Standards, Procedures and Public Appointments Committee

3rd Report, 2015 (Session 4)

Legislation and the Scottish Parliament

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Standards, Procedures and Public Appointments Committee

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CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remit and membership</td>
<td></td>
</tr>
<tr>
<td>Report</td>
<td>1</td>
</tr>
<tr>
<td>Conclusions and recommendations</td>
<td>3</td>
</tr>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Views we heard</td>
<td>4</td>
</tr>
<tr>
<td>Improved information and consultation</td>
<td>5</td>
</tr>
<tr>
<td>Clearer, more accessible information</td>
<td>5</td>
</tr>
<tr>
<td>Improved consultations</td>
<td>7</td>
</tr>
<tr>
<td>Publishing bills in draft form</td>
<td>9</td>
</tr>
<tr>
<td>Pre-legislative scrutiny</td>
<td>9</td>
</tr>
<tr>
<td>People giving evidence at committee meetings</td>
<td>10</td>
</tr>
<tr>
<td>Improving accompanying documents</td>
<td>11</td>
</tr>
<tr>
<td>Final comments on engagement</td>
<td>13</td>
</tr>
<tr>
<td>Improved information and consultation – summary</td>
<td>14</td>
</tr>
<tr>
<td>Time available to consider bills</td>
<td>14</td>
</tr>
<tr>
<td>Overall time to consider bills</td>
<td>15</td>
</tr>
<tr>
<td>Improved information on bill timetables</td>
<td>16</td>
</tr>
<tr>
<td>Increasing the minimum gap between stages 2 and 3</td>
<td>18</td>
</tr>
<tr>
<td>Options for a new minimum gap</td>
<td>20</td>
</tr>
<tr>
<td>Flexible gap</td>
<td>21</td>
</tr>
<tr>
<td>Deciding the gap between stages 2 and 3</td>
<td>22</td>
</tr>
<tr>
<td>Gap between stages 1 and 2</td>
<td>23</td>
</tr>
<tr>
<td>Time available to consider bills – summary</td>
<td>23</td>
</tr>
<tr>
<td>Making amendments easier to understand</td>
<td>24</td>
</tr>
<tr>
<td>Purpose and effect notes</td>
<td>24</td>
</tr>
<tr>
<td>Deciding on amendments in group order</td>
<td>26</td>
</tr>
<tr>
<td>Improved information</td>
<td>27</td>
</tr>
<tr>
<td>Packages of amendments</td>
<td>28</td>
</tr>
<tr>
<td>Deadlines for lodging amendments</td>
<td>28</td>
</tr>
<tr>
<td>Lodging deadline at stage 2</td>
<td>29</td>
</tr>
</tbody>
</table>
Standards, Procedures and Public Appointments Committee

Remit and membership

Remit:

1. The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

   (a) the practice and procedures of the Parliament in relation to its business;

   (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members’ interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;

   (c) the adoption, amendment and application of any Code of Conduct for members; and

   (d) matters relating to public appointments in Scotland.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

   *(Standing Orders of the Scottish Parliament, Rule 6.4)*

Membership:

George Adam
Cameron Buchanan
Helen Eadie (until 9 November 2013)
Patricia Ferguson (from 8 January 2015)
Cara Hilton (from 19 December 2013 to 8 January 2015)
Richard Lyle (until 27 November 2014)
Margaret McDougall
Fiona McLeod (until 18 December 2014)
Gil Paterson (from 8 January 2015)
Stewart Stevenson (Convener) (from 7 November 2013)
Dave Thompson (until 7 November 2013) (from 27 November 2014)

Committee Clerking Team:

Clerk to the Committee
Alison Walker
Gillian Baxendine

Senior Assistant Clerk
Roz Thomson
Alastair Macfie

Support Manager
Sam Currie
Standards, Procedures and Public Appointments Committee

3rd Report, 2015 (Session 4)

Legislation and the Scottish Parliament

The Committee reports to the Parliament as follows—

CONCLUSIONS AND RECOMMENDATIONS

Improved information and consultation

We must make it easier for people to engage with the legislative process.

We recommend that the Parliament reviews the style and format of the information it produces to inform people about legislation. It must be clearer, easier to understand and available in a range of different formats.

We recommend a number of improvements to the way the Parliament consults on bills. More must be done to attract the views of a wider range of people.

We recommend that as a matter of good practice all Scottish Government bills are published in draft.

We encourage committees to invite people directly affected by legislation to give evidence at committee meetings.

We do not think the number of accompanying documents should be added to. Instead the Scottish Government should work with the Parliament’s committees to improve the standard of the documents, particularly the information on sustainable development and the financial memorandum.

Time available to consider bills

Many people think the legislation process can be rushed. There was particular concern about the gap between stages 2 and 3.

We recommend that the Minister for Parliamentary Business and the Parliamentary Bureau improve how people are consulted on bill timetables. Many people told us that more time is needed. Their views must be taken into account.
People should be given better information in advance about the timetables of bills. We recommend that the Parliament improves the way it presents information on bill timetables.

We recommend that the minimum gap between stages 2 and 3 should be increased from 10 days to 14 days. This will protect more time for—

- MSPs and other people interested in the bill to prepare for stage 3
- Committees to look at revised bill documents following stage 2

The way the gap between stages 2 and 3 is decided should be clearer. The motion agreed by the Parliament should include more information on what the gap will be.

**Making amendments easier to understand**

Many people find amendments too complex to understand properly. The way that amendments are considered by the Parliament can also be confusing.

We have looked into alternative ways of dealing with amendments. Some changes might cause more problems than they solve, such as purpose and effect notes.

We think that the current arrangements for taking decisions on amendments should remain. An alternative procedure would probably be even more complicated.

However, improvements are needed to make the amendments process easier to understand. We recommend that—

- The Parliament should produce improved guidance on how the public can engage with the legislation process at stages 2 and 3.
- Amendments should be better presented. Packages of amendments which are linked should be clearly marked.
- The deadline for lodging amendments at stages 2 and 3 should be increased by one sitting day. This will allow more time for MSPs and interested people to understand the amendments properly before a decision is taken on them.
- The Scottish Government should consider lodging its amendments a day earlier at stages 2 and 3, to bring its convention into line with this change.

**Improving stage 3**

Many people think that stage 3 needs to be improved. Stage 3 is the final chance to amend the bill, so it is essential it works effectively. Our recommendations on the timing of bills and improvements to amendments will help meet this objective.

We think there should be a better link between stages 2 and 3. We recommend—
• Improved information is produced on what happened at stage 2

• The lead committee convener should update the Parliament on what happened at stage 2, before amendments are discussed. This idea should be piloted.

We were not convinced by some ideas for improving stage 3—

• The debate should not happen before consideration of amendments. MSPs need to see the final bill before they debate whether it should be passed.

• Amendments on ‘new’ issues should not be restricted. It would be hard to define what a new amendment is. Sometimes new amendments are welcomed by MSPs.

Instead we recommend the following improvements—

• Stage 3 amendments should take place over more than one day, for certain bills. This will allow the Parliament more time to consider amendments.

• There should be a pause between the amendments and the debate, for certain bills. This idea should be piloted. This gap would create time for the bill to be checked to ensure it is technically correct.

We think these two changes will improve scrutiny and increase the overall standard of legislation.

INTRODUCTION

1. The Scottish Parliament has the important responsibility of making the laws of Scotland on devolved matters.

2. However, there has never been a major inquiry into whether the Parliament’s legislation procedures are working effectively. We believe the time is right for this inquiry.

3. New powers are coming to the Parliament and there are unprecedented levels of interest and engagement in politics. The Presiding Officer has driven forward a reform process which has aimed to improve the way that the Parliament works. It is essential that our legislation procedures—

• Allow people to feel engaged in shaping the laws of Scotland.

• Are open and accessible.

• Deliver well-drafted laws which meet the objectives of policy makers.

• Assist MSPs in scrutinising bills when they pass through the Parliament.

4. Our inquiry has assessed how well the legislation process is currently working and makes recommendations for improvements.
5. The inquiry has looked at the general rules about public bills. These are the most common type of bill. They include Scottish Government bills, committee bills and members’ bills. There are some procedures which only apply to committee bills or members’ bills. We have not considered them in this report because we are focusing on the general rules for bills.

6. Appendix 1 contains a short explanation of the legislation process. This includes information on some of the terms used in this report.

7. In summary, the legislation process has three stages—
   - Stage 1 – Parliamentary committees consider the general principles (the overall purpose) of the bill and normally ask members of the public for their input. Then the Parliament debates and reaches a decision on the general principles of the bill.
   - Stage 2 – A parliamentary committee considers the bill in detail and takes a decision on proposed changes (referred to as amendments).
   - Stage 3 – The Parliament can consider further amendments to the bill. Then the Parliament decides whether to pass or reject the bill.

Views we heard

8. A list of the people who gave their views on the inquiry can be found at annexe B. We thank everyone who contributed.

9. Overall most people felt that the three stage process works well in principle. However we found that there is room for improvement in a number of areas. We were interested to find that many people made similar points about the legislation process.

10. Some common views were—
    - Stage 1 provides a reasonable chance for people who are interested in a bill to engage with the Parliament.
    - Some people find it hard to engage with the legislation process at stages 2 and 3.
    - Some people need better information to help them understand the legislation process and contribute their views.
    - The amendments process can be complex, technical and hard to follow.
    - The legislation process can seem rushed, which may affect the quality of the laws being passed.
    - People with little knowledge or prior experience of the Parliament find it difficult to become involved.

11. We highlight some specific examples of these views at appendix 2.
12. This report recommends changes to the legislation process in the following areas—

- Improved information and consultation.
- Time available to consider bills.
- Making amendments easier to understand.
- Improving stage 3.

13. We also heard some views during the inquiry on post-legislative scrutiny. We made recommendations on this subject in our report published in October 2013.\(^1\)

14. We have aimed to write this report in plain English. One of the common comments about the legislation process is that it is too complex. We have tried to lead by example by avoiding technical language where possible.

**IMPROVED INFORMATION AND CONSULTATION**

15. One of the main objectives of our inquiry has been to make it easier for people to—

- Understand the legislation process.
- Provide their views on legislation to MSPs.
- Influence the development of bills as they progress through the Parliament.

16. We attach great importance to this objective. This is why we are discussing it at the start of this report.

17. We have looked at how we can make it easier for people to engage with the legislation process.

**Clearer, more accessible information**

18. We suggest that the Parliament reviews how it communicates with people about the legislation process.

19. When we met community groups on a visit to Stirling, they commented that information issued by the Parliament about bills can be hard to understand. The technical language used by committees in some consultation documents on bills was mentioned. People did not always know where to look for more information about particular bills.

\(^1\) [http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/69319.aspx](http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/69319.aspx)
20. The Parliament produces information to help inform people who have limited or no experience of the legislation process. This information includes—

- Public information leaflets which provide a basic introduction to the legislation process.
- Guidance documents which explain how the legislation process works in more detail.
- Information issued by committees about particular bills.
- Information which updates people on the progress of bills through Parliament.

21. We recommend that the Parliament reviews the style and format of this information. Our view is that to encourage engagement in the legislation process, this information must be—

- Clear and easy to understand.
- Available in a range of languages and accessible formats.
- Available to people who do not have internet access.
- Updated regularly so information is not out-of-date or inaccurate.
- Free from jargon or technical language which assumes knowledge about the legislation process.
- Easy to locate online, ideally in one location.
- Targeted at the right audience. People who regularly provide their views require different information to people engaging for the first time.
- Accompanied by information on whom to contact to answer any further questions.

22. We recommend that the Parliament's staff should take into account these suggestions when they produce leaflets, guidance and other information on legislation.

23. Many committees are already adopting new and improved approaches to informing people about legislation. As an example, the Local Government and Communities Committee has produced online videos about the Community Empowerment (Scotland) Bill.

24. We encourage committees to share this good practice and produce information that is written clearly and is accessible to a wide audience.

25. We appreciate that the legislation process can be complicated. This means it may be difficult to present information in a straightforward way. However lack of information must not be a barrier to people engaging with the legislation process.
26. Later in this report, we make recommendations on improving information about stages 2 and 3. These can be found at paragraphs 167 to 172.

**Improved consultations**

27. We think that the Parliament could improve the way consultations on bills are run.

28. Consultations are an important way for people who are interested in a bill to provide their views. The Parliament’s committees normally seek people’s views on bills at stage 1.

29. In many cases, consultations require people to respond in writing to a number of questions on a bill.

30. Many larger organisations have had experience responding to consultations. They were relatively content with how they operate, although some told us that they would like more time to respond.

31. However, consultations can be more challenging for people with little or no experience of the legislation process. The requirement to reply in writing might discourage people from responding.

32. The community groups we met in Stirling told us that consultations could be organised better. Having listened to their views, we recommend the following improvements—

- Consultation documents should be simple and written in plain language.

- A summary should always be included at the start of the consultation if this would help people see whether it is relevant to them.

- The purpose of the consultation should be explained, particularly if the Scottish Government has already consulted on a similar subject.

- Greater efforts should be made to inform people that consultations are taking place. Local people with a particular interest in an issue covered in a bill could be approached to inform other people.

- Where possible, individuals directly affected by bills should be invited to respond to consultations, not just representative organisations.

- Consultations should use different methods to gather people’s views, such as face-to-face meetings and surveys. Some people find it challenging to communicate in writing.

- Information about the consultation should be available in different formats, such as large print and audio formats.

- People should not require advanced word processing skills and access to a computer to respond. Technology should not be a barrier to engaging with the Parliament.
People who respond to consultations should be given information about what was done with their views and the next stage in the legislative process.

33. We think these recommendations would improve the way consultations are organised.

34. We are encouraged that the Presiding Officer has prioritised how the Parliament can improve engagement with the people of Scotland. The Conveners Group, a body which comprises the chairs of all the committees, has also been considering how committees can improve their engagement activities.

35. We heard several examples of innovative approaches already taken by committees when consulting people. The Devolution (Further Powers) Committee recently conducted a survey of 16-17 year old first time voters. The Committee also asked them to submit a video of their experiences.

36. We appreciate it may be challenging to make improvements to consultations. Time can be tight to consult on bills. New ways of consulting people might require extra resources. However, these challenges should not be an excuse for postponing action.

37. We recommend that the Parliament implements the improvements to consultations we have recommended above. Work is already being done in the Parliament to improve engagement, and improved consultation on bills can be part of these plans.

38. We intend to monitor the progress made by the Parliament in improving the way it consults on bills. Our plans to monitor the implementation of our recommendations can be found at the end of this report.

39. We have one final comment about how to improve consultations on bills.

40. Some people felt there should be more time to respond to stage 1 consultations. However, sometimes time can be short because a committee has a tight deadline to consider the bill at stage 1.

41. We make recommendations about the time available to consider bills later in this report. We hope they will help address this problem.

Scottish Government consultations

42. In this inquiry we looked mainly at the consultations run by the Scottish Parliament.

43. However, the Scottish Government also normally consults people before it introduces a bill.

44. We strongly encourage the Scottish Government to review the format of its consultations. The Scottish Government should consider adopting the improvements to consultations we have identified in this report. We think it is important that the Scottish Government receives a wide range of different views before it introduces a bill.
Publishing bills in draft form

45. Some people suggested that the Scottish Government should be required to publish a draft bill and consult on it. This would take place before the final bill is introduced in the Parliament.

> "All legislation should be published in draft and consulted on in advance of introduction to the Parliament."

Scottish Children’s Reporter Administration, written submission

46. The Minister for Parliamentary Business told us that about a quarter of bills appeared in draft before being introduced.\(^2\)

47. We think that consulting on a draft bill has some advantages—

- People may find it easier to comment on a draft bill (which contains a specific form of words), rather than a general policy proposal.

- The bill may be improved as a result. People may identify errors in the draft bill or suggest areas for improvement.

- The Parliament’s scrutiny of bills might be improved. When the bill is eventually introduced, committees will already have an idea what its content will be.

48. We acknowledge it will not always be easy for the Scottish Government to produce a draft bill. Sometimes bills need to be introduced in the Parliament at short notice. There might not be enough time to consult on a draft.

49. However, for the reasons we have mentioned above, we think that draft bills can improve the standard of legislation.

50. We recommend that as a matter of good practice all Scottish Government bills are published in draft. If the Scottish Government is not able to publish a draft bill it should explain the reasons in the bill’s policy memorandum. We will monitor the Scottish Government’s progress in meeting this recommendation.

Pre-legislative scrutiny

51. Another suggestion made during the inquiry was that committees could undertake work before a bill is introduced. This is sometimes termed pre-legislative scrutiny.

52. Most bills are announced by the Scottish Government well before they are introduced. This makes pre-legislative scrutiny easier to plan.

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53. We support the principle that committees are in charge of their own work. Ultimately it is their decision whether to carry out pre-legislative scrutiny.

54. Some committees may prefer to wait until a bill is introduced before starting work. Some committees have heavy workloads which might make pre-legislative scrutiny difficult to schedule.

55. However, we think that pre-legislative scrutiny has some advantages. A committee could improve its knowledge of a policy area before a bill is introduced. This might inform its consideration of the bill at stage 1. Pre-legislative scrutiny would give committees the chance to influence the development of a bill before it is introduced.

56. Pre-legislative scrutiny can take different forms. It need not always involve a committee holding a specific inquiry about a draft bill. A committee could look in general at the policy area around the planned bill.

57. We recommend that committees take a decision on whether to undertake pre-legislative scrutiny when they plan their work on upcoming bills. This would prompt members of the committee to consider how pre-legislative scrutiny could improve their consideration of bills.

People giving evidence at committee meetings

58. We heard several comments about the range of people asked to give their views at formal committee meetings at stage 1.

59. Some people were relatively positive about how this evidence gathering works.

“The opportunity to gather evidence from a wide range of sources is a real strength of Stage 1...”

Professor Colin T Reid, written submission

60. Other people suggested that committees could do more to hear from the people directly affected by proposed legislation. Committees should avoid inviting the same organisations to give their views as a matter of routine.

61. We acknowledge that ultimately it is for each committee to decide who to hear from.

62. Sometimes there can be good reasons to hear from familiar organisations which have a major interest in a bill. They can represent the views of people who might not feel comfortable commenting on a bill as individuals.

63. We support the idea of widening the range of people who committees hear from. We encourage committees to hear from new people who may not normally give their views. Some committees have already led the way in hearing views from a wider range of people.
Improving accompanying documents

64. We heard several suggestions as to how the documents which accompany bills could be improved.

65. The accompanying documents include—

- A policy memorandum, which explains the bill’s policy objectives and describes its impact on equal opportunities, human rights, island communities, local government and sustainable development. It also explains what consultation took place on the bill and whether alternatives were considered to the approach taken in the bill.

- Explanatory notes, which provide an overview of what the bill does, explaining each provision where necessary.

- A financial memorandum, which estimates the costs of the bill.

66. The Scottish Government is responsible for producing these documents for government bills.

67. The aim of the accompanying documents is to help people understand a bill better. Many people commented that they found the accompanying documents helpful.

“The policy memorandum is a very useful document which helps to clarify the policy intention of a bill”

Written submission from Children 1st, Aberlour, Barnardo’s, Together, SCCYP, Camphill Scotland, Enable, CCPS and Youthlink Scotland

68. However we heard several suggestions about how the accompanying documents could be improved.

Better quality information

69. We think that, in general, the accompanying documents provide useful information about a bill.

70. However, we heard that the quality of the information in the accompanying documents could sometimes be better. Several people mentioned a lack of detail in the policy memorandum on sustainable development and on human rights. Another concern was the accuracy of the cost estimates in the financial memorandum.

“The public availability of the policy memorandum and other accompanying documents is much appreciated. However, a glaring weakness is the quality of the Sustainable Development memoranda...”

Professor Colin T Reid, written submission
“We have commented on a number of occasions on weaknesses in Financial Memoranda accompanying Bills.”

Audit Scotland, written submission

71. Our view is that the Scottish Government must ensure that the quality of the information in the documents is of a consistently high standard. We have heard some comments that the information in the documents could be improved, particularly the information on sustainable development and human rights and the financial memorandum.

72. We think that the Parliament’s committees are best placed to monitor the standard of the accompanying documents produced by the Scottish Government. Standing Orders, which are the rules governing how the Parliament conducts its business, require the lead committee on a bill to consider the policy memorandum and the financial memorandum when it reports on the bill. The lead committee is the committee which takes the lead role in reporting to the rest of the Parliament on the bill.

- The Finance Committee has an obvious interest in the standard of financial memorandums.
- Several committees will have an interest in how sustainable development is covered in the policy memorandum.
- Other committees regularly comment on the documents in their stage 1 reports on bills.

73. We recommend that the Scottish Government reaches agreement with the Finance Committee and other relevant committees about how to review the accompanying documents and improve them if this is required. We also recommend that Scottish Government officials discuss with the Parliament’s legislation clerks how to improve the overall standard of the documents.

Other improvements
74. We have three further recommendations about the accompanying documents.

75. First we recommend that financial memorandums should be a separate document. Currently they are printed and published in the same document as the explanatory notes. This can make them difficult to find. Separating them out would be a relatively simple administrative change.

76. Second we think that the explanatory notes could be more helpful. At present—

- They often repeat much of the text of the bill. This is not particularly useful for people who want an explanation of what the text means. We think a fuller explanation of sections of the bill would be more helpful.
- They often take a section by section approach and sometimes there is no information on how the sections relate to each other. We think this
information would be helpful. Some sections of a bill can only be properly understood if they are read alongside other sections.

77. We recommend that the Scottish Government provides this improved information. We recommend that Scottish Government officials reach agreement with the Parliament’s legislation clerks on how these changes should be presented. We wish to see improvement by the start of the next session of the Parliament.

78. Finally, we heard suggestions that new documents should be added to the accompanying documents. Some documents mentioned were—

- Business and Regulatory Impact Assessments.
- Environmental Impact Assessments.
- Equality Impact Assessments.
- A privacy impact assessment.
- Information on the impact of the bill on children.

79. We understand why some people want to add to the number of accompanying documents. At first glance, more information about a bill is to be welcomed.

80. However, we think there would be some downsides. Adding to the number of documents may make the amount of information published on a bill hard to manage. In addition, there is already a large amount of information in the accompanying documents.

81. For these reasons, we do not propose to add any new accompanying documents. Instead—

- The Scottish Government should focus on improving the quality of the current information before new documents are added.
- The Scottish Government sometimes add links in the online version of the policy memorandum to additional documents which might be relevant. We encourage them to do this routinely.
- The rules currently allow the Scottish Government to include in the policy memorandum ‘any other matter which the Scottish Ministers consider relevant’. We encourage the Scottish Government to refer to the assessments mentioned above, where this would help people’s understanding of a bill.

**Final comments on engagement**

82. Improved information and consultation is essential to allow more people to become engaged with the legislation process. We have made a series of recommendations to encourage greater engagement.
83. In other sections of the report we propose further changes to legislative procedures. These aim to allow more time for the legislation process and make amendments easier to understand.

84. Although not directly about increasing engagement, many of these other recommendations have the ultimate objective of making it easier for people to provide their views.

**Improved information and consultation – summary**

We must make it easier for people to engage with the legislative process.

We recommend that the Parliament reviews the style and format of the information it produces to inform people about legislation. It must be clearer, easier to understand and available in a range of different formats.

We recommend a number of improvements to the way the Parliament consults on bills. More must be done to attract the views of a wider range of people.

We recommend that as a matter of good practice all Scottish Government bills are published in draft.

We encourage committees to invite people directly affected by legislation to give evidence at committee meetings.

We do not think the number of accompanying documents should be added to. Instead the Scottish Government should work with the Parliament’s committees to improve the standard of the documents, particularly the information on sustainable development and the financial memorandum.

**TIME AVAILABLE TO CONSIDER BILLS**

85. Many people who gave their views during the inquiry commented on the time available to consider bills. We heard that people—

- Were concerned that the legislation process sometimes seems rushed.
- Thought there was not enough time between stages 2 and 3.

“For many organisations, there is no chance to take a breather and look at what has been achieved at stage 2 before you move on to stage 3.”

Lynn Williams, Scottish Council for Voluntary Organisations

86. We have considered how these concerns could be addressed.

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Overall time to consider bills

87. We looked at the way that timetables for bills are decided. The normal procedure is as follows.

- The bill is introduced.
- The Parliament agrees a business motion which states that stage 1 will be completed by a particular date. Business motions list future parliamentary business. They are lodged by the Minister for Parliamentary Business on behalf of the Parliamentary Bureau. The Parliamentary Bureau is a body which (amongst other functions) proposes the business for the Parliament.
- Shortly after stage 1 is completed, the Parliament agrees to another business motion which states that stage 2 will be completed by a particular date.
- Finally, the Parliament agrees to a business motion which states the date on which stage 3 will begin.

88. The rules state there must be—

- A gap between stages 1 and 2 of at least 12 sitting days. A sitting day is any day when the office of the Clerk is open (normally Mondays to Fridays) but not when the Parliament is in recess or dissolved.
- A gap between stages 2 and 3 of at least 10 sitting days.

89. The Minister for Parliamentary Business has an important role. The Minister is the Scottish Government’s representative on the Parliamentary Bureau. The Minister proposes the timetable for Scottish Government bills at Parliamentary Bureau meetings.

90. Overall we think that this way of deciding on the timetabling of bills is appropriate. It is right that the Parliament should take the final decision on the timetable for each stage of a bill.

91. However we think that the Minister for Parliamentary Business and the Parliamentary Bureau must take into account a range of views before proposing a timetable for stages 1, 2 and 3—

- Many people who engage with the Parliament feel that the current timetables for bills can make it difficult to contribute.

"Time for legislative scrutiny is often tight and the ability of the public and those with interests, including the third sector, to shape legislation can be limited."

Scottish Council for Voluntary Organisations, written submission

- Several parliamentary committees made similar comments.
Some committees thought the Parliamentary Bureau could do more to take committee workloads into account when setting bill timetables.

We also heard the suggestion that the Parliamentary Bureau should consult committees in advance about the timetabling of bills.

“We… believe that a formal view should be sought from committees regarding the timetabling of legislation when a Bill is referred to a committee for consideration. The Convener could also be invited to attend the Parliamentary Bureau when the timetabling of legislation is under consideration.”

Justice Committee, written submission

92. We recommend that the Minister for Parliamentary Business and the Parliamentary Bureau—

- Consider all these views carefully.
- Take them into account when proposing bill timetables.
- Consider how to improve the way people are consulted before timetables for each stage of a bill are proposed, including the Justice Committee’s suggestion that the relevant convener is invited to the Bureau to give their views.
- Consider how committees could have a more formal, improved role in providing their views on the timing of bills.

93. We intend to write to the Minister for Parliamentary Business and the Parliamentary Bureau to invite them to respond to each of these points. We will assess what progress has been made when we monitor how our recommendations have been taken forward.

**Improved information on bill timetables**

94. We heard another suggestion about how to improve the timetabling of bills.

95. Some people thought that the Parliament should publish a complete timetable for a bill when it is introduced. This would help people interested in the bill to plan when to approach MSPs to comment on the legislation.
96. At the moment, such a timetable is not normally available. The timetable for each bill is set by the Parliament on a stage-by-stage basis.

97. However, there is a good reason for this. It can sometimes be hard to know in advance exactly—

- What interest there will be in a bill.
- Whether it will be controversial.
- How many amendments there will be at stages 2 and 3.

98. Sometimes more time is needed to consider a bill than was expected. Sometimes less time is needed.

99. We think there would be less flexibility if the complete timetable for a bill had been agreed in advance and could not be altered. We think that the current flexibility should be retained.

100. However, our view is that people should be given better information on the timetables for bills. This is something many people mentioned at our informal meetings in Glasgow and Stirling. Many people told us that engaging with the legislation process can be difficult when the timetable for a bill is not known. In particular, it can be unclear when people should provide their views on stage 2 amendments to MSPs.

101. We recommend that the Parliament improves the way it publishes information on the timing of bills. The Parliament’s website already includes information on—

- The dates by which stages 1 and 2 must be completed.
- The dates on which committee consultations on bills close.
- Deadlines for lodging amendments.
- The date agreed for stage 3.
- The dates on which committees will consider the bill at stage 2 (and between stages 2 and 3 if committees look at the bill then).

102. However, this information can be hard to find. It is not always clear where to look on the website.

103. We recommend that the information is more clearly presented and is available in one single place on the website.

104. We also think that committees could give more advance information about their planned timetable for considering a bill. They could do this once the Parliament has set the timetable for each stage.
105. We think that improving the information about the timetables for bills will help people make more effective use of their time. People will spend less time looking for information about bills and more time engaging with them. People will also have a clearer idea when to contact MSPs to make their views known. We hope this change will be almost as useful as the procedural changes which we recommend in this report.

**Increasing the minimum gap between stages 2 and 3**

106. One of the specific concerns we heard mentioned about bill timetables was that the time between stages can be tight.

107. The gap between—

- Stages 1 and 2 must be at least 12 sitting days.
- Stages 2 and 3 must be at least 10 sitting days.

108. We will mention the minimum gap between stages 1 and 2 later in this report.

109. However many of the concerns we heard focused on the current minimum gap between stages 2 and 3. Some people commented that it was not long enough. We looked at whether this gap should be increased.

110. The minimum gap protects time for the activities which take place between stages 2 and 3. This is the time when MSPs can lodge amendments for debate at stage 3.

111. We think that increasing the minimum gap would have a number of advantages.

112. First, more time would be protected for—

- MSPs and other interested people to assess what happened at stage 2.
- MSPs to produce well-considered amendments for stage 3.
- People with an interest in the bill to provide their views to MSPs.
- MSPs to consult people to obtain their views on amendments.
- Scottish Government ministers to speak to MSPs and other people about amendments they plan to lodge.
- The Presiding Officer to select the amendments to be debated from the lodged amendments. At stage 3 the Presiding Officer selects which amendments are debated. Not every amendment which has been lodged is considered by the Parliament. This helps ensure stage 3 is completed in a reasonable time. There are criteria to guide the Presiding Officer on which amendments to select.
Standards, Procedures and Public Appointments Committee, 3rd Report, 2015 (Session 4)

- The documents needed to follow the debates on amendments to be published.

113. Second, a longer minimum gap would also help committees which look at the documents accompanying the bill between stages 2 and 3 to consider the changes made to the bill at stage 2. At the moment, time can be tight for this work if the minimum gap is used.

114. This can hinder committees from looking at these documents properly in advance of stage 3.

115. If the minimum gap is used, the Delegated Powers and Law Reform Committee may only have time to meet twice between stages 2 and 3 to look at revised delegated powers memorandums. This could cause problems—

- There may not be time for the Scottish Parliament’s lawyers to prepare briefing on the revised delegated powers memorandum for the first committee meeting.

- The second meeting may take place after the deadline for lodging amendments for stage 3. This would make it difficult for the Committee (or others) to lodge amendments if it had concerns about the bill.

116. The Finance Committee can experience similar problems when it looks at revised or supplementary financial memorandums.

Kenneth Gibson MSP, convener of the Finance Committee commented—

“...There must be adequate time for us to consider a supplementary financial memorandum.”

117. The revised bill documents are important. The revised delegated powers memorandum includes information on how amendments made at stage 2 will affect subordinate legislation and other delegated powers. Subordinate legislation and other delegated powers are often used to provide details of how a law will be applied. The revised or supplementary financial memorandum updates the original estimates of the costs of the bill following stage 2.

118. We think that the Parliament must have time to properly look at these documents. This can be difficult if the gap between stages 2 and 3 is short.

Summary of benefits
119. We think that increasing the minimum gap would protect time for MSPs to prepare for stage 3. The legislation process would seem less rushed. There would be more time protected for people to provide their views on amendments before stage 3.

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120. There would be other advantages. More time would be protected for committees to look at revised bill documents.

121. If the minimum gap is increased, the revised bill documents will need to be published in time to be considered by the committees. The full benefits of increasing the minimum gap will only be seen if this takes place. We think the rules should be changed to make sure the revised documents are produced in time. We discuss this further in the section of the report on other procedural changes. Our comments in the next section of the report are made on the assumption that this change will take place.

**Options for a new minimum gap**

122. We have looked at different options for the minimum gap between stages 2 and 3.

123. We looked at how a minimum gap of 11, 12, 13 and 14 sitting days would impact on—

- The earliest time stage 3 could take place following stage 2.
- The time available for committees to look at revised bill documents between stages 2 and 3.

124. We have concluded that a minimum gap of 14 sitting days would result in several benefits—

- There would be at least two clear weeks between stages 2 and 3. Stage 3 would take place in the third week after stage 2, at the earliest.
- The length of the gap would be the same regardless of what day of the week stage 2 finished on.
- The Delegated Powers and Law Reform Committee would have time to—
  - consider a legal briefing on the revised delegated powers memorandum, and
  - hold one meeting before the deadline for lodging stage 3 amendments.
- The Finance Committee would have more time to look at revised or supplementary financial memorandums.

125. Only a 14 day minimum gap would result in all these benefits.

126. When we looked at other options (11, 12 or 13 days), we found they had some disadvantages. We explain these below.
An 11 day minimum gap would not guarantee two clear weeks between stages 2 and 3, unless stage 2 happened to finish on a Thursday. This means committees may not have enough time to look at the revised bill documents properly.

A 12 day minimum gap would guarantee two clear weeks between stages 2 and 3. However it has a downside—

- If stage 2 ended on a Tuesday (for example) the earliest date for stage 3 would be on a Friday, two weeks later.
- Since the Parliament does not normally sit on a Friday, in practice the earliest date for stage 3 would be the following Tuesday.
- This means that in effect the gap would be longer if stage 2 ended on a Tuesday compared to another day.

We think it would be preferable if the impact of the gap was the same regardless of what day stage 2 ended on.

We found that a 13 day gap would lead to a similar outcome to a 12 day gap. In other words, the impact of the gap would vary depending on the day on which stage 2 ended.

127. For all the reasons above, we recommend that the minimum gap between stages 2 and 3 should be extended from 10 sitting days to 14 sitting days.

128. At first glance, this might seem like a relatively big increase. However—

- We think that an extra four days is reasonable given the benefits we have set out above.
- In practice a 14 day minimum gap would not delay a bill much more than a 12 or 13 day gap. A 12, 13 or 14 day gap would all lead to the earliest date for stage 3 falling in the third week after stage 2. The difference between the options is about the day of the week on which the minimum gap falls.

129. We do not think that the increase in the minimum gap should be introduced immediately. The Scottish Government should be given time to incorporate the new minimum gap into its planning assumptions for future bills.

130. Later in this report we explain when our recommendations should come into force.

**Flexible gap**

131. The current minimum gap between stages 2 and 3 applies to all bills (except emergency bills or budget bills).
132. At the moment the only way that a shorter minimum gap can apply is for the Parliament to agree to a motion to suspend the rule in Standing Orders about the gap.

133. We have considered whether this should remain the case if the minimum gap is increased.

134. The Minister for Parliamentary Business thought that if the minimum gap was increased there should be an option to use a shorter gap in certain circumstances. The Parliament should not have to suspend rules in Standing Orders to allow this.

The Minister commented on this subject in a letter to us dated 21 March 2014. He wrote that if the minimum time gap between stages was extended—

“I consider it essential that those changes should be accompanied by a more flexible process in the Parliament’s Standing Orders to allow for those minimums to be shortened in appropriate circumstances (rather than the present requirement for the Parliament to agree to the suspension of the relevant section of Standing Orders).”

135. We have considered this suggestion.

136. We agree that some bills might not need as many as 14 sitting days between stages 2 and 3. Sometimes the bill is uncontroversial and not many amendments are expected to be lodged.

137. However we are not convinced more flexibility is needed about the minimum gap between stages 2 and 3—

- The minimum gap is only being increased by 4 days. As we have commented, we think this increase is reasonable and will not delay legislation too much.

- There is already a way in which the Parliament can agree to a shorter gap between stages 2 and 3. This is to suspend the relevant rule in Standing Orders. The act of suspending Standing Orders makes it clear that this is a departure from normal practice. We would not want to make it any easier to reduce the minimum gap.

138. For these reasons we do not propose any changes to the rules on departing from the minimum gap.

**Deciding the gap between stages 2 and 3**

139. We have one more recommendation about the gap between stages 2 and 3.

140. We think the way the gap between stages 2 and 3 is decided could be clearer.
141. The Parliament decides what the gap should be for each bill (as long as it is longer than the minimum gap). It does this by agreeing to a business motion lodged by the Parliamentary Bureau which sets a date for stage 3.

142. However, the motion does not mention the proposed gap between stages 2 and 3, just the date of stage 3. To work out the gap, MSPs must find when stage 2 ended and count the number of days until stage 3.

143. We recommend that the business motion should include clearer information about the proposed gap between stages 2 and 3. One option would be for the motion to mention the date of the final stage 2 meeting. This would have two main advantages—

- MSPs would be better informed when they decide on the date for stage 3.
- MSPs would be prompted to consider whether they are content with the proposed gap between stages 2 and 3.

**Gap between stages 1 and 2**

144. We have focused mainly in the report on the gap between stages 2 and 3 rather than the gap between stages 1 and 2. This reflects the views we received which suggested that time can be particularly tight between stages 2 and 3.

145. We think the current gap of 12 sitting days between stages 1 and 2 is appropriate and should not be changed. We do not think that this gap should be reduced in response to the additional time we propose to add between stages 2 and 3. Our view is that more time overall should be protected for consideration of legislation.

**Time available to consider bills – summary**

| Many people think the legislation process can be rushed. There was particular concern about the gap between stages 2 and 3. |
| We recommend that the Minister for Parliamentary Business and the Parliamentary Bureau improve how people are consulted on bill timetables. Many people told us that more time is needed. Their views must be taken into account. |
| People should be given better information in advance about the timetables of bills. We recommend that the Parliament improves the way it presents information on bill timetables. |
| We recommend that the minimum gap between stages 2 and 3 should be increased from 10 days to 14 days. This will protect more time for— |
| - MSPs and other people interested in the bill to prepare for stage 3 |
| - Committees to look at revised bill documents following stage 2 |
The way the gap between stages 2 and 3 is decided should be clearer. The motion agreed by the Parliament should include more information on what the gap will be.

MAKING AMENDMENTS EASIER TO UNDERSTAND

146. Some of the most frequent views we heard during the inquiry were that—

- Amendments are sometimes too complex to understand properly.
- The way that amendments are considered by the Parliament (using marshalled lists and groupings) can be confusing.

147. In this section of the report, we discuss what improvements could be made.

Purpose and effect notes

148. An amendment states precisely what specific change an MSP is proposing to make to a bill. Here are some examples of amendments—

- In section 12, page 10, line 8, leave out subsection (1)
- In section 12, page 10, line 10, leave out <word> and insert <words>
- Leave out section 13

149. Amendments are written like this because they set out their precise legal effect. This need for legal precision can sometimes make amendments appear complicated. Amendments which amend previous Acts can appear particularly complex, because they tend to be written in the same style as the older legislation.

150. Another challenge is that it is not always immediately clear to people reading an amendment why a particular change is being proposed. Amendments do not describe the policy intention behind a proposed change to the bill. To understand this, it is necessary to understand the legal effect of the amendment. This is not always straightforward.

Professor Paul Cairney of the University of Stirling told us that he had looked at all the amendments lodged between 1999 and 2003 as part of a research project. He explained—

“I could not imagine a way in which I could know the significance of those amendments before the debate took place, and that is a problem for groups. If I, as a full-time researcher, could not do that, I cannot see how anyone in the world could reasonably be expected to know what the amendments mean before they are talked about.”

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151. Some people during the inquiry suggested that amendments would be easier to understand if they were accompanied by a short statement explaining their purpose and what their impact would be. Sometimes these are referred to as purpose and effect notes.

Several children’s charities supported this idea. In a joint submission they commented—

“…this would make the whole process completely transparent and enable members of the public to understand the intention of each amendment. This would be particularly useful when amendments refer to previous legislation. A great deal of time and resource is used to understand what effect these amendments would have, and could arguably be better used to usefully inform and influence other areas of the process.”

Written submission from Children 1st, Aberlour, Barnardo’s, Together, SCCYP, Camphill Scotland, Enable, CCPS, and Youthlink Scotland

152. We considered whether the rules should be changed to require a purpose and effect note to be published at the same time as an amendment.

153. The main advantage is that MSPs would have the chance to explain the purpose of each amendment in writing in advance of the amendment being debated. This might help other MSPs and people interested in the bill to understand the amendment better.

154. However, there are some disadvantages to purpose and effect notes—

- The debate on an amendment might focus on the contents of the purpose and effect note, rather than the legal effect of the amendment. If the purpose and effect note is not accurate, the Parliament might take a decision without fully understanding the impact of the amendment. This could cause problems later on, if the courts are required to look back at discussions in the Parliament in order to interpret the meaning of the law.

- Purpose and effect notes would add to the number of documents produced at stages 2 and 3. We heard that some people already find the number of documents difficult to manage.

- Preparing purpose and effect notes would create additional work for MSPs and take time to prepare.

155. We have some sympathy with the idea of purpose and effect notes, as they could make amendments easier to understand. However, there are some practical disadvantages which we have mentioned above. Our biggest concern is that purpose and effect notes could create confusion about the legal effect of amendments when decisions are taken at stages 2 and 3.
156. For all these reasons, we do not recommend that purpose and effect notes should be produced for amendments. However we think it is important that amendments are made easier to understand.

157. We considered several suggestions for how to improve the amendments process.

**Deciding on amendments in group order**

158. Some people during the inquiry suggested that the way the Parliament takes decisions on amendments at stages 2 and 3 can be confusing.

159. Amendments are disposed of (ie a decision is taken on them) in order. Normally this is the order that the amendments appear in the bill. An amendment to section 1 would be disposed of before an amendment to section 2. However, there is not a separate debate on each amendment. Instead amendments are grouped together under particular topics and there is a single debate on each group.

160. This procedure helps manage the consideration of amendments and makes better use of parliamentary time.

161. However some people can find the procedure confusing—

- If stage 2 lasts several weeks, sometimes the decision on a particular amendment will be taken in a different week to the debate on the amendment.

- To follow proceedings at stages 2 and 3, people have to refer to two documents: a marshalled list (listing the order in which amendments will be decided upon) and the groupings (listing the groups the amendments will be debated in).

162. We have considered whether another procedure might be easier to follow.

163. One option would be for MSPs to decide on every amendment in a group immediately after the debate on the group had taken place. This might make stages 2 and 3 easier to follow, as the decision on each amendment would happen very shortly after the debate on the amendment.

164. However, there are some disadvantages to this approach. The main one is a technical, but important, point.

165. It could result in a situation where MSPs agree an amendment to a particular section of a bill, but then further amendments are lodged to that section. The problem is that agreeing to these further amendments might change the legal effect of the amendment which had been agreed to. MSPs would therefore have agreed to an amendment without fully knowing what its impact would be.

166. For this reason, we do not think the current procedure for taking decisions on amendments should be changed. We acknowledge that the current system can
(Session 4)

appear complex. However, our view is that changing the procedure might create more problems than it solves.

Kenneth Gibson MSP, convener of the Finance Committee, summed up this position when he told us—

“It is easy to be critical and to say that the system is confusing and not very helpful, but it is hard to see how we could have a more logical way of doing it.”

Improved information

167. One way of making amendments easier to understand would be to improve the information and guidance produced by the Parliament.

168. The Guidance on Public Bills is a comprehensive document which sets out the procedures for considering amendments. However, its language is quite technical and its size means it is not particularly easy to use.

169. We recommend that the Parliament produces additional guidance on how stages 2 and 3 work. This should supplement the Guidance on Public Bills. The guidance should provide practical information to people who might want to engage with the Parliament at stages 2 and 3. We also think that MSPs would find this information useful.

170. The guidance should explain to people in straightforward language—

- How to make their views known to MSPs at stages 2 and 3.
- The purpose of the different documents produced at stages 2 and 3 (such as marshalled lists and groupings) and how to understand them.
- Where the documents can be found online.
- What time they are normally published ahead of a committee meeting or a meeting of the Parliament.
- How to understand what is happening during the debates on amendments at stages 2 and 3.

171. We hope that this practical guidance will provide clear and useful information on how the public can engage with the legislation process at stages 2 and 3.

172. We are aware that the computer software which collates amendments into a marshalled list is due to be updated. This update might allow the chance for amendments to be presented in new ways in the future. It might be possible for people to view what a bill would look like should certain amendments be agreed to. This might make the effect of the amendments easier to understand.

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Packages of amendments

173. Another way of making amendments easier to understand would be to improve the way that certain types of amendments are presented.

174. Sometimes more than one amendment is needed to make a single policy change to a bill. In these cases, it can be difficult to understand what is being proposed from looking at just one of the amendments in the package.

175. We suggest that amendments which form a package should be more clearly marked as such. This might help MSPs and other interested people to better understand the amendments because they can see which amendments are linked.

176. We recommend that the Parliament’s legislation clerks work out the most appropriate way of showing which amendments form part of a package.

177. One option would be for a statement to appear in the groupings or the Business Bulletin stating something like—

“Amendments 1, 2 and 3 have been lodged as a package”.

178. We recommend that there is a pilot of a new way of presenting packages of amendments. This will help ensure that the information is useful and accurate.

Deadlines for lodging amendments

179. Some people commented that it takes time to work out the purpose of each amendment.

“...we have found that the short amount of time between publication of amendments and the next debate or scrutiny session can leave limited opportunity to consider the impact of proposed changes.”

Coalition of Care and Support Providers in Scotland, written submission

180. This can reduce the time people have to contact MSPs to provide their views on the amendments.

Lynn Williams of the Scottish Council for Voluntary Organisations commented on the time needed to prepare for debates on amendments—

“The Parliament is meant to be family friendly, but I spend a lot of time looking through stuff at weekends, and I speak to a lot of MSPs who spend time looking through stuff at weekends. You also need to have a life outside your job. How effective are those short bursts of intense energy for you, as well as for us on the outside, and how effective is the scrutiny?”

181. All amendments must be lodged a certain number of sitting days ahead of a committee meeting (at stage 2) or the meeting of the Parliament (at stage 3). As we mentioned above, a sitting day is a day when the office of the Clerk is open (normally Mondays to Fridays) but not when the Parliament is in recess or dissolved.

- At stage 2, the deadline is three sitting days ahead of the committee meeting, at 12 noon.
- At stage 3, the deadline is four sitting days ahead of the meeting of the Parliament, at 4.30pm.

182. Some people suggested that the deadlines for lodging amendments should be brought forward.

183. This could give more time for MSPs to consider whether to support amendments which have been lodged. People wanting to comment on the amendments would also have more time to pass on their views to MSPs.

184. We have considered how increasing the deadline for lodging amendments might work in practice.

**Lodging deadline at stage 2**

185. If the lodging deadline was increased by one sitting day—

- There would be an extra day for people to consider the amendments before the committee meeting. Many people would welcome this.

186. However—

- There would be one less day for lodging amendments for the first stage 2 meeting.
- Sometimes stage 2 takes place over more than one committee meeting. If this is the case, and the committee met weekly, the time between meetings to lodge amendments would be reduced to a day.

187. We do not think these reductions in time would cause many problems—

- There would still be a reasonable amount of time for MSPs to lodge amendments between stages 1 and 2.
- There would be less time between meetings to lodge amendments. However MSPs could plan ahead and lodge amendments a little earlier. Many MSPs do this already.

188. If the lodging deadline was increased by longer than one sitting day there might be more difficulties.

189. A two day increase would mean that the lodging deadline for the second stage 2 meeting would be on the same date as the first meeting.
190. This could cause some practical difficulties. MSPs might still be debating amendments at the first meeting when the deadline passes to lodge amendments for the second meeting. More practical difficulties would occur if the deadline was increased by longer.

191. We therefore recommend that the deadline for lodging amendments at stage 2 is extended by one day, to four sitting days. The time of the deadline should remain at 12 noon.

192. A one day increase allows more time for people to understand the amendments which have been lodged and prepare for the committee meeting. However, it avoids the practical difficulties caused by a longer increase in the deadline.

**Lodging deadline at stage 3**

193. We think there would be fewer practical difficulties in extending the lodging deadline at stage 3.

194. If the lodging deadline was increased by one sitting day—

- There would be an extra day for people to consider amendments before the Parliament meets. Stage 3 is the final chance to amend the bill. We think an extra day would help ensure that the amendments are properly considered.

- There would be one less day for lodging amendments between stages 2 and 3 if the minimum gap between stages 2 and 3 stayed the same. However, we are proposing in this report to increase the minimum gap. This means that the time for lodging amendments would not in fact decrease.

195. We think that increasing the lodging deadline by one day strikes a reasonable balance between allowing more time for people to consider amendments before the Parliament meets, but also allows enough time for MSPs to lodge amendments.

196. We therefore recommend that the lodging deadline is increased at stage 3 by one day.

197. We also recommend that the lodging deadline on the final day is brought forward from 4.30pm to noon—

- This is the same as the final time for lodging amendments at stage 2.

- This would mean that the final amendments lodged at stage 3 could be published earlier. This would give MSPs more notice about the issues which might be debated at stage 3.

**Scottish Government convention for lodging amendments**

198. The Scottish Government has a convention that it lodges its amendments—
• Five sitting days before the committee meeting at stage 2. This is two days before the current lodging deadline.

• Five sitting days before the meeting of the Parliament at stage 3. This is one day before the current lodging deadline.

199. The convention is an informal arrangement. The Scottish Government is not required to lodge its amendments earlier than the official deadline.

200. The convention is useful because MSPs can see the Scottish Government’s amendments before the deadline to lodge their own. This can help MSPs decide whether to lodge their own amendments.

201. We have recommended increasing the deadline for lodging amendments by a day at stages 2 and 3. However, we are concerned that this might make the convention less useful, unless it was changed as well—

• If the convention was not changed, the Scottish Government’s amendments would be available one day before the new lodging deadline at stage 2, rather than two.

• At stage 3 MSPs would get no advance notice of the Scottish Government’s amendments. The convention suggests they should be lodged on the same date as the new lodging deadline at stage 3.

202. Our view is that the convention needs to change if it still to remain useful. We cannot require the Scottish Government to change its convention. Our only option would be to change the rules to move the deadline for lodging Scottish Government amendments. However, we would prefer to keep the current informal arrangement.

203. We therefore recommend that the Scottish Government considers changing its convention so that it lodges its amendments a day earlier at stages 2 and 3. This would bring the convention into line with the new deadlines for lodging amendments. We will review how the Scottish Government responds to this recommendation.

Making amendments easier to understand – summary

Many people find amendments too complex to understand properly. The way that amendments are considered by the Parliament can also be confusing.

We have looked into alternative ways of dealing with amendments. Some changes might cause more problems than they solve, such as purpose and effect notes.

We think that the current arrangements for taking decisions on amendments should remain. An alternative procedure would probably be even more complicated.
However, improvements are needed to make the amendments process easier to understand. We recommend that—

- The Parliament should produce improved guidance on how the public can engage with the legislation process at stages 2 and 3.
- Amendments should be better presented. Packages of amendments which are linked should be clearly marked.
- The deadline for lodging amendments at stages 2 and 3 should be increased by one sitting day. This will allow more time for MSPs and interested people to understand the amendments properly before a decision is taken on them.
- The Scottish Government should consider lodging its amendments a day earlier at stages 2 and 3, to bring its convention into line with this change.

IMPROVING STAGE 3

204. We heard from a number of people that procedures at stage 3 could be improved.

- Allow more time between stages 2 and 3.
- Make amendments easier to understand.

205. We have already made recommendations to—

206. These changes will improve the way that stage 3 operates.

207. However, some people mentioned other concerns about stage 3. We discuss these below.

Timing of the debate

208. Some people commented on the format of stage 3. The current procedure is as follows—

- First the Parliament considers amendments to the bill. All MSPs can vote on amendments at stage 3, unlike at stage 2 when only committee members can vote.
- After amendments have been considered, there is a debate on the bill.
• The Parliament then decides whether to pass the bill.

209. Some people suggested that the debate on the bill should take place before amendments are decided on. This would mean MSPs could discuss their general views on the bill before looking at amendments.

210. However, we have some concerns about this idea.

211. One of the purposes of the stage 3 debate is to inform MSPs before they decide whether to pass the bill. It makes more sense to hold the debate after the final wording of the bill has been agreed. This would allow the Parliament to discuss whether to pass the bill with knowledge of what the finalised bill will say.

212. The final wording of the bill can only be known after all the amendments have been considered. We therefore do not support holding the stage 3 debate before discussing amendments.

213. However we think that the format of stage 3 could be improved in other ways.

**Link between stages 2 and 3**

214. Our first suggestion is about the link between stages 2 and 3.

215. Stage 2 involves a committee of MSPs deciding on amendments to the bill. However stage 3 begins with all MSPs deciding on amendments.

216. It is possible that some MSPs at stage 3—

• Might not have closely followed the work of the committee at stage 2.

• May not be familiar with the details of the bill.

217. We think improved information should be available about what happened at stage 2. This would—

• Assist MSPs when they consider stage 3 amendments.

• Help other interested people to follow the bill.

218. Some of this information could be provided in the briefing notes which the Scottish Parliament Information Centre (SPICe) routinely publishes following stage 2. The notes normally describe the key amendments debated at stage 2 and the decision of the committee.

219. We think these notes are very useful. We recommend that SPICe continues to produce them for each bill.

220. Another source of information is the revised or supplementary explanatory notes on the bill. These normally have to be published if the bill is amended at stage 2. The notes explain what each provision in the amended bill does.
221. However, there is a difficulty with the deadline for producing these notes. The deadline is four sitting days before stage 3 begins. This is the same as the current deadline for lodging stage 3 amendments. This could mean that, by the time the notes are published in hard copy, the lodging deadline will have passed.

222. We think this is too late to be useful to MSPs who might want to lodge amendments. We recommend that the rules are changed. We suggest that revised or supplementary explanatory notes should be published at least a week before the deadline for lodging amendments at stage 3.

**Update by convener of committee which considered the bill at stage 2**

223. We have one other suggestion about how to improve the information about what happened at stage 2.

224. The Minister for Parliamentary Business suggested that at the start of stage 3, the convener of the committee which considered the bill at stage 2 could update the Chamber on what happened at stage 2.

The Minister explained his thinking—

"Without wishing to push a Government line, I wonder whether there is a missing stage, such as a handover from the committee that dealt with the bill at stage 2 to the plenary session at stage 3. Perhaps the convener of that committee could have an opportunity to talk, in a neutral way—as conveners often manage to do—about what happened at stage 2."[8]

225. This idea has some advantages—

- A speech by the convener would help people follow the progress of the bill from stage 2 to stage 3. The convener could summarise the committee’s decisions at stage 2. MSPs might find this background information useful when they take decisions on stage 3 amendments. We are confident that conveners would adopt a neutral tone during their speech.

- Stage 3 would no longer immediately begin with amendments. Instead there would be a chance for the convener to refer to the bill in more general terms.

226. A speech by the convener at the start of stage 3 is a new idea which has not been tried before. However, no changes would be required to Standing Orders to allow this to take place.

227. We recommend that the idea is piloted to see how it works in practice.

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New issues at stage 3

228. Many amendments lodged at stage 3 are on subjects which have been discussed in detail at stages 1 and 2.

229. Several people during the inquiry raised concerns about amendments on ‘new issues’ being lodged at stage 3.

230. Their concern is that MSPs sometimes have to vote on issues which might not have previously been discussed in the Parliament.

This was an issue raised by Claudia Beamish MSP, Alex Fergusson MSP and Tavish Scott MSP in a joint letter—

“If in the absence of any mechanism for revision, apart from a completely new bill, the tabling of new stage 3 amendments without scrutiny or public consultation appears to us to create considerable issues of confidence in Parliamentary scrutiny.”

231. One way of addressing this issue would be to prevent MSPs from lodging amendments on new issues at stage 3. However, we have some concerns about how this would work in practice—

- Some MSPs may not welcome this change as it would place new restrictions on the amendments which they can lodge.
- It may be difficult to define what a ‘new’ amendment is. People may have differing views on this subject. A procedure would be needed to determine whether an amendment is on a new issue or not, in cases where this is unclear.
- Sometimes amendments on new issues are welcome. An issue might not have been raised before in the Parliament, but may have been informally discussed by MSPs on a cross-party basis. Technically this would be a new issue, but one which has wide support.
- There are already rules which prevent amendments from being lodged which are unrelated to the subject of the bill. All stage 3 amendments must be relevant and within the scope of the bill.

232. For these reasons, we are not convinced the rules should be changed to prevent amendments on new issues from being lodged. Amendments on new subjects are sometimes welcomed as a way of improving a bill. In addition, any rule which tried to define a ‘new’ amendment might be complex.

Stage 3 amendments over more than one day

233. Another suggestion we heard was that stage 3 amendments could be looked at over more than one day.
234. Stage 3 amendments are normally considered on a single day. In practice this generally means a single afternoon, although sometimes consideration of amendments can run into the evening. Recent changes in parliamentary sitting patterns mean that the Parliament no longer normally meets all day on Thursday.

235. A single day is usually enough time to consider all amendments at stage 3. However we heard some views that sometimes it would be preferable to hold stage 3 over more than one day.

“We...recommend that consideration be given to taking Stage 3s over more than one day to allow for enough time to be factored in where necessary.”

Justice Committee, written submission

236. We agree that holding stage 3 amendments over more than one day might have some advantages—

- If large numbers of amendments have been selected for debate, this could allow more time for debate. There would be less chance of debates on amendments being curtailed due to time pressures.

- This would help avoid lengthy sittings of the Parliament which begin early and run into the evening. This has happened on several occasions this session.

- Parliament’s scrutiny of the amendments might be improved. MSPs would have a break in the evening when they can prepare for the next day’s consideration of amendments.

237. The rules already allow stage 3 amendments to be considered over more than one day. This has happened on several occasions. However this has not happened during this session of Parliament.

238. We think that certain types of bill might benefit from stage 3 amendments being considered over more than one day, including—

- Lengthy bills with many amendments.

- Controversial bills on which MSPs have strong views.

239. For many other bills, however, consideration of stage 3 amendments can be comfortably completed in one day.

240. We think there should be a flexible approach to the scheduling of amendments at stage 3. We remind the Minister for Parliamentary Business and the Parliamentary Bureau that amendments can be scheduled over more than one day.

241. We recommend that they should identify suitable bills to schedule in this way. The aim should be to improve the scrutiny of amendments. Stage 3 is the last
chance for the Parliament to amend a bill and it is important that amendments are properly considered.

**Splitting amendments and the debate at stage 3**

242. Some people suggested that the debate at stage 3 on whether to pass the bill should be split from the consideration of amendments. Normally the debate immediately follows the conclusion of consideration of amendments.

Children in Scotland commented in a written submission—

“…we would … question the value of routinely holding the Stage 3 debate immediately after the disposal of amendments as this not only further truncates the time available to debate amendments, but does not afford MSPs time to properly digest the outcome of those proceedings and consult stakeholders before commenting on them.”

243. We think there could be some advantages to splitting the debate from the amendments.

244. This would allow time to pause and review the amended bill before the debate. The bill could be checked for typographical mistakes or other technical problems. If problems were discovered, further amendments could be lodged to correct them. These amendments could be considered just before the debate.

245. Several people during the inquiry were concerned that currently there is not time for the bill to be checked following stage 3 amendments. This is because the debate and decision on the bill normally immediately follows consideration of amendments. This means that any technical problems with amendments may not be addressed.

Scottish Environment Link highlighted in a written submission—

“…the possibility of contradictory amendments being passed at Stage 3 (as happened during the Stage 3 Debate of the Flood Risk Management (Scotland) Bill (2009)), without recourse to a corrective amendment procedure to tidy-up the final Act.”

246. There might be other advantages to splitting the debate from the amendments—

- There would be more time for MSPs to examine the decisions taken on amendments in advance of the debate taking place. They could refer to these decisions in their speeches during the debate.

- If the debate took place on a different day to the amendments, this might free up more time for consideration of amendments.
247. On the other hand, there could be downsides to having a split—

- This approach may not be suitable for all bills. If a bill only had a few uncontroversial amendments, there may be little point in splitting the debate.

- This approach would add to the time taken by the Parliament to look at bills.

**The current rules**

248. Standing Orders already allow the amendments and debate to be split in certain circumstances.

249. There are two ways this can happen.

- Option 1: The Parliament could agree in advance (using a business motion) to hold the debate on a different date to the amendments. The gap could be any length which the Parliament decides. However this option has never been used before (except when the debate has been held the day after consideration of amendments).

- Option 2: The rules allow the Parliament to agree a motion, immediately after amendments have been considered, that stage 3 be adjourned. This means that there would be a pause before stage 3 continues. This has only happened once since 1999. Only the member in charge of the bill can move a motion that stage 3 be adjourned. In the case of a Scottish Government bill, this is the relevant government minister.

250. With both these options, there is a chance to lodge further amendments during the gap between consideration of stage 3 amendments and the debate—

- These amendments are considered just before the debate on the bill.

- Amendments can only be lodged for the “purpose of clarifying uncertainties or giving effect to commitments given at the earlier proceedings at stage 3”. We think this would allow amendments to be lodged to correct typographical mistakes or other technical problems. Only the member in charge of the bill can lodge these amendments.

- The normal deadlines for lodging amendments would apply to these further amendments. However if the debate happened to be scheduled within a few days of the first amendments being considered, ‘manuscript amendments’ could be lodged. Manuscript amendments are amendments to a bill lodged after the deadline for lodging amendments. At stage 3 they can only be debated with the permission of the Presiding Officer.

251. We think that option 1 (agreeing a split in advance) would be preferable to option 2 (agreeing a split immediately after consideration of stage 3 amendments).

252. Option 1 would allow MSPs and other interested people to plan ahead better. They would know in advance that stage 3 was going to be split.
Conclusion on splitting amendments / debate

253. In summary, the current rules would not need to be changed to allow amendments at stage 3 to be split from the debate.

254. Our view is that this idea might be appropriate for certain bills, such as controversial bills with large numbers of amendments.

255. A split would allow more time to check the bill. This could pick up any technical problems resulting from the stage 3 amendments. Only the MSP in charge of the bill is permitted to lodge amendments to correct problems with the bill.

256. In practice, this would happen relatively rarely. Most legislation passed by the Parliament is of a good standard. However, we think it is sensible to have a mechanism for dealing with any unexpected problems arising from amendments at stage 3.

257. Splitting the debate from the amendments may not be suitable for all bills. If a bill only has a few technical amendments lodged by ministers, there may be no benefit in delaying the stage 3 debate.

258. We recommend holding a pilot involving several bills in which the amendments and the debate are split. A split could be timetabled in advance, so that MSPs and other interested people will know when the debate will take place. As we have discussed this would not require any changes to Standing Orders.

259. The pilot will show how well the split works in practice. The pilot could test different gaps between the amendments and the debate.

260. The Minister for Parliamentary Business seemed supportive of this suggestion.

He told us—

“Standing orders already allow us to split stage 3, to consider amendments on one day and to hold the debate on another day—either the next day or the following week—when it is deemed to be appropriate, but we have not considered using that option very often in recent times. In the light of the evidence that the committee has received, we will give more active consideration to that for future bills. In other words, for bills that are currently being considered or are about to be considered, we will look more carefully at whether it would be appropriate for the amendment stage to be on one day and the debate on another day. I feel strongly that there should be time to consider amendments at stage 3 and to hold the stage 3 debate.”


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261. We invite the Minister for Parliamentary Business and the Parliamentary Bureau to select bills which would be suitable for this pilot. We will review the results of the pilot to see if any new rules are needed about splitting the amendments and the debate more permanently.

**Improving stage 3 – summary**

Many people think that stage 3 needs to be improved. Stage 3 is the final chance to amend the bill, so it is essential it works effectively. Our recommendations on the timing of bills and improvements to amendments will help meet this objective.

We think there should be a better link between stages 2 and 3. We recommend—

- Improved information is produced on what happened at stage 2

- The lead committee convener should update the Parliament on what happened at stage 2, before amendments are discussed. This idea should be piloted.

We were not convinced by some ideas for improving stage 3—

- The debate should not happen before consideration of amendments. MSPs need to see the final bill before they debate whether it should be passed.

- Amendments on ‘new’ issues should not be restricted. It would be hard to define what a new amendment is. Sometimes new amendments are welcomed by MSPs.

Instead we recommend the following improvements—

- Stage 3 amendments should take place over more than one day, for certain bills. This will allow the Parliament more time to consider amendments.

- There should be a pause between the amendments and the debate, for certain bills. This idea should be piloted. This gap would create time for the bill to be checked to ensure it is technically correct.

We think these two changes will improve scrutiny and increase the overall standard of legislation.

**OTHER CHANGES TO PROCEDURES**

262. We have identified some smaller changes which we think should be made to legislation procedures. These are fairly technical. However each of them will improve the way that the legislation process operates.
Delegated powers memorandums covering all delegated powers

263. The Delegated Powers and Law Reform Committee raised a couple of issues about delegated powers memorandums.

264. First, Standing Orders require the Scottish Government to lodge a delegated powers memorandum when introducing a bill which contains any power to make subordinate legislation. But the rules do not require the memorandum to discuss the delegated powers contained in the bill that are not to be exercised through subordinate legislation.

265. However, elsewhere the rules make reference to the Delegated Powers and Law Reform Committee reporting on the delegated powers in the bill.

266. We think there is an inconsistency between what the Delegated Powers and Law Reform Committee can report on, and what is required to be included in the memorandum. We recommend that Standing Orders are changed to require all delegated powers to be explained in the delegated powers memorandum.

Rules on producing delegated powers memorandums

267. Currently only the Scottish Government is required to produce a delegated powers memorandum when it introduces a government bill.

268. The Delegated Powers and Law Reform Committee raised the idea that every public bill should be accompanied by a delegated powers memorandum. In practice sometimes the member in charge of a non-government bill produces a memorandum. This is the case for bills supported by the Parliament’s Non-Government Bills Unit. However this does not always happen for every non-government bill.

269. We think requiring a memorandum would help the work of the Delegated Powers and Law Reform Committee. At present the Committee has to ask for information on a bill’s delegated powers, if a memorandum is not produced. If a memorandum was required under the rules this information would be provided as a matter of course.

270. On the other hand, producing a delegated powers memorandum might add to the work of the member introducing a bill.

271. However, we do not think this would be a significant burden. Delegated powers in non-government bills are relatively rare. Even when they occur, in many cases the member in charge of the bill is already asked by the Delegated Powers and Law Reform Committee to provide information on delegated powers.

272. We recommend that all public bills containing delegated powers should be accompanied by a delegated powers memorandum, not just Scottish Government bills. A similar change should be made to the rules on producing revised or supplementary delegated powers memorandums.
Timing of revised or supplementary documents

273. We mentioned earlier in the report that the rules on the deadlines for producing revised or supplementary delegated powers memorandums should be reviewed.

274. The deadline for producing these documents is the Friday of the second week before stage 3 is due to take place.

275. This restricts the time available for the Delegated Powers and Law Reform Committee to look at the memorandums. If stage 3 takes place on a Tuesday there could be as little as six sitting days. This is not enough time for the Committee to look at the memorandum properly.

276. Even if the minimum gap between stages 2 and 3 was extended, this would not in itself create more time. This is because the rule that the memorandum must be produced the second week before stage 3 is unchanged.

277. We recommend that this rule is changed to allow more time for the Delegated Powers and Law Reform Committee to consider the memorandum. We suggest that the deadline for producing the memorandum should be calculated by referring to the date of stage 2 rather than a certain length of time before stage 3. This would mean that if the minimum gap was extended, there would be more time for committee scrutiny.

278. We recommend that—

- If the final stage 2 meeting takes place on a Tuesday, the delegated powers memorandum should be publicly available by the Friday of that week
- If stage 2 ends on a Wednesday, the memorandum should also be produced by that Friday
- If stage 2 ends on a Thursday, the memorandum should be produced by the following Monday

279. These deadlines for producing the memorandum are no shorter than can apply on occasion under the current rules. However, by changing the way the rules are framed, more time will be protected for committee scrutiny.

280. So far we have discussed the rules on producing delegated powers memorandums. However, almost identical problems have arisen in relation to the deadlines for producing revised or supplementary financial memorandums.

281. We recommend that the rules on publishing these memorandums are changed in line with the changes to the rules on delegated powers memorandums.
Implementation

282. If there is support for our recommendations, the next step is for them to be implemented.

283. Many of the recommendations do not require any changes to the Parliament’s rules to come into force. Other recommendations will require Standing Orders to be amended before they can be implemented.

284. We plan to publish a short report which identifies the Standing Orders changes which are required. This report will also be a chance to address any more technical points arising from this report.

285. The Parliament will then be asked to agree the Standing Orders changes.

Timing

286. We have considered when the recommendations in this report should come into force.

287. Our view is that the recommendations in the report which do not require Standing Orders changes should be taken forward as soon as possible after the debate in the Parliament. Most recommendations fall into this category. The recommendations which require Standing Orders changes are listed at appendix 3.

288. These recommendations must wait until the Parliament agrees the relevant Standing Orders changes. This may not be until summer 2015. By that time there will be less than one year until the next Scottish general election.

289. Scottish Governments normally have a busy programme for legislation in the final year before an election. Our view is that this may not be the best time to bring the new rule changes into force. The Parliament’s focus should be on the busy legislative programme, rather than adjusting to new rules on legislation.

290. We recommend instead that the Standing Orders changes arising from this report come into force at the start of the next session in May 2016.

Monitoring

291. We intend to monitor how the recommendations in this report have been implemented. We want to ensure that the legislation process is genuinely improved as a result of this inquiry.

292. In our report we have highlighted specific recommendations which should be monitored to ensure progress is made. These include—

   • The proportion of bills which the Scottish Government produces in draft.
(Session 4)

- Improved consultation undertaken by the Minister for Parliamentary Business and the Parliamentary Bureau before setting bill timetables.

- The results of the pilot of the convener reporting to the Chamber on what happened at stage 2.

- The results of the pilot on separating the debate from consideration of amendments at stage 3.

293. We are near the end of this parliamentary session. There will only be a limited time for our recommendations to have effect before the Scottish general election in May 2016. However in advance of this election, we intend to review progress made in meeting the recommendations in this report.

294. Then in the next session of the Parliament our successor committee can continue the important work of monitoring the outcome of this inquiry.
Appendix 1: A short guide to the legislation process

<table>
<thead>
<tr>
<th>Stage 1</th>
<th>Parliamentary committees consider the general principles (the overall purpose) of the bill and normally ask members of the public for their input. Then the Parliament debates and reaches a decision on the general principles of the bill.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 2</td>
<td>A parliamentary committee considers the bill in detail and takes a decision on proposed changes (referred to as amendments).</td>
</tr>
<tr>
<td>Stage 3</td>
<td>The Parliament can consider further amendments to the bill. Then the Parliament decides whether to pass or reject the bill.</td>
</tr>
</tbody>
</table>

After a bill has been passed, there is normally a four-week period during which it can be challenged if it is believed to be outside the law-making powers of the Scottish Parliament. If it is not challenged, it will be submitted for royal assent. Royal assent is when the sovereign (the Queen) turns a bill passed by the Parliament into an Act of the Scottish Parliament.

Once a bill has received royal assent, it becomes an Act of the Scottish Parliament.

Government Ministers (or another authorised person) can make laws called subordinate, delegated or secondary legislation, if they have the required powers under an Act of Parliament.

Subordinate legislation is often used to—

- provide the details of how a law will be applied
- bring a specific section (or sections) of an Act into force
- amend existing Acts.
Appendix 2: views on the legislation process

“…the Parliament operates relatively well but…we have to find ways to strengthen the process.”¹⁰

Lynn Williams, Scottish Council for Voluntary Organisations

“Although the general scheme of three stages is appropriate, it is clear that parts of the process could do with some improvement.”¹¹

Michael Clancy, Law Society of Scotland

“The amendment stages are those which cause the greatest concern to the SCS. There is little or no opportunity for stakeholders to raise concern with amendments that are proposed and subsequently agreed to.”

Scottish Court Service, written submission

“I admit that I give up at stages 2 and 3. I engage with the process on a bill and follow it up to stage 1, but then I just wait to see what comes out at the end because it is too much effort to follow all the amendments and work everything out.”¹²

Professor Colin Reid, Professor of Environmental Law, University of Dundee

“The consensus among the journalists working in the media tower is that stage 3 is particularly complex and difficult to cover…I conducted a wee straw poll among colleagues. I was greeted, by and large, with blank looks.”¹³

Magnus Gardham, convener, Scottish Parliamentary Journalists Association

“The very tight time limits at Stages 2 and 3 are not enough to allow Committees or stakeholders adequate consideration of the, more often than not, numerous and complex amendments that are lodged, an issue of concern where the amendments are completely new or substantially alter the tenet of the existing sections.”

Scottish Women’s Aid, written submission

Appendix 3: list of proposed standing orders changes

- A rule change to increase the minimum gap between stages 2 and 3 from 10 days to 14 days (see paragraphs 122 to 130).

- A rule change to increase the deadline for lodging amendments at stage 2 by one day, to four sitting days. The time of the deadline should remain at 12 noon (paragraphs 185 to 192).

- A rule change to increase the deadline for lodging amendments at stage 3 by one day, to five sitting days. The lodging deadline on the final day should be brought forward from 4.30pm to noon (paragraphs 193 to 197).

- A rule change to require all delegated powers to be explained in the delegated powers memorandum (paragraphs 263 to 266).

- A rule change to require all public bills containing delegated powers to be accompanied by a delegated powers memorandum, not just Scottish Government bills. A similar change should be made to the rules on producing revised or supplementary delegated powers memorandums (paragraph 272).

- Rule changes to amend the deadlines for producing revised or supplementary delegated powers memorandums and revised or supplementary financial memorandums (paragraphs 273 to 281).
ANNEXE A: EXTRACTS FROM MINUTES

13th Meeting, 2013 (Session 4), Thursday 10 October 2013

Legislation inquiry (in private): The Committee agreed its approach to its inquiry.

3rd Meeting, 2014 (Session 4), Thursday 27 February 2014

Inquiry into procedures for considering legislation (in private): The Committee agreed its approach to the next stage of its inquiry.

5th Meeting, 2014 (Session 4), Thursday 27 March 2014

Inquiry into procedures for considering legislation: The Committee took evidence from—

Claudia Beamish;
Nigel Don, Convener of the Delegated Powers and Law Reform Committee;
Kenneth Gibson, Convener of the Finance Committee.

Inquiry into procedures for considering legislation (in private): The Committee agreed the next steps on its inquiry.

6th Meeting, 2014 (Session 4), Thursday 24 April 2014

Decision on taking business in private: The Committee agreed to take items 4 and 5 in private.

Inquiry into procedures for considering legislation: The Committee agreed the next steps on its inquiry.

8th Meeting, 2014 (Session 4), Thursday 29 May 2014

Inquiry into procedures for considering legislation: The Committee took evidence from—

Malcolm Chisholm;
Rob Gibson, Convener of the Rural Affairs, Climate Change and Environment Committee;
Stewart Maxwell, Convener of the Education and Culture Committee;
Magnus Gardham, Convener, Scottish Parliamentary Journalists’ Association;
Ann Henderson, Assistant Secretary, STUC;
Inquiry into procedures for considering legislation (in private): The Committee considered the evidence heard earlier in the meeting.

9th Meeting, 2014 (Session 4), Thursday 5 June 2014

Decision on taking business in private: The Committee agreed that its consideration of a review of evidence, issues for, and a draft report on, its inquiry into the procedures for considering legislation should be taken in private at future meetings.

Inquiry into procedures for considering legislation: The Committee took evidence from—

Michael Clancy, Director of Law Reform, Law Society of Scotland;
Lynn Williams, Policy Officer, Scottish Council for Voluntary Organisations;
Professor Paul Cairney, Professor of Politics and Public Policy, University of Stirling.

Inquiry into procedures for considering legislation (in private): The Committee considered the evidence heard earlier in the meeting.

10th Meeting, 2014 (Session 4), Thursday 19 June 2014

Inquiry into procedures for considering legislation: The Committee considered feedback from the events held on its inquiry.

Inquiry into procedures for considering legislation: The Committee took evidence from—

Joe FitzPatrick, Minister for Parliamentary Business, Willie Ferrie, Scottish Parliamentary Counsel, Office of the Scottish Parliamentary Counsel, Stuart Foubister, Divisional Solicitor, Directorate for Legal Services, and Steven Macgregor, Primary Legislation Programme Manager, Cabinet, Parliament and Governance Division, Scottish Government.

Inquiry into procedures for considering legislation (in private): The Committee reviewed the evidence heard earlier in the meeting and considered issues for a draft report.

11th Meeting, 2014 (Session 4), Thursday 14 August 2014

Inquiry into procedures for considering legislation (in private): The Committee discussed issues for a draft report.
12th Meeting, 2014 (Session 4), Thursday 2 October 2014

Inquiry into procedures for considering legislation (in private): The Committee considered policy papers.

13th Meeting, 2014 (Session 4), Thursday 6 November 2014

Inquiry into procedures for considering legislation (in private): The Committee considered policy papers.

4th Meeting, 2015 (Session 4), Thursday 26 February 2015

Inquiry into procedures for considering legislation (in private): The Committee considered a draft report.

5th Meeting, 2015 (Session 4), Thursday 12 March 2015

Inquiry into procedures for considering legislation (in private): The Committee agreed a draft report.
ANNEXE B: ORAL AND ASSOCIATED WRITTEN EVIDENCE

5th Meeting, 2014 (Session 4), Thursday 27 March 2014

Claudia Beamish;
Nigel Don, Convener of the Delegated Powers and Law Reform Committee;
Kenneth Gibson, Convener of the Finance Committee

Delegated Powers and Law Reform Committee additional submission (70KB pdf)

8th Meeting, 2014 (Session 4), Thursday 29 May 2014

Malcolm Chisholm
Rob Gibson, Convener of the Rural Affairs, Climate Change and Environment Committee
Stewart Maxwell, Convener of the Education and Culture Committee
Magnus Gardham, Convener, Scottish Parliamentary Journalists’ Association
Ann Henderson, Assistant Secretary, STUC
Professor Colin T. Reid, School of Law, University of Dundee

9th Meeting, 2014 (Session 4), Thursday 5 June 2014

Michael Clancy, Director of Law Reform, Law Society of Scotland
Lynn Williams, Policy Officer, Scottish Council for Voluntary Organisations
Professor Paul Cairney, Professor of Politics and Public Policy, University of Stirling

10th Meeting, 2014 (Session 4), Thursday 19 June 2014

Joe FitzPatrick, Minister for Parliamentary Business, Willie Ferrie, Scottish Parliamentary Counsel, Office of the Scottish Parliamentary Counsel, Stuart Foubister, Divisional Solicitor, Directorate for Legal Services, and Steven Macgregor, Primary Legislation Programme Manager, Cabinet, Parliament and Governance Division, Scottish Government.

Engagement events – 6 June 2015 and 13 June 2014 (131KB pdf)
ANNEXE C: WRITTEN EVIDENCE

Audit Scotland (128KB PDF)
Chartered Institute of Public Finance and Accountancy (CIPFA) (540KB pdf)
Joint submission from Children 1st, Aberlour, Barnardo’s, Together, SCCYP, Camphill Scotland, Enable, CCPS, and Youthlink Scotland (141KB pdf)
Cairney, Professor Paul (78KB pdf)
Children in Scotland (123KB pdf)
Coalition of Care and Support Providers in Scotland (CCPS) (77KB pdf)
Economy, Energy and Tourism Committee (140KB pdf)
Education and Culture Committee (125KB pdf)
ICAS (99KB pdf)
Information Commissioner’s Office (133KB pdf)
Justice Committee (211KB pdf)
Law Society of Scotland (23KB pdf)
Elaine Murray MSP (67KB pdf)
Rural Affairs, Climate Change and Environment Committee (88KB pdf)
Regulatory Review Group (114KB pdf)
Scottish Children’s Reporter Administration (188KB pdf)
Professor Colin T. Reid (89KB pdf)
Scottish Council for Voluntary Organisations (160KB pdf)
Scottish Court Service (63KB pdf)
Scottish Environment LINK (228KB pdf)
Scottish Government (95KB pdf)
Scottish Liberal Democrats (87KB pdf)
Scottish Technical Committee (275KB pdf)
Scottish Women’s Aid (127KB pdf)
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