General

Please note that our comments and suggestions below are not specific to our role as a Committee in session 4 alone but draw on our experiences as Members across a number of sessions of Parliament.

Bill timetabling

The Committee would wish to emphasise the need for care to be taken by a Scottish Government when considering when to introduce Bills. For example, in the period September to early December 2013 the Committee dealt with scrutiny of the Scottish Government’s draft budget, the completion of Stage 1 of the Regulatory Reform (Scotland) Bill, and then Stage 2 of that Bill, and all of Stage 1 of the Bankruptcy and Debt Advice (Scotland) Bill. Managing this Scottish Government business, to allow appropriate time for proper scrutiny of each piece of work by the Committee and external interested parties, required careful timetabling by the Committee and left little, if any, room for the Committee to timetable evidence sessions on other issues within its work programme.

Care and attention must also always be given when timetabling a Bill between Stages 1 and 2, and 2 and 3. As highlighted, attention must be given to the workload of the lead committee to ensure that it has adequate time to properly fulfil its role at Stage 2. This is particularly true with regards Bills of a complex and/or controversial nature. It is vital that those external individuals and organisations with an interest in the Bill have sufficient time to consider the implications of the Stage 1 report, and the Scottish Government’s response, and understand the implications of any amendments included at Stage 2.

It is important, therefore, that there continue to be close working relations between the Minister for Parliamentary Business’s Office and committee clerks.

Dealing with each and every section at Stage 2

The Committee questions whether it is necessary, at Stage 2, for the question on whether the committee is content with each section of the Bill to be put when no amendments have been made to particular sections. For those sections to which no amendment has been lodged or moved, it would be simpler for this section to be taken as agreed to by the committee concerned without the need for the question to be put. We recognise why this situation occurs but feel it is no longer necessary and Standing Orders should be amended accordingly if this permissible under the Scotland Act 1998.
Introduction of ‘new’ policy after Stage 1

This was an issue which arose in relation to the Regulatory Reform (Scotland) Bill and in previous sessions of Parliament. In the Scottish Government’s response to the Committee’s Stage 1 report, it highlighted a number of areas on which it would bring forward amendments at Stage 2. These were on three distinct issues that had not been in the Bill as introduced and therefore no consideration had been given to them during Stage 1. They were, in effect, new policies being introduced on:

- Carrier bag offences;
- Smoke control zones; and
- Contaminated land.

There had been no indication during the Stage 1 process from the Scottish Government that these issues might be included in the Bill and it was unclear what the issues had to do with the draft Bill. It seemed that due to the nature of the Bill it was being used as a ‘tidy-up’ mechanism to amend existing legislation. The Committee issued a call for views on these issues, with a fairly short two week deadline.

For future Bills, we would recommend that if the Scottish Government is considering introducing new policy areas it should have a duty to inform the lead committee and any secondary committees during the Stage 1 process, ideally before or during evidence taking, so that stakeholders’ views can be sought. It should also provide justification for including new policy area/s in that particular piece of legislation.

Stage 3 amendments and debate

The Committee would highlight the need to care and due consideration to be given to the timetabling of the Stage 3 debate in relation to the deadline for lodging Stage 3 amendments. In respect of Stage 3 amendments of a straightforward and non-contentious nature this should not give rise to any difficulties but in the case of a large number of more technical, albeit non-contentious, amendments being lodged, for example by the Scottish Government, then appropriate time must be afforded to members, and external bodies, to consider and understand the purpose of the amendments and what they seek to do.

As a recent example, the Scottish Government lodged 80 amendments to the Bankruptcy and Debt Advice (Scotland) Bill the day before the deadline for lodging. The Stage 3 debate was the next again week. While these amendments stemmed from issues which arose during the Committee’s earlier scrutiny of the Bill (and so it was familiar with the issues/sections of the Bill to which the amendments related), a longer period to properly consider and reflect on their purpose and effect would have been welcomed.

ECONOMY, ENERGY AND TOURISM COMMITTEE
26 MARCH 2014