Q1. Does the current three stage process deliver legislative scrutiny that is fit for purpose? In particular, how effective are the procedures for each of the main stages, the timescales allowed for these stages, and the time allowed between stages? To what extent does the current legislative process encourage engagement from interested parties?

We believe that the three stage process is broadly fit for purpose. Procedures for each main stage are sufficient, as well as transparent.

Timescales throughout the process are, however, too tight. We believe that affording more time to the process, especially at the amending stages, would be beneficial. Extending the time allowed between stages would allow members more time to consider amendments and, where necessary, liaise with other members and outside organisations on proposals.

We believe that extending the time between the amendment deadline and the parliamentary stages would also assist interested groups and individuals to understand the implications of any proposed amendments and to raise any anxieties or otherwise with members.

We do consider that there are some issues with timescales for stage 3:

- The management framework for the Parliament means that debate speeches are short. This can cause problems when speaking to groups of amendments. It is also the case that the timings can mean that members are unable to address some important issues which they would wish to at this important stage.
- Having the final vote on the bill on the same day, often directly after, the stage 3 proceedings gives little time for members to digest the changes and think about the bill which will be voted on. Consideration should be given to allowing at least one sitting day before the final vote on the bill.

**Accompanying documents**

Q2. Are any changes needed to the rules on the supporting documents which should accompany a bill on introduction?

The supporting documents prepared are of good quality and are clear and helpful. By way of background, especially for members not involved in the lead committee and also for members of the public and other interested parties, a background briefing on the issue should be considered.

SPICe already produces a range of briefings, but one ahead of Stage 1 giving details of the current legislation as well as the policy climate would be helpful.
At amending stages it would be useful, in addition to the marshalled list and group of amendments, to consider producing a list of amendments along with a brief outline of the intention sought by amendments. This would assist both members and interested parties outside of the Parliament when considering their stance.

**Purpose of stage 1**

Q3. Stage 1 involves a lead committee considering whether the general principles behind a bill should be agreed to. In recent times stage 1 reports have frequently looked in detail at the specifics of a bill, including recommending amendments at the amendment stages. Does the stage 1 procedure provide for adequate scrutiny? Are there any changes which could be made to improve stage 1 scrutiny of public bills?

Stage 1 scrutiny has evolved through the lifetime of the Parliament and we welcome that.

We believe that the more detailed scrutiny of the bill at stage 1 sets the scene for the line by line deliberation at stage 2. We would, therefore, resist any attempt to roll back the power of the lead committee at stage 1 to a less detailed deliberation. We also believe that the process of writing a report is an aid to members by drawing together their thoughts on all of the evidence presented to the committee through stage 1.

Additional time for Committees to gather evidence should be considered. Whilst the witness panel system works well, we believe that the time given to this is sometimes too limited, particularly in complex legislation.

We also believe that there is merit in considering a requirement for lead committees to issue a call for written evidence.

Increasing the time allowed for stage 1 and a call for written evidence would encourage further public engagement in the process. It would also allow all interested parties to give their view to the Committee. Whilst this approach would require additional time, we believe it would be beneficial to Committee members and would also fulfil the Parliament’s aim to be open and accessible to all.

There should be a mechanism by which additional time can be given to witnesses at the end of stage 1 if they have a genuine point on which to challenge the closing evidence given by the Government. At the moment witnesses are unable to so this, even if they believe that the last evidence given to the committee is in some way misleading. We believe that a pause before the start of stage 2 proceedings would be beneficial.

**Time allowed for stage 1**

Q4. Are changes needed to the timescales for stage 1 and how they are set?

As per our answer to question 3, we feel that an extension of the time permitted to complete stage 1 would be beneficial.
Amendment stages

Q5. The amendment stages involve line by line consideration of a bill in committee (stage 2) and then in the Chamber (stage 3). Are any changes needed to the rules on the deadlines for lodging amendments? Is the procedure for considering amendments in committee and the Chamber (using a marshalled list of amendments and groups of amendments) sufficiently transparent and understandable? Are there any alternative approaches which might be less technical and more accessible?

A duty on a committee to produce a stage 2 report should be considered. This would increase transparency of the process by summarising the main discussions and debates and the reasons behind the movement or withdrawal of amendments.

The time between the amendment deadline and the main stages (3 sitting days at stage 2 and 4 sitting days at stage 3) is a problem. For small groups which may not have members on each committee of the Parliament, the timeframes afford little opportunity to fully digest proposed amendments. We believe that this is also the case for individuals and interest groups who wish to follow the process and make their views known to members of the Parliament.

The procedure used for the moving and disposal of amendments is in our view both understandable and transparent. We have not identified an easier way of managing the process; but we would be open to piloting a new approach if one was brought forward.

The role of secondary committees

6. Committees considering primary legislation receive reports from the Delegated Powers and Law Reform Committee (DP&LR) and the Finance Committee and from other subject committees which have an interest in a particular bill. How well does this reporting process work in practice at stage 1? To what extent do the DP&LR and Finance Committees have an opportunity to scrutinise changes made to bills at stage 2?

The reporting system works at present. The opportunity to scrutinise changes made at stage 2 is very limited. Allowing more time between stages would allow further consideration to be given by committees other than the lead committee.

FROM ALISON MCGINNESS MSP
ON BEHALF OF THE SCOTTISH LIBERAL DEMOCRATS
19 MARCH 2014