in the bill.

However, the committee's central argument that there needed to be greater definition has been acknowledged, and I welcome the fact that draft guidance has been produced by the Government and a commitment has been given that it will be finalised and introduced at the same time as the act is implemented.

I believe that officials have written out to stakeholders stating that the guidance cannot give a definitive interpretation of the law and that questions of interpretation are ultimately determined by the courts. I hope that we do not get to the point of a court test and that the eventual guidance proves adequate.

The bill is a further step in our journey towards having a society that respects and values animals. There are many more steps to take, but I look forward to approving the bill at decision time tonight.

16:11

**Liam McArthur (Orkney Islands) (LD):** As Mark Ruskell did, I declare that I am an honorary member of the BVA. Unlike most other speakers in the debate, I do not have the benefit of having sat through the committee's deliberations. Therefore, I am all the more grateful to the ECCLR Committee

for its efforts and to all those people who submitted evidence on the bill, which is an important piece of legislation that the Scottish Liberal Democrats strongly support and look forward to voting for later on this afternoon.

The concerns that I outlined at stage 1 were shared by most members. I concentrated on a couple of areas—the decision to pursue an ethical approach rather than a welfare approach, and the definitional problems that others have already articulated. I am pleased that considerable progress appears to have been made on the latter since the stage 1 debate. I think that David Stewart and Graeme Dey have had a hand in that. I acknowledge the movement from the Government in addressing many of those concerns, and I note that OneKind and Animal Defenders International believe that a combination of regulation-making powers and draft guidance have successfully addressed a number of the concerns that they identified at stage 1.

I note that the cabinet secretary has clarified that the ban is targeted at travelling circuses, so that static circuses and any other enterprises that are not considered to be travelling circuses are not caught by the ban, and that the ban applies only when animals are being transported. I know from correspondence that I received from a constituent that there are people who wish the legislation to be extended to cover a far wider range of circumstances, including fixed animal shows involving sea mammals, falconry or other animals. I understand why the Government and the committee were reluctant to go down that route in the context of this bill, but I acknowledge that the Scottish Government has since announced its intention to develop new licensing requirements to protect all wild and domestic animals that are involved in displays or performances that are not addressed by the bill or in those that take place in licensed zoos. I look forward to considering those proposals in due course.

In the meantime, the use of a regulation-making power—which will be subject to the affirmative procedure—to establish and amend the types of animals that will be covered seems to me to be a sensible approach. As the cabinet secretary said, it is also the approach that is taken to secondary legislation on animal welfare. It seems to be a logical approach and one that will allow the committee to scrutinise any such regulation in due course.

As for the debate about whether an ethical or a welfare approach should be taken, the cabinet secretary expressed concern about the lack of evidence that existed for a welfare approach and the fear that the adoption of such an approach could leave the bill open to legal challenge. I am not entirely sure that I know where the committee

got to in that debate, but the issue did not seem to present a reason to delay or reject the bill.

In conclusion, the Scottish Liberal Democrats welcome the ban on using wild animals in travelling circuses, which reflects our values as a society and the importance that we attach to the highest standards of animal welfare.

16:15

**Angus MacDonald (Falkirk East) (SNP):** I am sure that I speak for all members of the committee when I say that I am pleased to see the bill finally being put to sleep at the end of stage 3, not least because the issues relating to the use of wild animals in circuses have been the subject of deliberation by campaigners, policy makers and legislators for decades. As we know, part of the existing framework for regulation in this area is covered by the Performing Animals (Regulation) Act 1925, and the issue was raised again in responses during the passage of the Scottish Government's Animal Health and Welfare (Scotland) Act 2006.

There are some clear reasons why the scope of the bill that we are debating today has been purposely focused on wild animals in travelling circuses, but it is mainly because the use of wild animals in travelling circuses involves animals whose nature is still genetically and behaviourally hardwired; the performance of behaviours or tricks for entertainment that are not natural behaviours; and inadequate temporary or mobile accommodation that does not allow animals to act naturally. It is also because there is little or no educational or conservation value in such animals' appearance in a travelling circus. All those issues combine to present a cumulative ethical challenge to Scottish society, giving strong ethical reasons for the ban.

I am delighted that Scotland is leading the way on improving animal welfare, not just through this bill but through plans to develop new licensing requirements to protect the welfare of wild and domestic animals that are used for public performances or display in circumstances that are not covered by the bill. I understand that that will be achieved through a Scottish statutory instrument under the 2006 act, which will require further consultation and an affirmative resolution. There is more work to do, although that legislation is intended to apply to all wild and domestic animal displays or performances except for those that are already banned under the bill or those taking place in zoos that are already licensed under zoo legislation. Hopefully, that means that there will be no gaps once the legislation is introduced.

At the start of the passage of this bill, concerns were voiced by those who felt that a more

comprehensive approach would be preferable to what they saw as the piecemeal approach that was being taken. Andrew Mitchell from the City of Edinburgh Council called for there to be one piece of legislation. However, it was acknowledged, not least by Nicola O'Brien of the Captive Animals Protection Society, that a comprehensive review of legislation would be a lengthy process, and that taking action now would have more immediate impact. I am content that the so-called piecemeal action is delivering the desired outcome much more quickly than would otherwise have been the case. The bill will enable the ban to be put in place immediately.

Colin Smyth raised the issue of inspections and enforcement. Earlier in the process, I had concerns about that, but I am satisfied that we have got it right at this stage.

I was pleased to see the inclusion of children and young people in the consultation process; the committee did not just go through a box-ticking exercise, but ensured that their opinions were heard. One of the key ethical concerns on which the bill is based includes the adverse impact that seeing wild animals in travelling circuses might have on children and young people, with regard to the development of respectful and responsible attitudes to animals in general. An overwhelming majority of respondents to the Scottish Government's consultation—94.7 per cent—agreed that that was a concern, which is why the committee identified the importance of engaging with children and young people on the issue. The committee convener, Graeme Dey, alluded to that. As a result, 1,045 children and young people were asked, through the Scottish Parliament education service, whether it should be an offence to use wild animals in travelling circuses, and 815 responded in favour of a ban. In addition, an online survey that was conducted with Young Scot last September asked young people aged 11 to 25 the same question. Some 80 per cent of the respondents agreed or strongly agreed with the proposed ban, and 57 per cent agreed or strongly agreed that seeing wild animals in travelling circuses would make young people respect them less.

Judging by the verdict of the next generation of decision makers, it is clear that we have taken the right steps to tackle this important ethical issue in the most timely way possible. I am pleased that we are leading the way in the UK.

16:19

**Claudia Beamish (South Scotland) (Lab):** Scottish Labour welcomes the passing of the bill, which is, I hope, imminent. As the cabinet secretary stated, wild animals in circuses should not be a spectacle.

Today the subject was travelling circuses. This must surely lead to a similar position being taken on static circuses. In the committee, there was much discussion about the protection of wild and domestic animals performing in other venues, whether travelling or not, and that must be addressed in future. Mark Ruskell and others stressed that point.

David Stewart highlighted welfare issues, as did others. Scottish Labour has a robust approach to animal welfare and ethics under his leadership in that brief, and animals in circuses is one of a range of issues that we must go on to tackle. Ensuring that the legislation on hunting with dogs is fit for purpose, banning shock collars, fighting to reverse tail docking exemptions, consulting on a ban of culling mountain hares, and tackling the exotic animal trade are a few of those issues.

Today, Emma Harper has a members' business debate called adopt don't shop, which is timely, coming before Christmas. That and many other actions across the chamber show that there is cross-party support for many of the animal welfare and ethics issues that Parliament will address in the rest of the session. Angus MacDonald and Graeme Dey spoke about the next generation's interest in and concern about those issues.

Definitions in bills always take up committee and Scottish Government time—rightly so—and this bill was no exception. Sometimes we revert to commonsense approaches and, at other times, it seems to be correct to define or have lists in secondary legislation. That has been challenging in the consideration of this bill. The committee grappled with definitions throughout the bill process, as did the Scottish Government. We discussed circuses with or without tents, definitions of wild and domestic animals, and lists. It is reassuring that the bill was amended at stage 2 to grant Scottish ministers the power to

“by regulations describe a particular type of undertaking, act, entertainment or similar thing”

that is or is not to be regarded as a travelling circus

“for the purposes of this Act.”

On the definition of a wild animal, I am convinced that the power that was agreed at stage 2 provides certainty in difficult or borderline cases to ensure that circus operators know what kind of animal may or may not be used in travelling circuses in order to avoid committing an offence. It is also reassuring that the regulations will be subject to the affirmative procedure.

The lawyers among us, including the cabinet secretary and Donald Cameron, made the point that it is not just that the definitions were arcane; definitions must be as exact as possible. The cabinet secretary's earlier remarks relating to the

Delegated Powers and Law Reform Committee's deliberations were reassuring.

The committee heard evidence from local authorities about enforcement procedures and Angus MacDonald gave us some reassurance on that. Absolute clarity in regulation and guidance is essential to ensure that action can be taken. Cuts to budgets could cause challenges for local authority officers. However, in its briefing for stage 3, OneKind states:

“The Scottish Government has issued clarification on a number of points raised in the Stage 1 report, has created regulation-making powers to clarify definitions, and has produced draft guidance that clarifies some of the most significant policy areas. OneKind is grateful to the Scottish Government and to Members of the ECCLR Committee for probing these issues.”

I think and hope that we have got it right. In the words of my colleague Colin Smyth, having wild animals in travelling circuses is fundamentally cruel. We strongly support a ban and look forward to the passing of the bill and to the Parliament debating and acting on animal ethical and welfare issues in the future.

16:23

**John Scott (Ayr) (Con):** I declare an interest as an honorary member of the British Veterinary Association. Along with it, I welcome the passage of the bill.

The BVA and the Scottish Conservatives believe that the needs of non-domesticated wild animals cannot be met in the environment of a travelling circus, where their ability to express normal behaviour is likely to be restricted. We therefore welcome the passing of the bill, which builds on the five welfare needs of animals as detailed in the Animal Health and Welfare (Scotland) Act 2006 and which allows Scotland to be first in developing such legislation in the United Kingdom.

We welcome the cabinet secretary's assurances that she will develop guidance as required in the bill, and the Environment, Climate Change and Land Reform Committee is grateful to the Delegated Powers and Law Reform Committee for picking up the Government's oversight in that regard when lodging its stage 2 amendment on definitions of wild animals.

We acknowledge the hard work of our clerks in the ECCLR Committee and the Parliament's bill team, who have supported us by helping with amendments as well as with the bill. We also thank the many witnesses who gave evidence to us in committee as well as those who responded to our call for evidence at stage 1, and we trust that the bill will prevent wild animals from ever performing in travelling circuses in Scotland again.

I joined the committee in the autumn, when discussions about the definitions of travelling circuses and wild animals and about lists of animals were still going on. David Stewart, Mark Ruskell, Donald Cameron, Graeme Dey and I can perhaps call ourselves survivors of that debate. We have all referred to that today and, like them, I had residual concerns over those definitions. The amendments that the Government lodged at stage 2 were a welcome response to the probing amendments that were lodged by David Stewart, Mark Ruskell and me at that time.

I also acknowledge that the Government has endeavoured to respond to the concern of the DPLR Committee and others that the effect of the powers in new sections 3A(1)(a), 3A(2)(a), 3B(1)(a) and 3B(2)(a) is unusual in principle because the provisions are indicative only and the regulations are apparently not sufficient or the appropriate form of instrument to deliver the interpretations that the amendments seek to provide. I welcome the cabinet secretary's detailed assurances today that guidance, which is a more appropriate form of instrument, will be developed to address the concerns of the DPLR Committee and to make clearer the intentions of the bill. The guidance should be put in place forthwith, and it should be available when the bill becomes law after receiving royal assent. I welcome the cabinet secretary's assurance today that the guidance will be available timeously.

Our work is done with regard to the Wild Animals in Travelling Circuses (Scotland) Bill. Again, our grateful thanks go to those who have contributed in any way to the passage of the bill, and I look forward to the cabinet secretary's closing remarks. The Conservatives will vote for the bill at decision time.

**The Deputy Presiding Officer:** Thank you, Mr Scott. I call Roseanna Cunningham to close for the Government. Cabinet secretary, you can have seven minutes if you want. You obviously do not—well, six minutes then.

16:27

**Roseanna Cunningham:** I will speak very slowly, Presiding Officer.

I thank all the members who are here today and who have taken part in a lively, informed and very interesting debate. The subject is of intrinsic interest even to those who may simply have wandered into the chamber or who are on chamber duty—as it is known—to listen to some of the concerns and issues, which people may not have thought were anything to do with this particular bill. A number of members commented on the fact that that is precisely the kind of thing that happens when a committee begins to unpack

something that looks relatively straightforward on the surface. The minute that one begins to look at it with some care and detail, one understands that it is not as straightforward or as simple as it looked at first sight.

The debate has been constructive, as was the engagement all the way through the process, and it is a joy—sometimes a rare joy in a parliamentary set-up—to be able to say that. It reflects the concern that people have and demonstrates the extent to which we all agree on the importance and value of the good intentions behind the bill.

I have been struck today, as I was at stage 1, by members' passion for this issue. However, I am grateful that they have looked beyond a purely emotional response, which would have been the easy approach, in order to fully unpack the practicalities around the proposed prohibition, some of which I dealt with in my opening speech. Those issues reflect the fact that this is not a fixed situation. I referred to llamas and alpacas in my opening speech, but that was not meant to be a joking reference. Those animals would have seemed exotic and wild to our parents' generation but look like domesticated animals to us now. They have undergone a change in how they are viewed and treated and in how they live in our country.

I thank the Parliament and all the members of the Environment, Climate Change and Land Reform Committee—indeed, all the members of the Delegated Powers and Law Reform Committee, too—for their constructive comments and invaluable support during the bill's passage.

Furthermore, I thank all the organisations and stakeholders in the animal welfare sector and the circus industry, local authorities and representatives of our screen industry who made constructive contributions to the debate. I look forward to including them in continuing dialogue as we hopefully move forward to implement this landmark bill.

I cannot mention everyone, but I pay particular tribute to OneKind for lodging the petition that brought the issue of wild animals in circuses sharply back into focus in 2011 and to the Convention of Scottish Local Authorities for its continuing help to make the bill and the accompanying guidance fit for purpose.

**John Scott:** Colin Smyth raised the matter of local authorities. Is the cabinet secretary optimistic that the amendments that she lodged at stage 2 and the guidance that she will issue after today will be sufficient to ensure that local authorities are less likely to have to go to court?

**Roseanna Cunningham:** We will continue to engage with stakeholders including COSLA. I

thank the ever-gallant John Scott for his intervention, which helped to use up some time.

I pay tribute to the travelling circus industry. This has been a difficult issue for it. The few circuses in the UK that still use wild animals are small family-run operations for which the circus is not so much a business as a way of life. They have debated and co-operated throughout the development of the bill with courtesy and openness, and I remind them that travelling circuses without wild animals will always be welcome in Scotland. Our circus sector is an example of how circus can develop as an art form and remain popular without using wild animals.

I will take a minute or two to go through some of the speeches that we have heard this afternoon. A couple of members—Donald Cameron and Finlay Carson—tried to bring some humour to the debate. I have to say that Donald Cameron carried that off a little better than Finlay Carson, whose own colleagues looked perplexed and then somewhat bemused by his attempts to inject some humour into proceedings. However, they did try, and that has been a mark of how engagement on the bill has proceeded throughout the process.

Donald Cameron rightly flagged up the role of the Environment, Climate Change and Land Reform Committee. If members think that the jokes that have been cracked here are funny, they should look up the proceedings of the committee and read the *Holyrood* magazine article that Graeme Dey mentioned.

David Stewart attempted a lesson in Roman history, which was interesting, but he also highlighted abuses and reminded us of the reason why we are here.

Graeme Dey referred helpfully to the views of young people. It is easy to forget about the extensive survey work that was undertaken and how important it was in the early stages of the bill.

I say to Mark Ruskell that there really is no list. The committee and the member himself must surely be aware of how difficult compiling a list would be, having attempted the exercise themselves. Peter Jolly's circus had a list of wild animals that the circus was using, one of which was a zebu. I have no idea what a zebu is—I would guess that it is a hybrid of a zebra and something else—but it is an example of what would have been left off any attempted list of wild animals, which shows why there is no list.

**Mark Ruskell:** Will the cabinet secretary take an intervention?

**Roseanna Cunningham:** I am at the limit of the time that I have for my closing speech.

I ask members to support the motion and agree that the Wild Animals in Travelling Circuses (Scotland) Bill be passed.

## Business Motions

16:35

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of three business motions: motion S5M-09686, setting out a business programme; and motions S5M-09684 and S5M-09685, on timetables for bills.

*Motions moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 9 January 2018

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Culture, Tourism, Europe and External Relations Committee Debate: Article 50 Withdrawal Negotiations

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 10 January 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Justice and the Law Officers;  
Culture, Tourism and External Affairs

*followed by* Scottish Government Debate: Glasgow 2018 European Championships

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 11 January 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate:  
Developing the Young Workforce -  
Publication of the third annual report

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 16 January 2018

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 17 January 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Education and Skills

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 18 January 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

and (b) that, in relation to First Minister's Questions on 11 January 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".

That the Parliament agrees that consideration of the Gender Representation on Public Boards (Scotland) Bill at stage 2 be completed by 12 January 2018.

That the Parliament agrees that consideration of the Planning (Scotland) Bill at stage 1 be completed by 1 June 2018.—[*Joe FitzPatrick*]

*Motions agreed to.*

## Parliamentary Bureau Motions

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of Parliamentary Bureau motions. I ask Joe FitzPatrick to move, on behalf of the Parliamentary Bureau, motion S5M-09682, on approval of a Scottish statutory instrument, and motion S5M-09683, on designation of a lead committee.

*Motions moved,*

That the Parliament agrees that the Police Investigations and Review Commissioner (Application and Modification of the Criminal Justice (Scotland) Act 2016) Order 2017 [draft] be approved.

That the Parliament agrees that the Economy, Jobs and Fair Work Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Financial Guidance and Claims Bill (UK Legislation).—[*Joe FitzPatrick*]

**The Presiding Officer:** I ask Joe FitzPatrick to move Parliamentary Bureau motion S5M-09681, on approval of the draft Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017.

*Motion moved,*

That the Parliament agrees that the Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017 [draft] be approved.—[*Joe FitzPatrick*]

16:36

**Liam Kerr (North East Scotland) (Con):** I rise to speak against the draft Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017. The Parliament is being asked to vote on the regulations with undue and unnecessary haste, given that there is time before part 1 of the Criminal Justice (Scotland) Act 2016, which contains provisions that relate to the police station duty scheme, comes into force on 25 January 2018.

As part of its consideration of this Scottish statutory instrument, the Justice Committee received a number of written submissions from the legal profession that expressed grave concern about the proposed changes that the SSI would make. At the time, it was suggested that a reasonable course of action would be to allow the organisations to put their points to the committee in a formal evidence session, but the minister refused to withdraw the SSI to allow that to happen. The concerns include but are not limited to the following.

The Dunfermline District Society of Solicitors said that there would be increased demand

“in terms of police station work and attendances”,

under a fee structure that

“is not fit for purpose”.

The society said that there is

“a significant issue in terms of sex and equality discrimination”

against solicitors, which will lead to greater recruitment of those who do not have children, are unlikely to do so and do not have caring responsibilities. It also said that a change in employment contracts will be required, and concluded:

“if the regulations are laid in the present form then no firm will participate in the Police Duty Scheme.”

The Edinburgh Bar Association said that the approach will increase the number of people who are eligible for legal advice by 163,360, and said that, due to the downsizing of many legal firms,

“it is unknown whether such firms will actually have the capacity to provide the level of service required.”

The association also expressed concern about the potential impact on workload of the regulations

“at a time when rates of pay are at an historic low”

and concluded:

“the Edinburgh Bar Association is now wholly unable to recommend to its members that they participate in the provision of police station advice.”

The Society of Solicitors in the Supreme Courts of Scotland expressed concern that the unsociable hours might offend the article 8 right to private and family life, and said:

“This is particularly the case where solicitors have child care responsibilities or responsibilities to family members that are elderly or disabled.”

It has recently been reported that solicitors have confirmed that they are withdrawing from the police station duty scheme.

There is parliamentary time at the beginning of January to take further evidence on this SSI. There is no need to rush into something about which such significant doubts have been expressed. Therefore, even at this late stage, I call on the minister to withdraw the SSI to ensure that those concerns are given a fair hearing. Failing that, I ask members to think very carefully before they vote tonight. If they agree that the sensible course of action is a short delay until January, when there will be parliamentary time to resolve the matter, they should vote against approving the draft Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017 at decision time.

16:40

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** I draw members’ attention to my entry in the register of

interests, where they will find that I am a member of the Law Society of Scotland and that I hold a current practising certificate, albeit that I do not currently practise.

The draft Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017 are the last in a series of regulations that implement part 1 of the Criminal Justice (Scotland) Act 2016. They provide a significant improvement on the current fee levels, including an increase to the block fee; an enhanced antisocial hours premium; an extension of the antisocial hours premium to travel time; a flat fee for providing telephone advice, no matter how short; and an easy process for claiming fees, which is important.

The current arrangements for providing advice to those who are held in police custody are delivered by a combination of solicitors who are employed by the Scottish Legal Aid Board and private practitioners. The arrangements are entirely voluntary for private practitioners, who can choose to participate or not to participate. Even when a firm is on duty, on average in around one week every six to 18 months, they are not obliged to attend. Therefore, the system is flexible to the needs and availability of solicitors at any given time, and employed solicitors provide cover for the smooth running of the scheme. That flexibility will extend to the new arrangements.

The rights to legal advice in a police station are twofold: there is the right to a consultation, which can be via telephone; and there is the right to have a solicitor present at an interview. Therefore, not all legal advice in a police station is provided in person.

As far as travel time is concerned—this is, of course, of particular relevance to those who operate in rural areas—the antisocial hours premium can be added and additional payment is possible for travel time for journeys over two hours.

The Scottish Government and Scottish Legal Aid Board officials have sought to provide reassurance on the requirements of the new duty scheme and the improved fee package and flexibilities, and there were very few responses to the consultation on the regulations. Notwithstanding that, some solicitors have elected to withdraw from the duty scheme, as they feel that they cannot meet the potential additional demands that come with the increased rights of citizens who are held in police custody. That is the right of those solicitors.

However, it is important to stress that the rights of those who are held in police stations will be upheld both in the short term and when the new scheme is implemented through the continued use

of the combination of private and employed solicitors. Indeed, the provision of police station advice is under constant scrutiny and review by the Scottish Legal Aid Board, which works closely with Police Scotland to ensure that sufficient cover is available across Scotland. That scrutiny will continue up to and beyond the implementation of the new arrangements from 25 January 2018.

In summary, the regulations provide an improved financial package for solicitors who provide police station advice and they make provision for legal aid in consequence of legislative changes that the Parliament has already approved. If the regulations are not agreed to, we will have to rely on the current legal aid framework, which is less attractive to solicitors in respect of both the level of fees and the arrangements for submitting a claim.

I urge members to support the regulations.

**Liam Kerr:** On a point of order, Presiding Officer. It is important to declare that I am a solicitor and that I hold a practising certificate with the Law Society of Scotland and the Law Society of England and Wales. I apologise to members for not having declared that at the start.

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

## Decision Time

16:43

**The Presiding Officer (Ken Macintosh):** There are four questions to be put as a result of today's business.

The first question is, that motion S5M-09648, in the name of Roseanna Cunningham, on the Wild Animals in Travelling Circuses (Scotland) Bill at stage 3, be agreed to. Because it is a stage 3 decision, we will have a division.

### For

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

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

**The Presiding Officer:** The result of the division is: For 112, Against 0, Abstentions 0.

The motion has been agreed to and the Wild Animals in Travelling Circuses (Scotland) Bill has been passed. [*Applause.*]

*Motion agreed to,*

That the Parliament agrees that the Wild Animals in Travelling Circuses (Scotland) Bill be passed.

**The Presiding Officer:** The next question is that, motion S5M-09682, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Police Investigations and Review Commissioner (Application and Modification of the Criminal Justice (Scotland) Act 2016) Order 2017 [draft] be approved.

**The Presiding Officer:** The next question is that, motion S5M-09683, in the name of Joe FitzPatrick, on designation of a lead committee, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Economy, Jobs and Fair Work Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Financial Guidance and Claims Bill (UK Legislation).

**The Presiding Officer:** The final question is that, motion S5M-09681, in the name of Joe FitzPatrick, on approval of the Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 86, Against 25, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017 [draft] be approved.

## Dogs (Illegal Trade, Irresponsible Breeding and Adoption)

**The Deputy Presiding Officer (Linda Fabiani):** The final item of business today is a members' business debate on motion S5M-09167, in the name of Emma Harper, "Adopt Don't Shop". The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament believes that, while dogs are the most popular companion animals in the UK, they are also a lucrative source of income for many; recognises concerns raised by academics from the University of Sheffield, in Scottish Government-commissioned research, that both the illegal trade in, and irresponsible breeding of, dogs are escalating; understands that central to these concerns are large-scale commercial breeders in Scotland, the illegal trafficking of dogs into the country, including through Cairnryan Port, and the largely uncontrolled third-party online traders, who it considers now dominate the puppy trade; understands that there are currently thousands of dogs situated in rescue centres across Scotland who need homes; notes that reputable shelters are able to assess and support the rehoming of many breeds and ages of dog, and notes the view that anyone considering getting a puppy should adopt from a reputable shelter or rescue centre run by an organisation such as the Scottish SPCA.

16:48

**Emma Harper (South Scotland) (SNP):** I am pleased to lead this debate, and thank my colleagues for supporting the motion and staying in the chamber to contribute this evening.

Last year, I led a debate about the cruel trade in puppy trafficking. In my region, many hundreds—even thousands—of puppies are trafficked illegally every year through the port of Cairnryan. The dogs come from puppy farms in Ireland, Northern Ireland and Europe. Both the bitches and the pups are kept in appalling conditions on those farms.

As I described last year, some intensive breeding sites have up to 500 breeding bitches and thousands of pups at any one time. Since I raised the issue in that debate, progress has been made. Last month, I attended the first ever K9 conference on puppy trafficking, which was organised by the Scottish SPCA and hosted by the University of Edinburgh.

The Cabinet Secretary for Environment, Climate Change and Land Reform attended to launch the Scottish Government commissioned research which, unfortunately, confirmed that the number of puppies entering the United Kingdom in recent years has significantly increased due to consumer demand and changes in legislation that make it easier to transport pets.

There is debate about what is the best approach to tackling the puppy trade, and great work is

being done in Scotland and across the UK by organisations such as the Scottish Society for the Prevention of Cruelty to Animals, the Royal Society for the Prevention of Cruelty to Animals, the Kennel Club, the Dogs Trust, OneKind and Blue Cross, and by Dr Marc Abraham. Campaigners in Stranraer Eileen Bryant, Raymond Carvill, Councillor Willie Scobie and Councillor Ros Surtees are also focused on tackling puppy smuggling at Cairnryan and are doing very worthwhile and commendable work locally.

Many see the banning of third-party sales as an important step in the right direction. Dr Marc Abraham is campaigning for the introduction of Lucy's law at Westminster, which will ban third-party sales outright. The proposed legislation is named after spaniel Lucy, who was rescued from a puppy farm where she was abused as a breeding bitch for years. I am aware that some questions have been raised about the proposed legislation's potential effectiveness, but it is certainly a worthwhile debate to have, perhaps in the future.

Today, I want to take this opportunity to talk about the importance of choosing to adopt a dog from a reputable rescue centre as a way of combating irresponsible breeders and illegal puppy traffickers. Although it can be tempting to buy a puppy from a breeder, I urge everyone to think first of all about giving a rescue dog a chance. Right now, we have far too many delightful dogs and cuddly cats living in shelters and needing homes but not enough people willing to adopt them. I have three wonderful rescue collies myself and can thoroughly recommend adoption as an alternative to buying. Moreover, according to the Dogs Trust, those who have rehomed a rescue dog will often wish to adopt again after finding the process incredibly worth while.

There are many advantages to choosing a rescue dog. Those who visit a rescue centre such as the canine rescue centre that I visited at Glencaple near Dumfries will be introduced to a wide variety of dogs of all shapes and sizes, and staff will make every effort to match the right dog to their needs. Canine carers who have spent time with and have carefully assessed the dogs will be able to give people a full character profile and help them make the right decision. The dog that they take home will be happy and healthy, as dogs from reputable shelters are neutered, microchipped and given a complete health check, including vaccinations and treatments for worms and fleas. Adopting a dog from a recognised dog charity also means that people have access to expert advice and support throughout the adoption process, even after they have taken their dog home.

Of course, there is very legitimate public concern regarding incidents of poor animal welfare in some so-called rescue centres. Many members will be aware of the appalling case of the Ayrshire Ark shelter earlier this year, where several dogs and cats were found dead from neglect. I am therefore pleased to welcome Scottish Government plans, launched earlier this month, to introduce a modern system of registration and licensing for animal sanctuaries and rehoming activities. Under the proposals, a straightforward licensing system will be introduced. Ministers are currently consulting on this programme for government commitment, and I urge anyone with an interest in animal welfare to respond to the consultation by 4 March and help shape these plans. I also note that Dumfries and Galloway Council's trading standards department has introduced a trusted breeders scheme to monitor and promote good licensed breeding premises.

It is important to stress the gravity of any decision to bring a dog into a family. After all, dogs are intelligent, social animals with a wide variety of needs that people should be sure they can meet before making such a commitment. Christmas is a time of year that is synonymous with the impulse buying of cute, fluffy puppies as presents; we have all heard the saying "A dog is for life, not just for Christmas", but not everyone fully understands the meaning behind it. Getting a dog means daily walks, feeding, grooming, training, not being able to go out for long periods of time, making monthly payments for pet insurance and, at times, paying hefty vet's bills.

If, after careful consideration, someone decides to purchase a dog, it is vital that they take the time to investigate whether they are getting it from a reputable breeder. According to the Kennel Club, one in five people who buy a pup admit that they spent no time at all researching where to buy it, compared to less than one in 10—8 per cent—who are prepared to make a spontaneous decision about what shoes to buy. People are more likely to fall victim to scams and puppy farmers if they do not do their research, with almost a quarter—22 percent—of those who were surveyed by the Kennel Club saying that they thought they had gone to a puppy farm if they had chosen their pup in 20 minutes or less. The optimal way to avoid contributing to the illegal and cruel trade in dogs is to adopt from a registered shelter or to contact the Kennel Club or local authority for a list of assured breeders.

Again, I thank everyone who has stayed behind in the chamber tonight, and I welcome the debate to follow.

**The Deputy Presiding Officer:** The debate is quite heavily subscribed, so I ask members to

keep their speeches to no more than four minutes, please.

16:54

**Finlay Carson (Galloway and West Dumfries)**

**(Con):** I congratulate Emma Harper on bringing this very important debate to the chamber tonight.

As the Scottish Conservative and Unionist Party's spokesman on animal welfare, I have met many stakeholders throughout the year to discuss their concerns not only on how we can develop ways to promote stronger animal welfare regulation but on how we can heighten awareness of the options that people have to reduce, if not eliminate, animal suffering.

The laws on sentencing for animal cruelty in Scotland are different to those of other jurisdictions in the United Kingdom. The Animal Health and Welfare (Scotland) Act 2006 gives courts the power to disqualify a person who has been convicted of cruelty from holding animals for a period that it thinks fit, including for life. Under the 2006 act, the maximum penalty for causing unnecessary suffering to a protected animal is 12 months' imprisonment or a fine of up to £20,000. The maximum penalty for other animal welfare offences is six months' imprisonment or a fine of up to £5,000.

In its programme for government for 2017-18, the Scottish Government outlined plans to introduce a bill to increase the maximum prison sentence in serious abuse cases to five years. The Scottish Conservatives welcome such plans but believe that the Scottish Government could and should go further. We need to see more preventative measures being introduced, such as educating children on animal cruelty. Furthermore, we want the Scottish Government to tackle illegal puppy trafficking and to stop online traders and unlicensed pet shops. A robust guideline needs to accompany the new legislation to make people aware of how to spot signs of abuse and the best way to report it. Progress on that has been slow to date, but we will continue to push for more action. The Scottish Conservatives will monitor the progress of the new sentencing plans very closely and will continue to hold the Scottish Government to account over animal welfare.

It is clear that it is not just the Government that needs to tackle the evils of puppy smuggling and animal cruelty. The Scottish SPCA, the Dogs Trust and Rescue Dogs Scotland, to name just a few charities, can be partners in the fight against animal cruelty.

In my constituency of Galloway and West Dumfries, the Cairnryan port provides an access point for criminals to traffic dogs into Scotland and the rest of Great Britain illegally. It is vital that we

educate the public on the illegal puppy trade through awareness of the tactics used by such criminals in selling farmed and abused puppies. An educational campaign must reach the geographical hotspots of the puppy trade such as Cairnryan in the south-west of Scotland.

The Scottish Government should ensure that any attempt to tackle illegal puppy trafficking draws on knowledge from the stakeholders that I have mentioned and from the RSPCA, whose campaign entitled adopt don't shop has brought us together in the Parliament today to discuss this important issue.

With many families seeking a furry four-legged pal to join them this Christmas, I urge any potential puppy buyer to consider the following questions. Does the puppy demonstrate behavioural issues such as fear or aggression? Have you been able to visit the puppy's home properly or to meet its mum and dad? Is there evidence that the puppy has received vaccinations or worming? Is the seller urging a fast transaction with no follow-up support? Those are things that buyers should look out for when purchasing a puppy, because they can be missed when buying through the illegal trade.

It was not the threat of fines that made drink-driving and smoking in public places unacceptable; it was peer pressure. It was pressure from someone's neighbour telling them that they were doing the wrong thing. We need the public to become guardians for dogs and puppies by making puppy farms unacceptable in modern life.

In conclusion, if someone is concerned about potential puppy smuggling, I urge them to report it immediately to the Scottish SPCA on 0300 099 9999.

16:59

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I thank Emma Harper for bringing this very important subject to the chamber.

The key factors in this issue are the vile illicit trade in puppies and the thousands of unwanted dogs who are looking for a loving home. A person does not need to be a dog lover, as I am, to be horrified by puppy farms, as they represent cruelty on an industrial scale.

As Emma Harper said, puppies are being smuggled into ports after enduring journeys in horrific conditions. Apart from psychological trauma, many suffer from severe health issues. On one occasion, the Dogs Trust, which I will mention later, took in seven pups that were covered with infected wounds. Their ears and tails had been

docked, apparently using scissors and vodka. That is just one example of what is a sickening industry.

Another problem is the demand for trendy puppies, which has created a massive black market. For example, certain breeds, such as the French bulldog, sell for nearly £400 in the Czech Republic but can be sold for more than £1,500 in the United Kingdom. That is an obscene sum of money for what to many owners is a designer accessory. Of course, the breeders are laughing all the way to the bank—if they can find one that is still open. The criminal gangs that are running the operations are understood to be taking in more than £100 million per year. Incredibly, at this time of year, there is a surge in demand for Christmas, which makes the debate timely. I will not trot out the cliché, but I think that we all know what it is.

I have had the privilege of being a dog owner for most of my life. As we all know, with their unconditional love and individual personalities dogs become members of the family. I wholeheartedly support the adopt don't shop campaign, although I confess to being something of a hypocrite, as my labrador and retriever were bought from reputable breeders, of which there are many. Next time round, I will adopt, not shop.

The Kennel Club fully supports the message that those who are looking to buy a dog should consider a rescue dog. Indeed, the Kennel Club breed rescue organisations rehome approximately 24,000 dogs every year. They also share the concerns around puppy trafficking and irresponsible breeding. By adopting a dog, I know that it will be healthy, both physically and mentally, with full veterinary assessments having been carried out. The Dogs Trust, Battersea Dogs & Cats Home, which cares for 4,000 unwanted dogs every year, the Scottish SPCA, Blue Cross and many other rescue organisations do fantastic work and should be congratulated for treating animals with the respect that they deserve. The link here to puppy abuse is clear: the more that people use rescue centres, the more illegal puppy farms will be stripped of demand.

The adopt don't shop slogan is about promoting animal rights, and, before I finish, I will list the things that I believe should be stopped immediately if and when we have the power to do that: the appalling, widespread abuse of greyhounds in the racing industry; puppy farms; the online sale of animals; short sentences for those committing vile acts of cruelty; and politicians refusing to recognise animals as sentient beings. Our animals are with us for a very short time and they enrich our lives immeasurably. Let us treat them with respect and fight for their right to live a healthy life and be in a loving home.

17:02

**David Stewart (Highlands and Islands) (Lab):** I congratulate Emma Harper on securing the debate and on all the work that she does on animal welfare.

The Dogs Trust was founded at Christmas in 1891, so it is particularly apt that we are having the debate on the day before the Parliament breaks for the Christmas recess. Rona Mackay made a very good point at the end of her speech when she referred to the crucial aspect of animals being sentient beings, which means that we need to be very careful about their welfare. At this time of year, when many families will be thinking about getting a puppy as a present for someone, it is vital that they have considered not only the responsibilities that they are taking on for life—Emma Harper made that point—but, as the Dogs Trust motto suggests, the ethics and standards of the person from whom they are purchasing the dog.

With puppy smuggling on the rise as well as the number of non-licensed shelters and private traders—a situation that is not helped by internet sales—the welfare of dogs and the legality of dog sales are huge issues. There are approximately 8.5 million dogs in the UK. Given that the average lifespan of a dog is 12 years, about 708,000 puppies are required each year to maintain that figure. The Kennel Club tells us that it registers around 220,000 puppies each year, and rescue organisations rehome approximately 65,000 dogs each year, but very few of those are puppies. There is, therefore, a shortfall of over 485,000 in the number of dogs required each year.

The Dogs Trust has carried out several investigations into puppy smuggling. Despite the introduction of the pet travel scheme, which allows pet dogs to enter the UK without the need for quarantine provided that they comply with the rules of travel and have a valid pet passport, the Dogs Trust has found that puppies continue to be imported illegally into the UK. On top of that, unlicensed breeders in the UK are better able to flourish than they were in the past thanks to the internet, where they can readily access a vast customer base. Online sellers are harder to track and trace, and they exist in such high numbers that animal welfare organisations cannot keep on top of them all.

That is a problem across the sale of all kinds of pets, not only dogs. In partnership with Blue Cross, OneKind and the Born Free Foundation, I have previously raised in Parliament the issues that surround the sale of exotic animals online. Given the higher maintenance and welfare needs of those animals as well as the fact that many species are not suitable to be kept as pets, online

sales of exotic animals from unregulated traders put many animals at risk of injury or death.

I will finish on some good advice from the Dogs Trust that will be particularly useful for anyone who has asked for a dog next week in their Christmas list. There are a number of dos. Always see the puppy interacting with its mother and siblings, and visit more than once: visits are your opportunity to ask everything about life with your new puppy—take it. Before the puppy comes home, know what paperwork it should have and insist that it is available when you collect the puppy—never agree to paperwork being posted later. Walk away if you are suspicious of the seller or breeder and report them immediately to trading standards; once you have taken the puppy, it is too late. If the pup was advertised online and you have concerns, report the seller directly to the website where you viewed the advert. Take your puppy to your own vet for a health check as soon as possible.

Finally, there are a few don'ts: don't meet anywhere that is not the puppy's home; don't buy from anyone who can supply various breeds on demand; don't buy puppies that look too small or underweight for their stated age; don't feel pressurised into buying the puppy immediately—walk away if you have any concerns; and don't buy a puppy that you suspect has been imported into the country illegally.

I thank Emma Harper again. It is an excellent initiative that is being taken forward and I strongly support the work that she is carrying out.

17:06

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I congratulate my colleague Emma Harper on bringing the issue to the attention of Parliament once again. Her motion neatly captures the key issues that we face and correctly draws our and, I hope, the public's attention to the many rescue centres and shelters in Scotland that have thousands of dogs and pups all needing loving families and homes.

Those centres assess and support rehoming of dogs of all breeds and ages. People can be assured that adopting a dog or a pup from a rescue centre will mean that their dog is healthy and can look forward to a fantastic new life with its new family.

From the very helpful background information that has been provided to us by the Scottish Parliament information centre, it is clear that we should distinguish between the approach of legitimate and responsible dog breeders, who do a great job of producing healthy dogs for loving dog owners, and the irresponsible approach that is taken by people whose only motive is to make a profit at the expense of the welfare of the animals

and of the public who come into contact with them. There is no established definition of "puppy farming", and although some of the practices that are employed are not illegal, some of them have been described as "barbaric" because they use beautiful wee animals as production line commodities in battery farm settings to be sold on at high prices for a quick buck.

Some estimates put the value of the puppy trade at about £13 million a year. The Scottish Government's snapshot survey of online puppy sales, which was taken over just a 12-week period, showed that there are a variety of individuals selling online—some of them perfectly legitimately, of course. The survey gives us an indication of the value of the trade, but it is probably significantly underestimated because the more unscrupulous operators do not wish to appear on the radar too often.

I know of examples in East Ayrshire where, mainly by word of mouth, it is made known that special breeds of pup are available for sale. A location is notified—usually a car park—and, lo and behold, the boot of the dealer's car opens up and there is a beautiful wee pup, waiting for a new owner and a new home. Cash is handed over—it is often a significant sum—and the deal is done. What the new owner does not know, of course, is anything about the health and welfare of the pup, its family history or pedigree, and even whether it has spent any time with its mother after it was born. No papers are handed over to verify anything. Often those wee dogs develop serious health problems; in some cases, they do not survive their first six months. It is a scandalous situation.

Local authorities are becoming more vigilant, but enforcement tends to come about as a response to a situation rather than as a proactive process, or through any kind of spot-checking system for monitoring compliance. Perhaps there is something to think about in that respect.

How can we improve things overall? We have in place licensing schemes, and reputable breeders respect the system in which they operate, but how do we tackle the rest? OneKind's paper "Scotland's Puppy Profiteers" makes a number of suggestions, including limiting the numbers and ages of puppies that can be brought in by any one person to the United Kingdom under the pet travel scheme, and requiring that handover of puppies take place at licensed premises rather than from the boot of a car. Both are helpful suggestions. The Scottish Government's scoping paper on the issue talks about mandatory microchipping for identification and traceability, and about reliable online resources to provide advice to the public.

Probably most important of all is that we continue to alert and educate the public about the

risks of buying puppies without knowledge of their history. As we all know, it is usually too late for someone to change their mind when they are faced with a wee pup staring up at them from the boot of car. I therefore ask the public please to think carefully before doing anything like that, and to consider adoption from one of our many rescue centres, where the dogs and pups are just as lovely.

I again congratulate Emma Harper on allowing us to highlight this really important issue.

17:10

**Alison Johnstone (Lothian) (Green):** I, too, thank Emma Harper for bringing the debate to Parliament, and I thank everyone who has been in touch to share their views on the adopt don't shop campaign and their experiences of life with a rescue dog. It is vital, during December's frenzied shopping period, that we reinforce the message about ethical treatment of animals. However, given the lengths to which scammers and puppy farmers go to present a caring image, it is also important not to focus blame on individual choices or to imply that the motives of anyone who ever browsed online for their ideal pet are necessarily any different from those of people who already adopt.

The underlying message of the adopt don't shop campaign is, of course, that we should not overlook those who are in need or drive unsustainable demand for something new—especially at this time of year. However, the debate on this occasion comes while the focus is on the wider industry that supplies that demand. The most recent meeting of the cross-party group on animal welfare heard from the Dogs Trust about the scale of criminality and abuse in the puppy smuggling trade and that, on any given day, about 500 dogs are for sale in Scotland on online classified advert websites. Demand for designer puppies has led to breeders and dealers illegally importing puppies with no regard for their welfare, and there have been many examples of truly horrendous neglect. Buyers often have no idea that their puppy has been illegally imported until it is too late.

Last week, OneKind published a report entitled "Scotland's Puppy Profiteers", which shows that, although trafficking and criminality are hugely important, serious problems also exist with legal breeding establishments in Scotland, and the current legislation does not offer adequate protection.

The briefing that has been sent to MSPs by the Kennel Club details a range of problems that people have faced when, looking for a dog but unsure how to go about it, they have been

susceptible to scams and puppy farmers. As we have heard, among the statistics are the experiences of people who purchased a dog without having researched in any great detail—sometimes for less than 20 minutes. At the cross-party group, we heard about people taking more time than that to choose a handbag. Such poorly informed purchases result in the fact that almost 15 per cent of puppies that are bought in that manner experience illness, on-going veterinary treatment or even death in the first six months. That is three times the figure for dogs that are chosen when people take an hour or more—although I respectfully suggest that that, too, is inadequate time.

Given that people's intention to share their life with an animal is so open to exploitation by disreputable salespeople who are keen to lure in customers with a tug at their heart strings, well-publicised guidance on how to find and care for a pet is the key to avoiding bad decisions being made in haste. I, too, thank the Dogs Trust, the Kennel Club, OneKind, the Scottish SPCA and others for the work that they are doing to make a difference in the area.

We have to be clear that we are talking about a multimillion pound industry that frequently operates below the radar, thereby avoiding taxation and regulation. Many people know that they are dealing with a less-than-regulated trade, but sometimes when they see the puppy they feel that they are rescuing it from a bad situation. We need to stop the demand by encouraging people to go directly to rescue centres.

I am pleased that the representatives of each party in Holyrood support the message that people who are looking to buy a dog should consider a rescue dog first. The irony is that we constantly hear from rescue shelters that they struggle to meet the needs of yesterday's sold puppies and kittens once they have been abandoned, especially after Christmas, and that those often include designer breeds. I believe that all the parties in Parliament share common concerns about large-scale puppy breeders operating in Scotland, trafficking of dogs and the largely uncontrolled third-party online traders. We also share a willingness to work together to address the concerns.

We all want the debate to be much more than a public service announcement, so we need the Scottish Government to introduce clear guidance for people who are searching for a dog, on where they can look and whom to consult, so that they can make an informed choice. We also urgently need to bring legislation up to date to stop the scams and the puppy farmers. If we adopt don't shop, we will not go wrong. It is the right thing to do.

17:15

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I congratulate Emma Harper on securing the debate. I declare an interest as a member of the Scottish SPCA and a patron of the Edinburgh Dog and Cat Home, which in 2017 rescued 600 dogs and cats.

The scandal of puppy farming—I call it puppy factories—has been an issue for a long time. Indeed, I tried to do something about it myself in session 1 of this Parliament, with limited success. I applaud Emma Harper for pressing on with the campaign to prevent the trade and to catch unscrupulous dealers. As other members have said, nowadays there is a growing problem with internet sales of pets, including puppies and so-called designer dogs, some of which come from as far as eastern Europe.

All of that flies in the face of animal welfare. We have tried educating the public through advertising campaigns, and it has not been as successful as we would like. That led me to consider whether there is another way of approaching the issue, rather than just looking at the dealers and those who run the factories, by placing a statutory duty on people who are buying or acquiring a puppy before they can even make the deal. That is why I am working on, and have almost completed, the draft consultation for a member's bill, whose working title—although it will probably not be the title in the end—is the puppy contract.

There are two parts to the bill. One part will be for the dealers and the breeders, some of whom will be amateurs, and for third parties, but the other side will be for the person purchasing or acquiring the puppy. I use the term “acquiring” to get round any mistakes in cases where money does not change hands. Part of what I am trying to do in the bill has already been mentioned by members. I am trying to make a potential acquirer go through a checklist of whether or not they are the right person, at the right time and in the right situation, to take on any puppy, let alone a specific breed. Members have already mentioned people's suitability in terms of their work and the free time available to them, their family composition, their age and the accommodation that they have. It will also require them to make inquiry of the person selling or transferring the puppy to them and, so far as practicable, to see the puppy with its mother and siblings. All those things have been mentioned by other members, but not in the context of their being a statutory requirement.

I do not know whether my proposed member's bill will be successful, but I thought that it was worth a try, rather than constantly trying to educate the public with various advertising campaigns and debates. The duties on breeders

would also be extended to require them to really check out the person trying to acquire a puppy from them. We need to cut off the demand. If we can cut off the demand in Scotland, through Scots law, it follows that we will reduce supply from one source or another.

It is early days but, like Emma Harper, I am determined to do as much as possible to reduce animal suffering and to identify the criminals who make big bucks from that ruthless trade—there is a role for Her Majesty's Revenue & Customs here. We should also give a thought to Brexit and to the impact of European Union withdrawal on animal welfare rules and regulations.

I will conclude by saying that I do not have the lifestyle for a dog, much as I would love to have a Dandie Dinmont—people should look that up if they do not know what it is—but I do have a rescue animal. It is a rescue cat. We get on fine and his name is Mr Smokey. One day, I may be in a position to have a rescue dog.

17:19

**Maurice Corry (West Scotland) (Con):** I begin by congratulating Emma Harper on securing today's debate. Well done to her for doing so. It was good to see that the two puppies that visited us last year in the Parliament are now doing so well and are happily in their forever homes. That sort of good story is a credit to the Scottish SPCA and is only one example of the great work that it does, so I am glad that Emma Harper's motion highlights it as an example of the type of organisation that people should be using to get a dog.

Dogs are man's best friends; Bobby, my family's west Highland terrier, is certainly that to me. That is a corny and overused phrase, but it is true. They fulfil a number of vital functions in our society: they can be a child's loyal first best friend, a companion for the elderly, a carer for those who are blind or deaf, or even a work colleague, whether in the police service or armed forces. I have recently read that trained dogs are being used with armed forces veterans in America who are suffering from post-traumatic stress disorder, which we should look at for this country.

The American author and animal activist Roger A Caras summed up our relationship with dogs. He wrote:

“Dogs have given us their absolute all. We are the center of their universe. We are the focus of their love and faith and trust. They serve us in return for scraps. It is without a doubt the best deal man has ever made.”

It is only right that we look after our best friends properly. As the motion notes,

“there are currently thousands of dogs situated in rescue centres across Scotland”

and those should be the priority for people who are looking to give a dog a home.

I welcome the inclusion of online trade in the motion. I had a quick search online and was able to find numerous websites to buy dogs, whether through official-looking websites or on websites such as Gumtree. Most sites did not have the information on the dog's past care and status that one would hope to be able to find out.

I urge anybody who is looking to get a dog not to use such sites, but to use one of the proper rescue centres. One of the nine Scottish SPCA rescue centres in Scotland is based in Dumbarton in my West Scotland region. I know of several examples in recent years of the successful rehoming of dogs that have brought a lot of love and joy to families.

17:21

**Colin Smyth (South Scotland) (Lab):** I thank Emma Harper for her motion that has allowed the debate to take place. With thousands of dogs across Scotland needing to be rehomed, today's debate is a great chance to talk about the benefits of adopting dogs and the importance of putting a stop to unethical dog breeding.

The recent Dogs Trust report on puppy smuggling revealed the sheer scale of illegal puppy trading, particularly from central and eastern Europe. The investigation found that puppies were being bred in poor conditions and imported to the UK in

"long journeys in cramped, filthy conditions with little or no food or water".

It found evidence that those involved in the business are finding new ways to avoid detection, including falsifying data on pet passports, importing puppies at an older age and transporting them in smaller numbers. The investigation even found one vet who was willing to sell sedatives to smugglers, as sedated dogs are considered to be easier to smuggle into the country.

As the motion notes, some of that trafficking is taking place at Cairnryan port in my home region of Dumfries and Galloway. Following the deeply disturbing findings of the BBC Scotland documentary "The Dog Factory", which revealed that animals were being illegally transported through that port, a pilot was set up to tackle the problem. As a councillor, I had the privilege of chairing the council's environment committee when that multiagency operation was established, which involved the council, Police Scotland, HMRC, Stena Line, and the Scottish, Royal, Ulster, Irish and Dublin SPCAs. It was a clear example of the benefits of a collaborative approach. Since the scheme began, it has successfully recovered and rehomed more than

170 puppies and I am delighted that, in September, the scheme was extended for another year.

Although valuable and innovative work such as that is taking place at a local level, there remains a need to address the more fundamental inadequacies of the existing legislation. As well as the need to introduce a fit-person check, there has been a more general call for the development of new, up-to-date offences that take into account large-scale puppy farming, online trading and designer breeding.

The operations at Cairnryan have highlighted the benefits of intelligence sharing and we should look at how to expand that practice. Trading standards Scotland is currently running an operation to gather intelligence on puppy sellers, which raises the possibility of using consumer protection legislation to take action against puppy sellers in cases where they can be identified.

Additionally, we must do more to put a stop to back-street breeding here in the UK. Research by Battersea Dogs & Cats Home found that only 12 per cent of the puppies that are born in Great Britain are born to licensed breeders. Its report, "Licensed Dog Breeding in Great Britain" highlights the need for regulation that encourages dog breeding businesses into the licensed market, while providing sufficient safeguards for dogs and consumers. The Welsh Government has introduced stricter welfare criteria for dog breeding and I hope that the Scottish Government will follow suit.

Beyond tackling the specific issues of puppy smuggling and back-street breeding, we must do more to protect dogs against cruelty and mistreatment. The recent decision to lift the ban on tail docking was a deeply regrettable move, and I hope that it will be reversed at some point in the future. However, I was pleased that, in its programme for government, the Scottish Government committed to raising the maximum sentence for animal cruelty to five years. That is welcome. Now that the UK Government has published draft legislation to address the issue in other parts of the UK, I hope that when she sums up the debate, the cabinet secretary will be able to say when the Scottish Government plans to introduce legislation to bring about such change in Scotland, in line with the campaign of the Battersea Dogs & Cats Home for tougher sentences. Our current maximum sentence of 12 months is one of the most lenient in Europe, and it completely fails to reflect the seriousness of such crimes.

I also urge the Scottish Government to take bolder action on electric shock collars. Shock collars are fundamentally cruel and unnecessary. Regulating their use will not put a stop to their role

in the mistreatment of dogs, and the creation of a qualification for using them risks making their use aspirational. The case for a full ban is clear, and it has the support of a wide range of animal welfare organisations and dog training and behavioural experts. In addition, we must do more to ensure that dogs are bred, sold and looked after in a more ethical way.

Shelters and rescue centres across Scotland are doing fantastic work to find dogs suitable homes, and I join other members in encouraging people to adopt a dog rather than buy one.

**The Deputy Presiding Officer:** Two more members wish to speak in the debate before the cabinet secretary responds. Therefore, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes to allow that to happen.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Emma Harper*]

*Motion agreed to.*

17:26

**Gillian Martin (Aberdeenshire East) (SNP):** I thank Emma Harper, not only for bringing the debate to Parliament but for her tireless work on raising awareness of puppy trafficking, illegal puppy farming and dog welfare.

In the debate that Emma Harper led on the issue last year, I talked about my friend's wonderful dog Dieta, a giant Schnauzer. She was a maltreated breeding bitch who was a casualty of the insatiable demand for pedigree puppies. She was rescued by my pal and was lucky to live out the rest of her life surrounded by love.

This year, however, my speech does not have such a happy ending because, last month, the biggest illegal puppy farm in the country was discovered in Fyvie in my constituency. Yet again, the love that we as a nation have for our dogs has been manipulated for commercial gain at the expense of the health and welfare of those dogs.

In June this year, I wrote to Aberdeenshire Council as a result of concern that had been raised in the local press about the fact that Michelle Wood of Fyvie had applied for planning permission for kennels. Ms Wood was linked to the James family, three members of which had previously been banned from running a pet shop and owning more than two dogs after animals in their care were seized in horrific conditions. The press suspected that Ms Wood was a front for the James family, who had already applied for licences unsuccessfully several times via other family members.

Thankfully, the Formartine area committee joined the dots and refused the licence and planning permission. However, last month, the Scottish SPCA and Police Scotland raided premises in the Fyvie area and seized 105 animals. They included more than 90 bitches and their pups, who had been bred illegally and were being kept in horrifying conditions. Investigations are on-going, so I cannot say any more except this: many of the animals that were seized were in such poor condition that they have had to be put to sleep.

Extensively and aggressively bred bitches do not produce healthy babies. People who buy a puppy from someone they do not know or for whom they have no trusted recommendation not only run the risk of having a very sick animal on their hands—one that, heartbreakingly, a vet might recommend be put down—but unwittingly perpetuate the illegal trade. The people who illegally breed such dogs know our vulnerabilities. They know that it is very difficult for a customer to walk away from a puppy, even if they have doubts about how it is being cared for.

Illegal puppy farms such as the one in my constituency prey on our love of dogs, but people who truly love dogs will home a dog responsibly. I ask people to adopt an older dog if they can, and if they must get a puppy, I ask them not to buy one on impulse but to do their homework. That way, we can end this disgraceful and cruel trade.

17:29

**Mark Ruskell (Mid Scotland and Fife) (Green):** I join other members in thanking Emma Harper for securing this debate, and I declare an interest as an honorary member of the British Veterinary Association. I also declare an interest as the owner of a retired greyhound called Bert, who was the winner of the Holyrood dog of the year public vote this year. Bert greatly enjoyed his day inside the Parliament. He ran up and down corridors and even broke into Willie Rennie's office at one point, although he did not leave him any messages—not about ferries, anyway. He had a great time.

I pay tribute to the Scottish Greyhound Sanctuary, which is the organisation that rehomed Bert with us. It takes dogs that have often come from quite disgraceful conditions in the racing industry and fosters them, bringing them into a real home in which the dogs can get used to being in a loving environment with a real family. It works with potential owners, home-checking the potential owners' homes to ensure that they are suitable for the dogs, and working with the dogs right the way through the adoption process as they adapt to their new families and their forever homes.

There are some misconceptions about greyhounds. People think that they need to be walked a lot, but they do not; two short walks a day will usually suffice, as they do not need a huge amount of exercise. Further, they are not highly strung and are, in fact, very chilled out and relaxed dogs. They are great family pets.

There is a serious point here. We need to think about regulating the industry further, because hundreds of greyhounds are killed each year, often simply because they have gone lame and can no longer race. Greyhounds are often shot in the head with a bolt gun. Some greyhounds are sold to China, where they race at a track called the Canidrome, and where, unless they place first, second or third in their first five races, they are destroyed. There is a serious issue to be addressed about a betting industry that is making a lot of money from the exploitation of animals, and I believe that we need to think again about regulating the greyhound industry. Certainly, at the very least, there should be compulsory rehoming. That would be a significant reform.

I back Emma Harper's call for us to adopt not shop, and I suggest that, where appropriate, we should also think about adopting greyhounds.

17:32

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** As many other members have done, I congratulate Emma Harper on securing this debate, which comes shortly after the publication of the research that was commissioned by the Scottish Government from Northumbria University and the University of South Wales to help understanding of the policy challenges relating to the illegal trade in and irresponsible breeding of puppies. It is important that we do that kind of research to ensure that, as we move forward on policy issues, the underpinnings are strong.

I thank everyone who has spoken in the debate. Many of them echoed each other's sentiments and comments, as one would imagine in a debate such as this. I am not going to try to recall the names of all the dogs and puppies that were referenced in the debate—I see that those members with dogs care very much about them. Sadly, I am one of those people who, because of their work-life balance, have made a choice not to have a dog or a puppy, as having one in their current circumstances would not be appropriate. I wish that other people would understand that there are times in one's life when one should not have a dog of any kind. If someone cannot look after a dog, it is not fair on the dog to take one on.

I recognise Emma Harper's longstanding and steadfast concern about this issue. In her opening speech, she flagged up the research and, like many other members, reinforced the reasonable point that adopting a rescue dog is by far the best way to acquire a dog in the first place.

Rona Mackay and David Stewart referred to cross-border trade issues not so much in terms of the illegal puppy trafficking that the motion is concerned with but in terms of people's desire to adopt dogs that they think are being abused in other countries. Of course, that overlooks the fact that there are huge numbers of dogs here that need to be rehomed. Further, sadly, that misplaced sense of care simply encourages illegal pet trafficking. People might be acting with the best intentions, but in this case, unfortunately, those good intentions result in the opposite of what they want to happen.

The illegal puppy trade is indeed a blight across the whole of Scotland. I listened to Gillian Martin's description of what has happened in her local area. The fact remains that Cairnryan is a main entry port for many unfortunate puppies. My officials regularly attend meetings there and they keep me informed of what is happening locally.

Co-operation on intelligence sharing between the enforcement authorities and welfare organisations across the UK through campaigns such as operation Delphin is greatly encouraging. I am also pleased to see that HM Revenue and Customs is now taking a close interest in recovering large sums in unpaid taxes from the criminals involved in this lucrative cash-based trade. Sometimes ways of tackling the problem are not immediately obvious, so that is a welcome step.

The puppy trade is driven by buyer demand. A great deal of information is already available to those who wish to buy a puppy responsibly, so we would like to ensure that everyone who is thinking of buying a puppy—or any pet—has no difficulty in finding advice if they look for it. Our "Code of Practice for the Welfare of Dogs" advises potential purchasers on all the aspects to consider when obtaining a puppy, how to purchase it from a reputable source and, as I mentioned at the outset, whether one should actually take on a dog at all.

**Christine Grahame:** I do not want to corner the cabinet secretary, but is she sympathetic to my proposal that we should embed in statute duties on the person who is acquiring a dog, rather than just having guidance—worthy though it is?

**Roseanna Cunningham:** I want to look carefully at all proposals, but we all recognise that the member is at it, because we have already had a meeting on this very subject. I congratulate the

member on chancing her arm as she is often wont to do in circumstances such as these. All practicable and manageable proposals will be looked at carefully

Sadly, codes of practice can only go so far. The research that we funded confirmed that many buyers act on impulse without seeking information beforehand and will still agree to take delivery of an animal in exchange for cash, in the most unlikely of places, perhaps wrongly believing that there is such a thing as a cut-price pup. We need to eradicate that belief from people's thinking, as what they do, unwittingly at best, is to provide a market that can be exploited by puppy traffickers.

There is also a tendency for well-meaning buyers to want to "rescue" puppies that might be sick or are from dubious sellers, but that just continues to fuel the trade. If someone wants to rescue a pup, there are plenty of reputable establishments that should be the first port of call for anyone who wants to take on a rescue dog.

In keeping with the commitment in the programme for government, work on a public awareness campaign in conjunction with the Scottish SPCA and other leading welfare organisations is already under way. Sadly, events in the past year have shown that not all those who look after rescued animals do so with the animals' best interests at heart. That is why we committed to consult on a modern system of licensing and registration of animal sanctuaries and rehoming activities. That will ensure that effective controls are in place to further protect the welfare of rescued animals. The consultation paper launched on 11 December, so I call on all those who have an interest in the subject to make their views known.

We should not be under any illusions: the demand for particular breeds and the movement of dogs between Northern Ireland and Scotland will not be easy to disrupt. There are no animal health restrictions on the free movement of pet animals between these two parts of the UK, just as there are no restrictions on the movement of dogs to Scotland from England or Wales, although poor welfare conditions can be dealt with.

That sounds gloomier than I hope the position actually is or will become. We will continue to work closely with the pet animal advertising group and support its efforts, which seem to have some effect. The key message remains that the illegal trade in puppies from Ireland and elsewhere could be seriously disrupted if every puppy buyer first considered rehoming an animal from a centre in Scotland, or, if they must buy a puppy, insisted that they see it first with its mother at the breeder's premises.

I hope that in time the message "Adopt, don't shop" will become as well known as the advice that "A dog is for life, not just for Christmas."

*Meeting closed at 17:40.*



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