PREVIOUS INQUIRIES INTO PARLIAMENTARY TIME AND COMMENTS FROM POLITICIANS IN THE SCOTTISH PARLIAMENT

This paper was produced for the Standards, Procedures and Public Appointments Committee. It details the work carried out by previous Procedures Committees on matters relating to parliamentary time in the chamber, including the format and timing of question times.

Annex A provides comments from present and past Members of the Scottish Parliament on how the Scottish Parliament could be improved.

Annex B is the summary of recommendation from the Session 2 Procedures Committee’s report on its review of parliament time in 2006.
# Previous Inquiries Into Parliamentary Time

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<td>2003</td>
<td>The Founding Principles of the Scottish Parliament: the application of Access and Participation, Equal Opportunities, Accountability and Power Sharing in the work of the Parliament.</td>
<td>To measure the Parliament’s achievements against the principles outlined in the report of the Consultative Steering Group on the Scottish Parliament.</td>
<td>The Committee received written and oral evidence from a wide range of bodies and individuals (at least 230 submissions).</td>
<td>The Parliament should agree a convention that timetabling arrangements should normally be made to allow all MSPs who wish to speak once in a Stage 1 debate and on a Stage 3 amendment to do so. If necessary greater use should be made of the facility to extend debates on Wednesdays. Forward timetabling should attempt to anticipate requests to speak at Stage 1 so that time is provided for all MSPs who wish to speak and that the decisions of those responsible for timetabling can take full account of MSPs’ level of interest. A new intranet facility should be created to allow MSPs to indicate in advance their desire to speak so enough time is programmed for Stage 1 debates. This facility should be reviewed to see if it could be extended to be used for all debates. Pending a full review of legislative procedures urgent consideration should be given to whether the timetable for Stage 3 is advisory only, so Presiding Officer (PO) can be flexible in allowing those who wish to speak on amendments, for which time has not be allocated, to do so, and to extend, if necessary, the overall time required to debate all amendments. If time had permitted the Committee was going to consider the outstanding issues of Question Time (QT) and First Minister Question Time (FMQT). This did not happen so it recommended that the balance of the</td>
<td>The Session 2 Parliament considered the Committee’s recommendations in the Chamber. Recommendations were not implemented following this inquiry, but a number of the recommendations were carried forward in subsequent reports (detailed below) and then implemented.</td>
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work be pursued by its successor Committee in Session 2.

The successor Committee should conduct a fundamental review of the parliamentary question system.

In addition to general debates (which offer the Executive an opportunity to present its policies and decisions, and non-Executive parties with opportunities to scrutinise Executive actions and policies, and to present their own policy proposals) there may be a case for the Parliament giving consideration to subject based debates in which there would be no motion and no vote. Such debates could prove significantly different from motion-based ones, which are fuelled by party political considerations, and could offer the Parliament an opportunity for a more expansive, reflective and topical investigation of a subject or issue. Suggest trialling two subject debates, of 3 hours each, on topical and substantive issues, should be arranged for early in Session 2. They should be then be reviewed and if found successful could be made a regular feature.

Trial the re-positioning, when the motion has attracted a high level of support, at least one of the Members’ Business sessions to either 14.00-17.00 on Wednesdays or 9.30-17.00 on Thursday. The Committee should review the trial and report back.

If the Parliament ever decides to increase the time for plenary business it should consider increasing the time
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<td>June 2003</td>
<td>Duration and timing of First Minister’s Question Time</td>
<td>Requested by PO in response to the changed composition of the Parliament, i.e. an increase from 4 parties to 6 parties entitled to Bureau representation</td>
<td>BBC Scotland, Parliament’s Broadcasting Office and Participation Services, and the political parties represented in the Parliament</td>
<td>Maximum duration of FMQT be increased from 20 minutes to 30 minutes. Removal of the requirement that FMQT immediately follow question time, while keeping it normally on Thursdays. Bureau use the extra flexibility allowed by proposed changes to Standing Orders to schedule FMQT at 12 noon on Thursdays for a trial period until the Christmas recess.</td>
<td>Yes</td>
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<td>2003</td>
<td>Oral questions in the Chamber</td>
<td>Prompted by a letter sent by the First Minister to the Presiding Officer containing suggestions on various aspects of oral questioning</td>
<td>MSPs, Parliament officials, 6 community groups, visitors to the public gallery on 2 Thursdays at FMQT and QT, Scottish Council for Voluntary Organisations (SCVO), Edinburgh City Council, Scottish Trades Union Congress (STUC) and Federation of Small Businesses</td>
<td>FMQT should remain unchanged: 30 minutes each week with 6 questions selected by the PO, the first 2 or 3 questions by the leaders of the main opposition parties. Supported continued use of the open or diary-type question as a platform for supplementary questions on topical subjects. Introduce a trial themed element into QT. With questions each week on 2 of the 6 department-based themes proposed by the Government, plus a continuing element of general questions. Time for QT should be extended to 1 hour, which may require an earlier start to the afternoon business. Members should be entitled to lodge separate questions for each of the week’s themes as well as for any general element and that all questions should continue to be selected randomly. Number of minor changes to Rules, e.g. to guarantee</td>
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<td>2004</td>
<td>Oral questions and time in the Chamber</td>
<td>To report on the trial period of the rescheduled, lengthened, FMQT and on the proposed revised, part thematic, QT.</td>
<td>MSPs, visitors to the public gallery (including school groups), PO, 6 community groups</td>
<td>the member asking a question at FMQT the first supplementary question. Rule changes to enable SPCB QT to be scheduled regularly on the basis of a clearer procedural framework.</td>
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<td>2004</td>
<td>Timescales and stages of Bills</td>
<td>To address concerns about the amount of time allowed for the consideration of public Bills.</td>
<td>Scottish Parliament Committees, academics and Ministers who had supported Bills.</td>
<td>More time overall should be allowed for Stage 3 proceedings, where this is necessary to allow all issues raised to be properly debated. Business managers should consult more widely before recommending a timetable to the Parliament. A new rule to enable any member to move without notice (with the PO's agreement) to extend a timetabling deadline. If such a motion was disagreed to, it would not be possible to try again before that deadline was reached, and there would be a limit of 30 minutes on the overall extension to the day's business that could be secured in this way. That the debate on passing any substantial Bill should normally be allocated about 60 minutes rather than the 30 minutes usually allowed at present.</td>
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| 2005  | Final review of oral questions                    | To review the trial periods of FMQT and QT, which had been extended until October 2004.                                                                                                                                 | MSPs were polled | FMQT to be kept at 12 noon on Thursdays.  
A General QT of 20 minutes should be held immediately before FMQT.  
A separate themed QT of 40 minutes should continue to take place as the first item after lunch.  
Thursday’s business should normally begin at the slightly earlier time of 9.15 (rather than 9.30) in order to allow a more substantial period (2 hours 25 minutes) for the morning’s debate. The Parliament should reconvene at 14.15 on Thursdays. | Yes        |
|       |                                                   |                                                                                                                                                                                                                   |            | 24 February 2005                                                                                                                                                                                                                       |-----------|
| 2006  | Consultation report on parliamentary time: interim report | Suggestion that a review of parliamentary time be conducted put forward by the legacy paper of the Session 1 Procedures Committee                                                                                   | MSPs       | The Committee consulted on various options:  
Option 2A: a clear recommendation that the Bureau propose, whenever required, substantially longer for Stage 3 of a Bill; or Option 2B: no change.  
Option 3A: most Stage 3s scheduled with the amendment proceedings on one day and the debate on the motion to pass the Bill on a later day; or Option 3B: most Stage 3s continue to be scheduled on the same day.  
Option 6A: debates on ministerial statements to be the norm but not to follow immediately after the statement itself or initial questions on it; or Option 6B: most statements, as at present, not debated.  
Option 7A: all motions for major debate to be lodged by Tuesday of the previous week; or Option 7B: do not change the mandatory notion-period for motions and | The Committee agreed to pursue in its inquiry:  
Option 2A (more time for Stage 3s);  
Option 7A (earlier deadlines for motions and amendments) subject to there being a facility to alter motions at short notice in exceptional cases;  
Option 9A (interpellation) |
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<td>2006</td>
<td>Review of parliamentary time (3 original themes and one additional theme): The Parliament’s sitting pattern – times during which it meets throughout the year</td>
<td>Suggestion that a review of parliamentary time be conducted put forward by the legacy paper of the Session 1 Procedures Committee</td>
<td>MSPs, FSB, SCVO, Scottish Churches Parliamentary Office, Scottish Civic Forum, STUC, Scottish Television, BBC Scotland, CBI Scotland, Consultative Steering Group, and Barry</td>
<td>amendments. Option 9A: new Rules agreed to permit interpellations to be put in place by the end of Session 2 so trials of the system can be conducted early in Session 3, to assess if they should become a permanent feature of Chamber business; or Option 9B: no new Rules.</td>
<td>procedure) on a trial basis initially. The Committee agreed not to pursue: Option 3A (most Stage 3s to be scheduled over two days), but to ascertain how often Rule 9.8.5A had been used and proposed; Option 6A more debates on statements.</td>
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When the Committee’s Review of Parliamentary Time report (11th Report, 2006) was published in December 2006, its expectation was for a debate early in 2007 with Rule-changes timed to take effect for the
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<td></td>
<td>year</td>
<td>Types of business considered – how that time is divided up among debates of different sorts, e.g. oral questions and legislation and the notice given of that business</td>
<td>Winetrobe</td>
<td>Committees) meeting at the same time as the Chamber.  No consensus on whether the proportion of time for debates allocated to non-Executive parties (or groups) should be altered. Would prefer the time was not used for multiple short debates on substantial topics. Debates on certain mandatory committee reports should not be included in the time allocated under Rule 5.6.1(a). Committee debates should take place sooner after committee reports are published and should include more non-committee members. Members wishing to speak in committee and Stage 1 debates should notify the PO direct, not through business managers. The relevant motion for a major debate or for members’ Business should be lodged much earlier. To avoid compromising topicality the PO should have discretion to allow such motions and amendments to be altered or replaced in exceptional cases. The business programme proposed by the Bureau should give full details of the next fortnight and provisional indications of business further ahead. Greater flexibility in the Rules changing the requirement from one Members’ Business debate each day to two each week and removing the requirement for them to take place after Decision Time.</td>
<td>beginning of the new session. The Bureau, however, decided not to allocate Chamber time for a debate, suggesting that it would be more appropriate for the recommendations to be debated early in the new session. N.B. no such debate was held in Session 3 on the Committee’s report.</td>
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<td>How debates are structured – within any particular debate how speakers are chosen and speaking times allocated</td>
<td>Fact finding visits to the House of Commons and to Parliaments in Norway, Catalonia, Estonia and Finland. Information gathered from Parliaments in New Zealand, Queensland, Australia, Italy and France.</td>
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<td>Interpellations – a mechanism of holding government to account through a combination of questioning and debate that has</td>
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|      | no direct equivalent in UK parliaments. |                 |            | Substantially more time required for most amendment proceedings at Stage 3.  
May be scope to re-examine the conventions about how debates are structured that aim to secure proportionality and facilitate the management of debates, perhaps to achieve a better balance between the time given to party spokespersons (for opening and closing speeches) and that given to backbenchers (in open debate).  
May be a case for fewer, but longer debates.  
Current convention of 6 minutes for the “default length” of longer debates and 4 minutes, for speeches in debates for 90 minutes or less, is reasonable  
Maybe a case for experimenting with 7 or 8 minute speeches in the longest debates on 2.5 hours or more, even though this would allow fewer speakers overall. This would be on the understanding that the speaker would take one or two interventions. If interventions were consistently refused then the PO could reduce the speaking time.  
Create new chapter in Standing Orders to introduce procedures for interpellations with a trial period early in Session 3. |            | |
Sources


Scottish Parliament Procedures Committee (2003) 1st Report 2003 (Session 2) First Minister’s Question Time and minor Standing Order changes

http://www.scottish.parliament.uk/business/committees/historic/procedures/reports-03/prr03-02-01a.htm [Accessed 13 September 2011]


http://www.scottish.parliament.uk/business/committees/procedures/reports-05/prr05-02-00.htm [Accessed 13 September 2011]


[http://www.scottish.parliament.uk/business/committees/procedures/reports-06/prr06-11-Vol01-00.htm](http://www.scottish.parliament.uk/business/committees/procedures/reports-06/prr06-11-Vol01-00.htm) [Accessed 14 September 2011]

Francesca McGrath  
Senior Researcher  
SPICe  
20 September 2011
COMMENTS BY PRESENT AND PAST MSPS

Bill Aitken:

- Important subjects are often curtailed and rushed through, simply because of this idea that we would have family-friendly hours so that people could look after their children. I think there should be two complete days of plenaries.

- I would make Decision Time seven o'clock. That would allow more time for some proper debating.

Jackson Carlaw MSP:

- The Presiding Officer’s role needs to be strengthened to aid Ministerial scrutiny.

- Barrier to a harder working Parliament is the practice that committees do not meet at the same time as a plenary session.

- Every contribution in a debate, whether from the front or back benches, should be regarded as being of equal value.

- Should lengthen the time available for debates or remove the arbitrary timescales currently in place.

Bruce Crawford MSP:

- Highlighted potential areas for reform, including changing the chamber sitting time and having more flexible rules on the contributions from backbenchers.

George Foulkes:

- Procedures do not allow for spontaneity. Questions are determined by ballot and by Whip’s patronage, not by ability and determination.

- General and departmental Question Times are pathetic rituals of questions which are read, often badly, and answers drafted by civil servants with no apparent input from the minister delivering them.

Hugh Henry MSP:

- Both First Minister’s Questions and questions to minister have become a farce where questions are often not answered at all.

- Members whose questions were answered should also be allowed more than one supplementary to allow them to develop a theme, even if it means reducing the number of questions per session.

- Suggested a new system of allowing MSPs to interrogate ministers, allowing greater time and depth. Also challenged the amount of time allotted to backbenchers during important debates while questioning the value of other debates which he said were just padding.
• Need to ensure the topics for debate are relevant and sharp.

• Need to look at how to encourage people to participate in genuine debates where there can be interventions and discourse instead of allotted slots of 4 minutes where you hardly have time to develop a point. For important legislation there also needs to be more time for members to debate amendments, especially at Stage 3.

• Should look at lessening the influence of the party whips and the Presiding Officer should be looking more at who participates in debates.

• Mr Henry suggested moving Members Business debates to committee rooms; this would provide a more intimate atmosphere for those who are interested.

• Committees should be allowed to sit at the same time as the Chamber business.

• Also asked at the ban on using laptops or tablets in the Chamber be revisited.

**Jack McConnell:**

• Even the most passionate orator and skilful debater would struggle to make an impact within the limitations of the Scottish Parliament.

• The people who drafted the original procedures rightly wanted a modern parliament, one whose business hours were family-friendly, and where decision-making was done in an almost collegiate atmosphere, at least most of the time. It is simply not working.

• Parliamentary debates are largely perfunctory, with a set of rules that insist on short individual contributions. There is barely sufficient time to set out a few rhetorical points, let alone argue a coherent case for or against a particular policy.

• There is no encouragement to be spontaneous or challenging in debates either, with speakers chosen by party business managers, so ensuring all contributions are on message.

• The ‘debate’ on the timing of the UK referendum on the AV voting system, set to clash with the 2011 Scottish elections, took two hours. There was a ten-hour debate in the House of Lords to discuss the same issue.

• John Swinney had 25 minutes to set out his spending plans before answering a handful of questions on the detail. The budget then goes to committees before coming back to the parliament for another short debate and a vote.

• At Westminster, the Budget is debated over days and the fine details is thrashed out in the full glare of the House of Commons, with a committee of the whole House able to consider novel or controversial aspects.

• One of the most frustrating aspects of a parliamentary process designed to be consensual instead of confrontational is the inability to demand answers quickly. There is a genuine excitement in Westminster generated by the daily Statements from Ministers on topical controversies and announcements.
• But in Holyrood, business ends on a Thursday at 17.00, and no matter what events unfold over the next five days, Parliament will not consider them until 14.30 on the following Wednesday, at the earliest. When a significant issue arise, such as the loss of tax-varying powers, then the Parliament should be able to convene quickly.

• Major legislation and set piece government announcements – such as the Budget – deserve more debating time. Contributions should be longer than six minutes, with open rights for all MSPs to take place.

• There should be an onus on Ministers to make a Statement to the Chamber within 24 hours if the government loses a policy vote.

• May also be time to make a fundamental change to the Parliamentary week. Committees could meet in the mornings with chamber statements and debates held every afternoon, for at least three day a week.

Henry McLeish, George Reid and David Steel:

• They all called for a review of the family friendly hours. They suggested it was time to consider extending the Parliament’s hours to Mondays or Fridays.

• Mr Reid suggested more could be done if committees and the Chamber met simultaneously.

Sources

Bill Aitken: Holyrood big guns bow out - with parting shots at the calibre of MSPs Scotsman 23 March 2011

Jackson Carlaw: It’s time to realise the potential of the Scottish Parliament published 23 October 2010

Bruce Crawford: Call for Parliamentary reform Scottish Government news release 12 June 2011

All parties needed to help change Holyrood Scotland on Sunday 12 June 2011

Dorothy-Grace Elder: Express 27 October 2010

Holyrood needs to be reformed Express 23 March 2011

George Foulkes: High time that First Minister’s Questions saw some changes Telegraph 8 January 2010

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Lord Foulkes attacks ‘pathetic’ Scottish Parliament Telegraph 21 September 2010


Margo Macdonald: Jack’s the lad with right idea Scotsman 2 March 2011
Jack McConnell:  
Why the ‘pedestrian’ Scottish Parliament needs overhauling  
*Telegraph* 24 November 2010  
Letter to PO 25 February 2011  
Scotland on Sunday 27 February 2011  
Sunday Express 27 February 2011  
Sunday Herald 27 February 2011  
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Express 28 February 2011  

Brian Monteith:  
Holyrood must dare to be different  *Scotsman* 13 June 2011  

George Reid:  
Holyrood’s ‘three wise men’ back parliament overhaul  
*Telegraph* 24 November 2010

Summary of recommendations

In general, we endorse the existing sitting pattern. Where it is appropriate to depart from it, in exceptional circumstances, this should be done on the basis of proper consultation and well in advance. We support the Parliament’s general commitment to “family-friendly” working patterns. Where the Parliament wishes to sit later on a Thursday, the Rules should enable the decision to be taken in a more transparent way. (paragraphs 47-50)

We do not believe more Chamber time overall is needed: the emphasis should be on using existing time better. We do not recommend any fundamental change to Decision Time, nor do we recommend any greater facility than at present for committees to meet at the same time as the Chamber. (paragraphs 51-58)

Too much time is spent on relatively anodyne debates. We have not reached a consensus on whether the proportion of time for debates allocated to the non-Executive parties (and groups) should be altered. Those parties (and groups) should be given more notice of when they are to be given debating time; and while it must be for them to use that time as they choose, we would prefer it not to be used for multiple short debates on substantial topics. (paragraphs 86-89)

Debates on certain mandatory committee reports should not be included in the time allocated under Rule 5.6.1(a). Committee debates should take place sooner after committee reports are published, and should involve more non-committee members. Members wishing to speak in committee and Stage 1 debates should notify the Presiding Officer direct, rather than through business managers. (paragraphs 90-94)

Where time is allocated to the Executive, an opposition party (or group) or a committee for a major debate, or for Members’ Business, the relevant motion should be lodged much earlier – by the Tuesday of the previous week. Amendments should be lodged by the Thursday of that previous week. (The same deadlines should apply to committee debates and Members’ Business debates.) To avoid compromising topicality unduly, the Presiding Officer should have discretion to allow such motions and amendments to be altered or replaced in exceptional cases. (paragraphs 95-98)

The business programme proposed by the Bureau each week should give full details of the next fortnight, and provisional indications of business further ahead (paragraphs 99-101)

The current requirement for one Members’ Business debate each day after Decision Time should be replaced with a more flexible requirement for at least two such debates each week. Times for Members’ Business should be fixed in consultation with the member in question, well in advance. (paragraphs 102-104)

Where embargoed copies of Ministerial statements are provided in advance, this should be to all members equally. More time should be made available, where the demand exists, for questions on a statement. (paragraphs 105-108)

Substantially more time is needed for most amendment proceedings at Stage 3. To make it easier for the appropriate time to be calculated, the deadline for lodging Stage 3 amendments should be brought forward to the Monday of the previous week. In
consequence, the minimum interval between Stages 2 and 3 should be increased by the equivalent of a week. Consideration should be given to making the final debate on the Bill more meaningful. To help members prepare for Stage 3, SPICe briefings should be prepared, outlining the main points that arose during Stage 2. Greater priority should also be given to post-legislative scrutiny. (paragraphs 110-122)

There may be a case for fewer, but longer debates. In the longest debates, backbench speakers could be given seven or eight minutes each, rather than six, on the understanding that they are prepared to take more interventions. (paragraphs 134-136)

A new procedure for interpellations should be introduced, and a trial conducted early in Session 3. (paragraphs 146-150)