



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 1, No. 53, Session 6

Meeting of the Parliament

Tuesday 30 November 2021

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

1. Time for Reflection: Sally Fraser, Edinburgh City Centre Chaplain, Workplace Chaplaincy Scotland, led Time for Reflection.

2. Revision to Business Programme: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02343—That the Parliament agrees to the following revisions to the programme of business for —

(a) Tuesday 30 November 2021—

after

followed by First Minister's Statement: COVID-19 Update

insert

followed by Ministerial Statement: Response to Storm Arwen

followed by Ministerial Statement: Scottish Government Response to Independent Review of Deaths in Prison Custody

delete

5.00 pm Decision Time

and insert

6.00 pm Decision Time
(b) Wednesday 1 December 2021—

after

followed by Scottish Labour Party Business

insert

followed by Scottish Government Business: Reappointments to the Scottish Land Commission

The motion was agreed to.

- 3. Topical Questions:** Questions were answered by Cabinet Secretaries.
- 4. Ministerial Statement:** The First Minister (Nicola Sturgeon) made a statement and answered questions on Covid-19 Update.
- 5. Ministerial Statement:** The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney) made a statement and answered questions on Response to Storm Arwen.
- 6. Ministerial Statement:** The Cabinet Secretary for Justice (Keith Brown) made a statement and answered questions on Scottish Government Response to Independent Review of Deaths in Prison Custody.
- 7. Ministerial Statement:** The Minister for Drugs Policy (Angela Constance) made a statement and answered questions on Pathways to Recovery - Update on progress and milestones for expanding access to Residential Rehabilitation in Scotland.
- 8. Justice and the 16 Days of Action:** The Minister for Community Safety (Ash Regan) moved S6M-02306—That the Parliament welcomes the opportunity to highlight the 16 Days of Activism to End Gender-Based Violence and to reaffirm a strong commitment and programme of action to prevent and eradicate all forms of violence against women and girls; recognises the opportunity as Scotland emerges from the COVID-19 pandemic to transform its justice services, ensuring effective, efficient and resilient services that meet the needs of people and reflect the role for justice in a modern society; welcomes the Scottish Government's commitment to setting in place the right legislative environment to support, enable and protect women and girls, including the introduction of world-leading human rights legislation furthering Scotland's international obligations; welcomes the planned establishment of a Governance Group comprising key stakeholders to progress the detailed consideration of the recommendations in the Lord Justice Clerk's Review Group report, Improving the management of sexual offence cases, including the potential introduction of specialist courts, and to identify and prioritise recommendations that can be taken forward without legislative change; recognises and reflects on the

advancements made and key achievements to date, including the delivery of a pilot to pre-record rape complainers' statements; notes the progress of the Misogyny and Criminal Justice in Scotland Working Group, chaired by Baroness Helena Kennedy; acknowledges a new work stream to take a strategic approach to women in justice in the system to address the unique needs of women not currently being met, either as offenders or victims; commends the work of frontline criminal justice advocacy support services, which have worked tirelessly to redesign services and ensure that women and children can still access support throughout the pandemic, and encourages continued collaboration to ensure that the interests of victims of gender-based violence and those who rely on the justice system remain at the heart of necessary reforms, and to deliver a modern justice system fit for the future.

Jamie Greene moved amendment S6M-02306.3—

As an amendment to motion S6M-02306 in the name of Keith Brown (Justice and the 16 Days of Action), insert at end "; recognises that women are overwhelmingly the victims of the most horrific crimes committed in Scotland, and believes that more victims of crimes such as sexual assault and domestic abuse should receive notification about the release date of the criminal in their case should they wish."

After debate, the amendment was agreed to (DT).

Pauline McNeill moved amendment S6M-02306.2—

As an amendment to motion S6M-02306 in the name of Keith Brown (Justice and the 16 Days of Action), insert at end "; considers that the exclusion of hate against women from existing hate crime legislation is an unacceptable gap in the law, and that misogynistic behaviour should be treated as a hate crime; believes that access to legal representation must be made easier for victims of domestic abuse and that the Scottish Government should evaluate specialist domestic abuse courts, particularly their impact on sentencing outcomes, the speed at which cases are dealt with and the experiences of victims, with a view to rolling out domestic abuse courts across Scotland.

After debate, the amendment was disagreed to ((DT) by division: For 51, Against 61, Abstentions 0).

The motion, as amended, was then agreed to (DT).

Accordingly, the Parliament resolved— That the Parliament welcomes the opportunity to highlight the 16 Days of Activism to End Gender-Based Violence and to reaffirm a strong commitment and programme of action to prevent and eradicate all forms of violence against women and girls; recognises the opportunity as Scotland emerges from the COVID-19 pandemic to transform its justice services, ensuring effective, efficient and resilient services that meet the needs of people and reflect the role for justice in a modern society; welcomes the Scottish Government's commitment to setting in place the right legislative environment to support, enable and protect women and girls, including the introduction of world-leading human rights

legislation furthering Scotland's international obligations; welcomes the planned establishment of a Governance Group comprising key stakeholders to progress the detailed consideration of the recommendations in the Lord Justice Clerk's Review Group report, Improving the management of sexual offence cases, including the potential introduction of specialist courts, and to identify and prioritise recommendations that can be taken forward without legislative change; recognises and reflects on the advancements made and key achievements to date, including the delivery of a pilot to pre-record rape complainers' statements; notes the progress of the Misogyny and Criminal Justice in Scotland Working Group, chaired by Baroness Helena Kennedy; acknowledges a new work stream to take a strategic approach to women in justice in the system to address the unique needs of women not currently being met, either as offenders or victims; commends the work of frontline criminal justice advocacy support services, which have worked tirelessly to redesign services and ensure that women and children can still access support throughout the pandemic, and encourages continued collaboration to ensure that the interests of victims of gender-based violence and those who rely on the justice system remain at the heart of necessary reforms, and to deliver a modern justice system fit for the future; recognises that women are overwhelmingly the victims of the most horrific crimes committed in Scotland, and believes that more victims of crimes such as sexual assault and domestic abuse should receive notification about the release date of the criminal in their case should they wish.

9. Decision Time: The Parliament took a decision on item 9 as noted above.

10. Lamb for St Andrew's Day Campaign: The Parliament debated S6M-01737 in the name of Jim Fairlie—That the Parliament congratulates all those who have been involved in the continuing #LambforStAndrewsDay campaign, including those in the Perthshire South and Kinross-shire constituency; notes the particular involvement of George Purves in establishing the programme in 2009; welcomes the participation of 180 schools from throughout Scotland, where, it understands, 30,000 portions of Scotch lamb will be cooked and served; considers that the campaign, which seeks to make Scotch lamb synonymous with celebrating St Andrew's Day, perfectly showcases some of the best of Scottish produce; welcomes all positive endeavours to build on the fantastic progress that has already been made, and notes calls encouraging everyone to make St Andrew's Day special by cooking top quality Scotch lamb in celebration.

The meeting closed at 7.01 pm.

David McGill
Clerk of the Parliament
30 November 2021

Appendix
(Note: this Appendix does not form part of the Minutes)

Committee Reports

The following report was published on 30 November 2021—

Rural Affairs, Islands and Natural Environment Committee, 5th Report, 2021
(Session 6): Subordinate legislation considered by the Rural Affairs, Islands
and Natural Environment Committee on 24 November 2021 (SP Paper 56)

Subordinate Legislation

Made Affirmative Instruments

The following instruments were laid before the Parliament on 29 November 2021 and are subject to the made affirmative procedure—

Health Protection (Coronavirus) (International Travel and Operator Liability)
(Scotland) Amendment (No. 8) Regulations 2021 (SSI 2021/440)
laid under section 122(6) and (7) of the Public Health etc. (Scotland) Act 2008

Health Protection (Coronavirus) (International Travel and Operator Liability)
(Scotland) Amendment (No. 9) Regulations 2021 (SSI 2021/441)
laid under section 122(6) and (7) of the Public Health etc. (Scotland) Act 2008

The following instrument was laid before the Parliament on 30 November 2021 and is subject to the made affirmative procedure—

Health Protection (Coronavirus) (International Travel and Operator Liability)
(Scotland) Amendment (No. 10) Regulations 2021 (SSI 2021/443)
laid under section 122(6) and (7) of the Public Health etc. (Scotland) Act 2008

Affirmative Instruments

The following instruments were laid before the Parliament on 29 November 2021 and are subject to the affirmative procedure—

Scottish Child Payment Regulations 2020 and the Disability Assistance for Children
and Young People (Scotland) Regulations 2021 (Miscellaneous Amendments)
Regulations 2022 [draft]
laid under section 96(2) of the Social Security (Scotland) Act 2018

Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4)
Regulations 2021 [draft]
laid under paragraph 6(1) of schedule 19 of the Coronavirus Act 2020

The following affirmative instrument was withdrawn and re-laid before the Parliament on 30 November 2021—

Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 [draft]

laid under sections 3A(3) and 44(3) of the Civic Government (Scotland) Act 1982

Negative Instruments

The following instruments were laid before the Parliament on 30 November 2021 and are subject to the negative procedure—

Social Security Administration and Tribunal Membership (Scotland) Act 2020 (Commencement No. 5 and Transitional Provisions) Regulations 2021 (SSI 2021/442 (C. 31))

laid under section 17(3) of the Social Security and Tribunal Membership (Scotland) Act 2020 and section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010

Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2021 (SSI 2021/446)

laid under section 42 of the Prisons (Scotland) Act 1989

Laid Only Instruments

The following instrument was laid before the Parliament on 26 November 2021 and is not subject to any parliamentary procedure—

Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Miscellaneous) (No.2) 2021 (SSI 2021/434)

laid under section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

Other Documents

The following documents were laid before the Parliament on 29 November 2021 and are not subject to parliamentary procedure—

NatureScot Annual Report and Accounts 2020/21 SG/2021/354 laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

Response to Scrutiny Report of 18 November 2021 on the Disability Assistance for Children and Young People (Scotland) Regulations 2021 and the Scottish Child Payment Regulations 2020 (Miscellaneous Amendments) Regulations 2022 SG/2021/356 laid under section 97(9) of the Social Security (Scotland) Act 2018

Response to the Scottish Commission's scrutiny report on 18 November 2021 on the Suspension of Assistance (Disability Assistance for Children and Young People) (Scottish Child Payment) (Scotland) Regulations 2021 SG/2021/355 laid under section 97(9) of the Social Security (Scotland) Act 2018

The following documents were laid before the Parliament on 30 November 2021 and are not subject to parliamentary procedure—

Revenue Scotland Corporate Plan 2021-2024 RS/2021/01 laid under section 11(4)(b) of the Revenue Scotland and Tax Powers Act 2014

National Records of Scotland Annual Report & Accounts 2020-21 SG/2021/51 laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

The 2020/21 audit of National Records of Scotland SG/2021/343 laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

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