The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 4 February 2016

Session 4

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
3rd Meeting 2016, Session 4

CONVENER

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

Mary Fee (West Scotland) (Lab)

COMMITTEE MEMBERS

Cameron Buchanan (Lothian) (Con)
*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)
*Fiona McLeod (Strathkelvin and Bearsden) (SNP)
*Michael Russell (Argyll and Bute) (SNP)
*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Neil Findlay (Lothian) (Lab)
Joe FitzPatrick (Minister for Parliamentary Business)
John Scott (Ayr) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Gillian Baxendine (Clerk)
Alison Walker

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 4 February 2016

[The Convener opened the meeting at 09:00]

Interests

The Convener (Stewart Stevenson): I welcome members to the third meeting in 2016 of the Standards, Procedures and Public Appointments Committee. As usual, I remind everyone present to switch off mobile phones because they might upset the broadcasting system.

We have received apologies from Cameron Buchanan and Mary Fee.

Agenda item 1 is a declaration of interests. I invite John Scott, who is attending the committee for the first time, to declare any relevant interests.

John Scott (Ayr) (Con): Thank you, convener. I have nothing to declare.

The Convener: Thank you. John is, of course, here to substitute for Cameron Buchanan. I welcome him to our meeting.

Decision on Taking Business in Private

09:00

The Convener: Item 2 is for the committee to decide whether to consider in private at future meetings issues for and a draft of our legacy report, a draft report on standing orders rule changes and our legislation inquiry, and papers on lobbying, legislation and the Scotland Bill. Do members agree to do that?

Members *indicated agreement.*

Lobbying (Scotland) Bill: Stage 2

09:01

The Convener: We come to our main item of business for today, which is stage 2 of the Lobbying (Scotland) Bill. I remind members that if stage 2 is not completed today the committee will be required to meet next Thursday, 11 February 2016.

I welcome Joe FitzPatrick, who is the Minister for Parliamentary Business, and his officials. Officials are not permitted to participate in the formal proceedings. I also welcome Neil Findlay, who has lodged a number of amendments.

Members should have the bill, the marshalled list and the groupings, which set out the amendments in the order in which they will be debated. Our task is to consider all the amendments and also to agree to each section of the bill.

For the debate on each group, I will call the member with the lead amendment to open the debate by speaking to and moving the lead amendment and speaking to all amendments in the group. I will then call any other members who have amendments in the group to speak to all amendments in the group. I will then call any other members who indicate to me that they wish to speak, taking the minister last if he does not have an amendment in the group. Finally, I will invite the member who opened the debate to wind up and indicate whether they wish to press or seek to withdraw the lead amendment.

Any member present may object to the withdrawal of an amendment. If there is an objection, we will proceed straight to the question on the amendment; there is no division on whether an amendment may be withdrawn.

We will follow the normal procedure if a division is required.

When we reach amendments on the marshalled list that have already been debated, I will ask the member to move or not move the amendment. If the member who lodged the amendment does not move it, any other member present may move the amendment.

Before section 1

The Convener: The first group is entitled "Lobbying: definition". Amendment 14, in the name of Neil Findlay, is the only amendment in the group.

Neil Findlay (Lothian) (Lab): Thank you for the opportunity to speak to the committee this morning.

As it stands, the bill lacks a clear definition of lobbying. It sets out core concepts but it does not set out a definition. Amendment 14 provides a definition that everyone can understand from the outset.

It strikes me as absurd to introduce a lobbying bill without defining what we mean by the term "lobbying". When I consulted on my proposed lobbying transparency bill, I looked far and wide for a sound definition. The definition in amendment 14 is the one that the House of Commons Public Accounts Committee uses and it is the best one that I could find. I consulted widely, and that was accepted as a fair definition. It will help the bill and those who will be affected by it.

I move amendment 14.

The Minister for Parliamentary Business (Joe FitzPatrick): I thank Neil Findlay for lodging his amendment 14 and for his explanation of its purpose and effect. I recognise Neil Findlay's particular interest in the area and in transparency in general.

Amendment 14 intends to define what lobbying is before the bill defines the scope of "regulated lobbying". The amendment would introduce unhelpful ambiguity to the bill. Section 1 already gives a clear and legally certain outline of what type of activity is deemed to be lobbying, the type of lobbyees and lobbyists to be included, and the means by which the communication is made.

Including a further definition is likely to lead to confusion over what is and what is not regulated lobbying. For example, the words "in a professional capacity" do not clearly define what lobbying is intended to be covered, unlike the existing exemption in the schedule to the bill on when payment is relevant. It is also unwise to include a definition that seeks to highlight the intention of the lobbying activity. It is already clear that lobbying is an attempt to influence decision-makers.

The approach taken in amendment 14 was criticised in the Organisation for Economic Co-operation and Development's comparative review of legislation for enhancing transparency and accountability. The specific words in amendment 14 were removed from the Canadian regime because they did not allow its legislation to be enforced as introduced.

Finally, the inclusion of parliamentary liaison officers as lobbyees is unnecessary, because lobbying members of the Scottish Parliament is already caught by the scope of the bill. A PLO can be appointed only on the basis that they are an MSP. Although I recognise that the member is trying to be helpful and take account of amendments 15, 16, 18, 32, and 33, amendment 14 risks introducing unnecessary ambiguity and

confusion about the definition of regulated lobbying in the bill. Accordingly, I invite Neil Findlay not to press amendment 14, but if he does then I invite the committee to resist it.

The Convener: I invite Neil Findlay to wind up and indicate whether he will press or withdraw amendment 14.

Neil Findlay: I will press the amendment. It is somewhat of a stretch to claim that providing a definition makes the bill more ambiguous. As it stands, without that definition, the bill is ambiguous.

The Convener: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 14 disagreed to.

Section 1—Regulated lobbying

The Convener: Amendment 15, in the name of Patricia Ferguson, is grouped with amendments 1, 3 and 18. If amendment 15 is agreed to, I will not be able to call amendment 1, because it will have been pre-empted.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): The genesis of amendments 15 and 18 is the evidence that was presented to the committee by a number of witnesses. The idea that the bill should cover only oral communication was described as "clearly insufficient" by ASH Scotland and as "ludicrous" by Dr Dinan of Spinwatch. Professor Chari of Trinity College Dublin advised that he was unaware of any other legislation that contained such a restriction.

We all recognise that, in 2016, much of the communication that takes place with politicians is by letter, telephone and email. Lobbying and lobbyists use all the methods of communication that are open to them and, if we want the bill to have any real effect, it must recognise that. That was the conclusion of the majority of the members of this committee and it was recognised in the stage 1 report. I hope that members will support my amendments and give effect to our recommendations.

On amendment 3, I would like to support the principle that videoconferencing should be captured by the bill, but the wording of the amendment is such that it re-emphasises the belief that the focus of the bill is on face-to-face communication and I cannot therefore do so.

I move amendment 15.

Joe FitzPatrick: I thank Patricia Ferguson for lodging her amendments. It is important that issues that have been raised during the passage of the bill are aired at stage 2.

I understand that amendments 15 and 18 intend to extend significantly the definition of "regulated lobbying" to include a wide range of forms of communication beyond the face-to-face and in-person communications that are set out in the bill.

The issue of what types of communication should be included within the scope of "regulated lobbying" attracted considerable interest during stage 1, and it continues to be the content of much lobbying of MSPs, on both sides, about the bill. The Government's continuing view is that face-to-face communication is the most significant and influential means of conducting lobbying and that the focus of the bill should remain on that activity. However, I have reflected carefully and I am of the view that the bill should incorporate all face-to-face communication regardless of the means of delivery, which is why I lodged amendments 1 and 3 to ensure that videoconferencing and equivalent means will be treated as regulated lobbying activity. That will maintain the proportionality of the bill and will avoid creating a registration regime that might, in practice, discourage access to and engagement with MSPs and ministers.

The Government is not persuaded that a case has been made that justifies altering the scope of the bill to include other forms of communication such as telephone calls or written communications—as Patricia Ferguson proposed—within the concept of regulated lobbying. Doing so would place a potentially very significant burden on organisations seeking to engage with the Parliament and the Government. It would not be in anyone's interest for us to commence with a regime that is unwieldy and off-putting and would lead to criticism of the legitimate public interest that lies at the heart of what the bill seeks to achieve.

In a separate group of amendments, the committee will debate the merits of an amendment that requires that Parliament reviews the operation of the bill after two years. It is through that review that Parliament should reflect on whether face-to-face communications should continue to be the principal focus of the regime or whether it should be extended to other forms of communication. That approach would enable the Parliament to

build an evidence base to justify imposing those controls, taking into account the day-to-day operation of the register for both lobbyists and the Parliament.

For those reasons, I invite the committee not to support Patricia Ferguson's amendments 15 and 18.

The Convener: I invite Patricia Ferguson to wind up and to press or withdraw her amendment.

Patricia Ferguson: I intend to press the amendment.

I am sorry that the minister feels that the evidence that the committee took did not result in an amendment that he can support. I do not want to take too much of the committee's time, because we have a very full agenda. However, I will point out that the idea that we should review the bill to see whether, at a future date, we want to include matters such as the method of communication seems to be the wrong way to look at the bill. We should start by recording all the categories of communication that would be covered by my amendment and by the bill, and review the bill at that future date to see whether or not they are appropriate.

We cannot review something for which we have not captured information. The only way that we will be able to capture information and find out the extent of lobbying, and the purpose and effectiveness of that communication, is by capturing all forms of communication from the outset. If a future Parliament decides that that has been onerous and resulted in us not doing what was intended by the bill, it could be changed at that point. Doing it the other way around is entirely contrary to the purpose of the bill.

The Convener: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 15 disagreed to.

The Convener: Amendment 1 has already been debated with amendment 15.

Amendment 1 moved—[Joe FitzPatrick]—and agreed to.

The Convener: We come to the next group. Amendment 2, in the name of the minister, is grouped with amendments 16, 8, 32, 33 and 11.

09:15

Joe FitzPatrick: The committee's stage 1 report recommended that

"the Government consider bringing forward amendments to broaden the definition of regulated lobbying to include communications made to other public officials."

A number of stakeholders from both sides of the debate have called for the same. As such, amendment 2 proposes to amend the definition of "regulated lobbying" in section 1 to include special advisers as lobbyees. Amendment 11 is consequential on amendment 2, as it defines the term "special adviser".

As I have said throughout the bill's development, I am open to considering all possible changes as long as they continue to meet the principle of a proportionate and simple regime. I can see the arguments that have been made in relation to special advisers, especially given the distinctive role that they play in supporting ministers, and it is for that reason that I have decided to lodge amendment 2.

I am unable to support Patricia Ferguson's amendments 16 and 32, which seek to include all senior civil servants and would enable the Parliament at a future point to add, by parliamentary resolution, any other civil servant in the Scottish Administration. However, I make it clear to Patricia Ferguson and the committee that I continue to give careful consideration to possible further amendments that would bring certain senior civil servants within the scope of the framework. It is important to ensure that the scope of amendment 2 is correct, and consultation with the trade unions is under way on that. I am happy to meet Patricia Ferguson to discuss stage 3 amendments in the light of that consultation.

Patricia Ferguson's amendments 16 and 33 seek to add parliamentary liaison officers as lobbyees. The amendments are unnecessary as a PLO is appointed by virtue of the individual's being an MSP and therefore any lobbying of them in that capacity is already covered by the bill as drafted.

The Government has also lodged amendment 8 to remove from the bill section 2(1)(g), the purpose of which was to act as a catch-all for any Government and parliamentary functions that were not already defined within section 2(1). On reflection, the Government considers section 2(1)(g) to be unnecessary on the basis that any regulated lobbying should happen only in connection with the Government and parliamentary functions that are specifically defined in sections 2(1)(a) to (f). Conversely,

communications that could clearly be viewed as not being lobbying might risk being captured unnecessarily and discourage engagement.

It might assist members if I offer a couple of examples of communications that the Government views as inappropriate for capture. First, if a local housing association that wishes to take forward housing developments in a particular constituency seeks to meet the local MSP to inform them of its intentions and seek their view, that MSP is not being invited to take or not take any specific action of the sort covered in sections 2(1)(a) to (f). Another example might be representatives of a Scottish business in financial trouble wanting to meet the local MSP to communicate that fact as a courtesy and nothing more.

I invite Patricia Ferguson not to move amendments 16, 32 and 33. If the member wishes to move them, I invite the committee to oppose them.

I move amendment 2.

Patricia Ferguson: These amendments recognise that ministers and MSPs are not the only people who might be lobbied. During the committee's deliberations, we looked at that issue and took evidence that showed that, in other jurisdictions, the list of those who might be lobbied goes further than the categories in the bill.

The committee recognised that as many public officials wield considerable power and make important decisions about policy and financial matters, they, too, should be covered by the bill. Once again, the committee recommended as much in its report, so I hope that the amendments will be supported. I appreciate the minister has lodged an amendment to cover special advisers, but it does not go far enough.

Amendment 32 seeks to add to the list of those who might be considered to be in receipt of communications deemed as lobbying, and amendments 16 and 33 attempt to include parliamentary liaison officers in that category. It can and has been argued that that group of MSPs is already covered in the bill, but I want to reinforce the point that they have a particular status in relation to their role in assisting ministers. The amendments seek to protect them specifically from allegations that they themselves might have been lobbied in that role and that they, in turn, have lobbied the minister on behalf of a lobbyist.

I hope that the committee supports my amendments, although I accept that that is unlikely to happen.

Joe FitzPatrick: It might be helpful if, for the record, I make it absolutely clear that PLOs are already captured in their capacity as MSPs. The suggestion that they are having a meeting in their capacity as a PLO does not provide a loophole; they are clearly covered by the bill as MSPs.

I hope that Patricia Ferguson will not move her amendments covering other senior civil servants. As I have said, I am happy to work with her in light of the discussions that the Government is having with the trade unions on a stage 3 amendment. It is appropriate to ensure that we are careful about the action that we take and that it is fully considered, and I hope that the member will agree that consultation with trade unions is part of the process.

Amendment 2 agreed to.

Amendment 16 moved—[Patricia Ferguson].

The Convener: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

AGAINST

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 16 disagreed to.

Amendment 3 moved—[Joe FitzPatrick].

The Convener: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

AGAINST

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

The Convener: The result of the division is: For 5, Against 1, Abstentions 0.

Amendment 3 agreed to.

The Convener: Amendment 4, in the name of the minister, is grouped with amendments 9, 10 and 12.

Joe FitzPatrick: This group contains a number of minor tidying-up amendments. Amendment 4 seeks to put beyond doubt who should be caught—and how—by the definition of "regulated

lobbying". Section 1(1)(b) sets out the categories of people who, in the course of a business or other activity, make communications that might count as regulated lobbying. The definition is already wide and covers employees, directors, partners or members, and the amendment is a clarificatory one that simply ensures that all types of paid office-holder in an organisation are included in the definition of "regulated lobbying".

Amendment 9 corrects a drafting error by inserting the word "meet" into section 24(6)(d). The amendment has no policy effect.

Amendment 10 corrects a drafting error in section 45 by changing the erroneous use of the word "or" to "of", thus ensuring that the relevant provision makes sense. Again, the amendment has no policy effect.

Amendment 12 removes the words "in return for payment" from section 48 to avoid duplication of the provisions in section 1 that define the activity that is regulated lobbying. Once again, the amendment has no policy effect.

I move amendment 4 and invite the committee to support amendments 9, 10 and 12.

Amendment 4 agreed to.

The Convener: Amendment 17, in the name of Neil Findlay, is grouped with amendments 23, 24 and 26.

Neil Findlay: With regard to amendment 17, which relates to thresholds for lobbying, it is necessary that we capture lobbyists who are involved in significant amounts of lobbying activity. The amendments will ensure that small-scale lobbying is not caught by the legislation, and they address concerns about the alleged burden or danger of restricting activity or engagement with the Parliament by small community organisations, charities, businesses and so on; I am also delighted to be able to reassure Gil Paterson that he can still send his Christmas cards. This is a proportionate measure that reflects some of the concerns that have been raised during consideration of the bill. After all, thresholds are used in other jurisdictions and should be included in the bill.

Amendment 23 is all about scale. There is a real difference between spending £100 and £50,000 on lobbying. For the purposes of openness and transparency, it is vital that the public see how much money and time is being spent on lobbying activity, and this amendment will allow the public to access that information and see whether there is any correlation between the money and effort spent on lobbying and the tangible benefits of that activity. They could see, for example, how much time, effort and cash was spent on changing the law on X, Y or Z or how much was spent in an attempt to win contract 1, 2 or 3. More than a third of lobbying registers around the world apply thresholds. Those registers work, and I believe that suggestions to the contrary are red herrings.

Amendment 24 seeks to put in place a banding system to provide a framework for registrants in disclosing the levels of money and time spent on lobbying. In lodging amendment 24, I have taken into account in the banding system the sector's concerns about the commercial sensitivity of expressing the actual amounts spent by, for example, ensuring that no specific examples of contracts for lobbying are included. I think that the banding system is helpful and merely represents a way of making the register work better.

Amendment 26 seeks to update the current proposals to ensure that thresholds are dealt with appropriately throughout the bill.

I move amendment 17.

Joe FitzPatrick: I see two purposes behind Neil Findlay's amendments: first, to offer a threshold to remove low-value lobbying from the registration scheme; and, secondly, to include in the register financial data and time spent lobbying.

I have sympathy with the first aim, in particular, in light of the concerns expressed by members during the stage 1 debate about the bill's potential impact on constituency-based activities—and I include in that Gil Paterson's Christmas cards. I consider that, in their current form, the amendments would add unnecessary complexity and ambiguity to the registration process and for registrants submitting information returns. That said, I wish to give further consideration to the question whether it would be possible to exempt lobbying of a de minimis nature and to return to the matter at stage 3. I am happy to provide the committee with an update on my thinking on the matter ahead of the lodging deadline for amendments.

As for the second aim of Neil Findlay's amendments, the Government's view is that no case has been made with regard to requiring registrants to provide financial data in connection with regulated lobbying. The power available to the Parliament in section 15 would allow the detailed operation of such requirements to be developed without undue haste; the Government also suggests that such matters are best dealt with in the context of the formal review process proposed in amendment 13.

As a result, I ask Neil Findlay not to press amendment 17. If he does so, I ask the committee to resist it.

The Convener: I invite Neil Findlay to wind up and indicate whether he is pressing or withdrawing amendment 17.

Neil Findlay: I will be pressing my amendments, so I suggest that we just go to the vote.

The Convener: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

AGAINST

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 17 disagreed to.

Amendment 18 moved—[Patricia Ferguson].

The Convener: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

AGAINST

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 18 disagreed to.

The Convener: Amendment 5, in the name of the minister, is grouped with amendments 6 and 7.

Joe FitzPatrick: The amendments in this group address a number of topics. First, in its stage 1 report, the committee helpfully suggested that the Government give consideration to a potential exception in the schedule that would cover all trade union communications. The Government agreed with the committee and has therefore lodged amendment 7 to that effect. The Government has sought to maintain a fair and balanced approach throughout the bill's development and as a result the amendment proposes to exempt communications made by trade unions or employers in relation to terms and conditions of employment.

In recognition of the fact that further exceptions might be needed in light of the experience of operating the register, the Government has lodged amendment 5 to give the Parliament the power by resolution to add to the current list of exclusions contained in the schedule to the bill. That power will also give the Parliament the ability to amend or remove any such additions that are made.

09:30

Amendment 6 has been lodged in response to the committee's request for the Government to look again at the exception in the schedule to the bill on meetings initiated by members or ministers. I welcome the committee's assistance in helping to correctly frame the exception and to avoid the creation of a potential loophole that might have allowed lobbying activity to go unregistered. As a result, amendment 6 makes it clear that the exception to a requirement to register extends only to the provision of factual information or views in response to a request.

I move amendment 5.

Amendment 5 agreed to.

Section 1, as amended, agreed to.

Schedule—Communications which are not lobbying

Amendments 6 and 7 moved—[Joe FitzPatrick]—and agreed to.

Schedule, as amended, agreed to.

Section 2—Government or parliamentary functions

Amendment 8 moved—[Joe FitzPatrick]—and agreed to.

Section 2, as amended, agreed to.

Sections 3 and 4 agreed to.

Section 5—Information about identity

The Convener: Amendment 19, in the name of Neil Findlay, is grouped with amendments 20, 21 and 22. I invite Neil Findlay to move amendment 19 and to speak to all the amendments in the group.

Neil Findlay: The amendments in the group address the issue of the so-called revolving door, whereby former ministers, senior civil servants, special advisers and others who work at senior levels of Government build up an extensive contact list of influential people, and then leave that post to go on and exploit that contact book for commercial or financial gain. That situation is not open to ordinary members of the public.

The amendments would mean that the previous five years' employment histories of lobbyists are available for all to see. It is a transparency measure, and it is proportionate. It is important

that the public are able to observe whether a lobbyist has recently worked in or for the very Government that he or she is now lobbying. The amendments help with that transparency, which I believe is an essential part of the bill.

I move amendment 19.

Joe FitzPatrick: Again, I thank Neil Findlay for lodging his amendments, and for his explanation of their purpose and effect.

Amendments 19, 20, 21 and 22 all seek to introduce a requirement for people who register to provide retrospective information about their employment history, or the employment history of those who lobby on their behalf.

The Government does not feel that a case has been made to require people who undertake lobbying activity to have their employment history publicly disclosed. It is important to remember that the amendments would apply to all people who undertake regulated lobbying, but it is not clear that such information would always be relevant to the lobbying activity that was being undertaken.

The amendments would also require organisations to reveal personal details in situations in which the individuals did not agree to their being revealed when they took up employment. Individuals may have legitimate reasons for not wishing to disclose such information publicly, or to their current employers.

In its stage 1 report the committee noted that it is satisfied that the inclusion of individuals' names on the register would enable those with an interest to probe the employment history of people who are involved in lobbying.

Also, arrangements are already in place to scrutinise the future employment of senior civil servants and special advisers, as well as there being a restriction on former ministers and special advisers to ensure they do not lobby the Government for two years following the end of their appointment.

As the committee identified in its report, there is also a power at section 15 of the bill that will allow Parliament to change by resolution the details that are to be disclosed through the registration process. That power would enable Parliament to identify further information that it thinks would be appropriate for inclusion in the register, and to do so in a proportionate and focused way. I believe that that is the appropriate way forward on this matter. Accordingly, I ask Neil Findlay to seek to withdraw amendment 19 and, if it is pressed, I ask the committee to oppose the amendment.

The Convener: I invite Neil Findlay to wind up and indicate whether he will press or seek to withdraw amendment 19.

Neil Findlay: I am very disappointed with the minister's response. The proposal is an essential part of the whole transparency process that the bill is aimed at, so I certainly want to press the amendments.

The Convener: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 19 disagreed to.

Amendment 20 moved—[Neil Findlay].

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 20 disagreed to.

Amendment 21 moved—[Neil Findlay].

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 21 disagreed to.

Amendment 22 moved—[Neil Findlay].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 22 disagreed to.

Section 5 agreed to.

Section 6—Information about regulated lobbying activity

Amendment 23 moved—[Neil Findlay].

The Convener: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 23 disagreed to.

Section 6 agreed to.

After section 6

Amendment 24 moved—[Neil Findlay].

The Convener: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 24 disagreed to.

Sections 7 to 14 agreed to.

After section 14

The Convener: Amendment 25, in the name of Cameron Buchanan, is grouped with amendments 29 to 31. I invite John Scott to speak to all the amendments in the group and to move amendment 25.

John Scott: Amendment 25 is intended to provide a benefit to registrants that may incentivise registration in advance and incentivise voluntary registration. The effect of the amendment would be to allow registrants, should they choose, to automatically receive relevant information, such as on opportunities to participate in consultations and on deadlines by which members have to lodge amendments. Apparently, there is a system in the European Union in which lobbyists who have registered receive automatic mail notification of new consultations or inquiries, among other incentives. That seems to be a good idea, and the amendment may prove to be a useful tool to encourage registration.

Amendment 29 would make it a requirement to publish guidance on the register rather than that just being an option, by substituting the word “must” for “may”. It is essential that everyone who is affected is clear on the operation and requirements of the register so that it operates smoothly, and so that misunderstandings are kept to a minimum. Clear guidance is necessary to achieve that; the amendment would make it absolutely clear that guidance will be published.

Amendment 30 would make it a requirement for guidance on the register to include provision about what qualifies as regulated lobbying. That gets to the heart of the matter. Clarity is essential to make compliance trouble free and to enable the register’s intentions to be fulfilled.

I move amendment 25.

Neil Findlay: Amendment 31 alludes to resources and ensuring that the bill is successfully implemented. We cannot have an ad hoc system; we cannot legislate without putting in proper resources. Legislation must be fit for purpose and backed by hard cash. In short, we must invest in our democracy and there must be sufficient resource in place to raise awareness of the changes that will result from the bill. At a recent seminar in the University of Stirling, the Irish lobbying regulator spoke about the need for that. I

agree with her. Successful implementation of the register and a well-functioning, open and transparent democracy will not come at no cost. We need to invest sufficient resources in the system.

Patricia Ferguson: I am very supportive of the idea of information being provided that allows lobbyists to understand the system and how they should comport themselves in relation to it. Therefore, I support amendment 31, in Neil Findlay's name, and amendments 29 and 30, in Cameron Buchanan's name.

However, I do not support amendment 25. By the nature of their jobs, lobbyists should be aware of such things as parliamentary deadlines and consultations. I really do not see why parliamentary resources should be expended on making that job easier than it is. Parliament's information is open to all and is freely available on our website. That should be sufficient.

Joe FitzPatrick: I listened with interest to the debate on this group of amendments. I will deal with each amendment in turn.

I acknowledge the spirit in which Cameron Buchanan's amendment 25 has been lodged, but I agree with Patricia Ferguson about it. It is important that the work of Parliament is open and accessible and that people who wish to engage with it can understand what business is being conducted. However, the Government does not believe that it is appropriate or necessary to set out in primary legislation prescriptive requirements about what information the clerk should provide to registered lobbyists—although I recognise that, ultimately, that is a matter for Parliament.

There are already administrative processes that interested members of the public or organisations can use to enable them to keep abreast of parliamentary developments. For example, they can subscribe to electronic notifications and material in relation to bills, committees, Parliament news and various activities in Parliament. Parliament also offers people the opportunity to receive a weekly e-bulletin. Using the facilities that Parliament already provides continues to be the best way to address the matter. Perhaps Parliament's guidance on the operation of the bill could set out how lobbyists could make best use of those facilities. For those reasons, I recommend that the committee not support amendment 25.

On amendments 29 and 30, it is the Government's view that the guidance that will be developed under the bill will be central to its successful implementation. We would all find it difficult to envisage circumstances in which Parliament would not produce that guidance. On that basis, the Government supports the committee's accepting amendments 29 and 30.

Amendment 31 is in two parts. Although the first part—proposed new section 43(2A)—is, strictly speaking, unnecessary, I can see some benefits in highlighting Parliament's ability to promote awareness and understanding of the bill. I am less sympathetic towards the second part—proposed new section 43(2B)—because it must be left to the Scottish Parliamentary Corporate Body to make decisions about use of the overall budget that is available to Parliament. Consequently, I invite Neil Findlay not to move amendment 31, with the undertaking that I will seek to lodge a Government amendment at stage 3 that will deliver on the first part of it. For those reasons, I invite the committee to resist amendments 25 and 31 and to support amendments 29 and 30.

John Scott: I will not press amendment 25, given the explanation that the minister has provided.

Amendment 25, by agreement, withdrawn.

09:45

Section 15—Power to specify requirements about the register

Amendment 26 moved—[Neil Findlay].

The Convener: The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 26 disagreed to.

Section 15 agreed to.

Sections 16 to 23 agreed to.

Section 24—Procedure for assessing admissibility of complaint

Amendment 9 moved—[Joe FitzPatrick]—and agreed to.

The Convener: Amendment 27, in the name of Cameron Buchanan, is in a group on its own.

John Scott: As the bill stands, there is some ambiguity about whether the commissioner's report to Parliament stating that a complaint is admissible will be public knowledge. Our concern

is that the identity of the subject of the complaint should be public only if an investigation finds that they have failed to comply with the register's requirements.

We are concerned that without amendment 27 there may be scope for competition-motivated accusations to be made, and the accused could suffer consequences before an investigation had proved an accusation to be either true or false. Exposure to possible reputational damage for the subject of a complaint for failing to comply with requirements should not be possible before an investigation has actually been completed. However, should the minister be able to clarify that the report to Parliament that is mentioned in section 24 would be private and would be for Parliament only, we would consider that.

I move amendment 27.

Joe FitzPatrick: I thank Cameron Buchanan for lodging amendment 27, and I thank John Scott for his explanation of its purpose and effect. I understand that the amendment seeks to ensure that no information in relation to an investigation by the commissioner is made public until such time as the commissioner has issued their report on the outcome of their investigations to Parliament for its consideration, as required in section 22. There is already provision in section 22(4) that requires an assessment of admissibility and an investigation to be conducted in private. The Government is unsure how the amendment is intended to apply alongside the requirement in section 24(8) to tell Parliament and the complainant that the complaint has been ruled admissible.

There are potential issues about the workability of such an arrangement in the context of the need to keep the complaints procedure private—for example, the need then to enter into confidential agreements with the complainant, the person being complained about and Parliament.

For those reasons, I invite John Scott to seek to withdraw amendment 27. If he will not, I invite the committee to resist the amendment. I make it clear that if Cameron Buchanan would find it helpful to discuss the matter with me and my officials in advance of stage 3, I would be very happy to do so.

John Scott: In the light of the minister's kind offer to discuss the intentions behind the amendment with him prior to stage 3, I am happy to accept that invitation on Cameron Buchanan's behalf and to seek to withdraw the amendment.

Amendment 27, by agreement, withdrawn.

Section 24, as amended, agreed to.

Sections 25 to 41 agreed to.

Section 42—Offences relating to registration and information returns

The Convener: Amendment 28, in the name of Neil Findlay, is in a group on its own.

Neil Findlay: Amendment 28 is part of a proportionate system of warning and penalty that alerts organisations to the fact that they may not as yet have registered or fulfilled their responsibilities under the legislation. If they still fail to oblige after being warned, a sliding scale of punishment prior to summary conviction is suggested, to a point at which they may be banned from operating as lobbyists.

Among other things, that might be a greater incentive to ensure that all lobbyists fulfil their obligations than some of the other punishments that have been suggested.

I move amendment 28.

Joe FitzPatrick: I thank Neil Findlay for lodging amendment 28, the intention of which is to introduce a more serious penalty for second or subsequent offences under section 42 of up to the statutory maximum of £10,000, and for that person then to be potentially prevented from lobbying for three years. The amendment also seeks to impose an administrative sanction for an offence committed under section 42 in circumstances in which a person has been carrying out lobbying activity for six months or less. That would create a criminal offence with no criminal penalty. The clerk would simply give the offending person notice advising them about the duty to register.

I fully appreciate the spirit in which amendment 28 seeks to offer registrants some latitude in respect of initial failures to comply with the registration scheme, at least for a time, until they fully understand the operation and requirements of the act. However, there is a fundamental issue with the amendment in that the outcomes would lack clarity. For example, in relation to the sanction preventing a person from lobbying for three years, it is not clear what lobbying someone would be prevented from undertaking. I think that Neil Findlay intends to relate it to regulated lobbying, as it is defined in the bill, but that would not necessarily be the effect of the amendment. It is also unclear how the sanction would be enforced.

More generally, I have concerns about whether the proposed interference with someone's ability to work is a proportionate response. In addition, it is not clear when the six-month period for determining whether a person is given notice from the clerk or is liable to a fine would apply. I presume that it would from the time of committing the offence, but again that would not necessarily be the effect of amendment 28.

Issues also arise with the clerk having to give notice to a person when that person "commits an offence". Under section 17, the clerk will already be able to require information from an active or voluntary registrant when the clerk has reason to believe that a person has failed to provide it. However, and more importantly, it must be left to the courts to determine whether an offence has been committed and, when an offence has been committed, to impose an appropriate criminal sanction.

My concerns are not just about the mechanisms of amendment 28. More fundamentally, the Government considers that the existing statutory framework that is set out in the bill provides a proportionate approach to offences. The awareness-raising that will be conducted by the Parliament in the run-up to the register becoming operational, alongside the guidance that is to be published by the Parliament, will ensure that registrants are aware of what is required of them.

Section 16 outlines the clerk's duty to monitor compliance and section 17 describes the power that the clerk has to issue information notices requiring a person to supply information. In addition, section 22 provides for the duty of the Commissioner for Ethical Standards in Public Life in Scotland to investigate and report on complaints that are received when a person has failed to comply with the requirements of the act. The provision of guidance and the role of the clerk and commissioner, backed by the possibility of criminal sanctions, is fair to registrants and sufficient to ensure the robustness of the registration regime.

I ask Neil Findlay to seek to withdraw amendment 28 but, if he does not do so, I ask the committee to resist it.

Neil Findlay: At the beginning, it appeared that the minister supported the principle of amendment 28 but, through some verbal gymnastics, he got himself into a position of opposing it. If he supports the principle, will the Government work with me to bring back the amendment at stage 3 in a more acceptable form? If not, I will press the amendment.

Joe FitzPatrick: I understand the spirit of what Mr Findlay is saying, but I am clear that the bill as drafted meets the spirit.

The Convener: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 28 disagreed to.

Section 42 agreed to.

Section 43—Parliamentary guidance

Amendments 29 and 30 moved—[John Scott]—and agreed to.

Amendment 31 moved—[Neil Findlay].

The Convener: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Scott, John (Ayr) (Con)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 2, Against 4, Abstentions 0.

Amendment 31 disagreed to.

Section 43, as amended, agreed to.

Section 44 agreed to.

Section 45—Offences by bodies corporate etc

Amendment 10 moved—[Joe FitzPatrick]—and agreed to.

Section 45, as amended, agreed to.

Section 46—Interpretation

Amendment 32 moved—[Patricia Ferguson].

The Convener: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 32 disagreed to.

Amendment 33 moved—[Patricia Ferguson].

The Convener: The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 33 disagreed to.

Amendment 11 moved—[Joe FitzPatrick]—and agreed to.

Section 46, as amended, agreed to.

Section 47 agreed to.

Section 48—Application of Act to trusts

Amendment 12 moved—[Joe FitzPatrick]—and agreed to.

Section 48, as amended, agreed to.

After section 48

The Convener: Amendment 13, in the name of the minister, is grouped with amendments 13A and 13B.

Joe FitzPatrick: Paragraph 100 of the committee's stage 1 report highlighted that

"a number of those responding to the Committee called for a review after an agreed period so that Parliament could revisit and revise the legislation."

The Government agrees that there would be merit in conducting a review to consider how successfully the regime has operated and whether any changes should be made in light of the review.

That process would allow proper consideration of whether potentially significant changes should be made to the regulated lobbying regime rather than amending the bill now in ways that might put at risk the key principles of openness and accessibility that have underpinned the Government's and committee's approach to the bill. Putting in place a review mechanism enables the Parliament to gather information and establish an evidence base to support and justify any case for change.

That is why amendment 13 in my name would require the Parliament to conduct a review of the lobbying register after its first two years of formal operation. Although it will be for Parliament to determine the form and content of its final report, the Government believes that it is important to recognise that certain issues have attracted particular attention during the bill's development and parliamentary passage. Therefore, the provision specifies that the report may in particular contain recommendations about whether to add to or modify the type of persons who would be treated as lobbyees under the regulated lobbying system, whether to add to or modify the types of communication that would be treated as regulated lobbying activity, and whether lobbyists who undertake regulated lobbying activity should be required to provide information about expenditure that is incurred in carrying out that regulated lobbying activity.

I expect the Parliament's review to be thorough and wide ranging. Once it has been completed, it will be for Parliament to determine whether it wishes to use any of the powers in the act to make changes to the administration of the register or to introduce further primary legislation if it considers that a more fundamental policy change is required.

10:00

Although I appreciate the basis on which Cameron Buchanan's amendments 13A and 13B have been lodged, I cannot recommend that members support them. Amendment 13A would reduce from two years to one year the period in which the Parliament's review would be conducted. I do not believe that one year of operation of the register would be a sufficient period of time on which to base an informed analysis. Information returns will be provided by lobbyists every six months, and I believe that the Parliament will wish to enable that cycle to be completed more than once before it conducts its review.

Similarly, amendment 13B would reduce from two years to one year the period in which the Parliament must conduct and complete its review. In light of the expectation that Parliament will consult in developing its evidence base and on its draft recommendations, I do not believe that it would be appropriate to require the review to be completed in one year. However, it is important to remember that the Government's proposed two-year limit is the maximum time that the Parliament will have in which to complete its review. It would therefore be open to Parliament to complete its review more quickly if it wished to do so.

I invite the committee to support amendment 13 in my name. I ask John Scott not to move amendments 13A and 13B in the name of Cameron Buchanan, but if he does so, I ask the committee to resist them.

I move amendment 13.

John Scott: We agree that it would be wise to review the operation of the register after we, and all concerned, have gained practical experience of its operation. However, the Government's amendment requires only that a report is published within a period of four years after enactment, which is the sum of the two-year review period plus a subsequent two-year period to report. The process makes sense, but the timings appear to be too long.

If there are issues or gaps in the register that are serious enough to warrant revision, it is likely that they will be apparent within a year of the register's operation. Furthermore, it should be possible to report on the register's operation within a year when the aim is to review rather than to create from scratch.

We therefore suggest that the Government's amendment is amended to reduce the time by which a report is to be published to two years. The amendments will achieve that by reducing the review period and the report period to one year each.

I move amendment 13A.

Patricia Ferguson: I am sympathetic to the Government's amendment that seeks to reduce the review period, as that is absolutely necessary. I do not have a problem with a review taking place two years after the bill comes into force. However, I sympathise to some extent with Cameron Buchanan's amendment 13B simply with regard to parliamentary cycles. If the bill is to be reviewed after two years and Parliament has up to two years to do that review, that would in effect mean that any resulting work on the bill would take place at the very end of a session. In all likelihood the work would be rushed or may not happen until the next parliamentary session.

If there are issues, flaws and faults in the bill, and if improvements can be made, we should do that within a reasonable timeframe, and certainly within the next session of Parliament. For that reason I will not support amendment 13A, but I will support amendment 13B.

Joe FitzPatrick: Patricia Ferguson makes some good points. The bill as drafted would allow Parliament to undertake the process faster if it chooses to. Amendment 13B would put in a rigid framework that might not work with the timetable for the next session of Parliament. It would be for Parliament rather than the Government to frame the review, so it would be better to give Parliament that flexibility going forward. Although I note that there are some arguments in that regard, I think that it is appropriate to resist amendments 13A and 13B.

John Scott: I hear what the minister says, and I welcome his comment that a review could take less than two years. As Patricia Ferguson said, in the normal cycle of parliamentary sessions—which we seem to have got out of at the moment—a review would take place at the end of a session and it would therefore be less likely that it would be acted on expeditiously.

I press amendment 13A.

The Convener: The question is, that amendment 13A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Scott, John (Ayr) (Con)

Against

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 13A disagreed to.

Amendment 13B moved—[John Scott].

The Convener: The question is, that amendment 13B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Scott, John (Ayr) (Con)

Against

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 2, Against 4, Abstentions 0.

Amendment 13B disagreed to.

Amendment 13 agreed to.

Section 49, as amended, agreed to.

Section 50—Commencement

The Convener: Amendment 34, in the name of Cameron Buchanan, is grouped with amendment 35.

John Scott: Amendment 34 would require the register to be operational at least three months before the registration requirements come into force. The intention is to allow potential registrants to become accustomed to using the register so that any technical difficulties or misunderstandings can be addressed before sanctions come into force. It is important that registrants are able to experience practical use of the register if they are to be ready when the requirements come into force.

Amendment 35 would require the guidance to be published at least three months before the registration requirements come into force. The intention is to allow potential registrants to understand their requirements in advance so that any action that is needed to comply can be taken before enforcement. That would give registrants a better chance to get to grips with the register without fear of falling foul of the requirements.

I move amendment 34.

Joe FitzPatrick: I thank Cameron Buchanan for lodging the amendments and I thank John Scott for his explanation of their purpose and effect.

The Government's position is that implementation of the bill as enacted is properly a matter for Parliament, and that the Government will be steered by Parliament in determining when relevant provisions of the bill should commence. While I accept the spirit underlying Cameron Buchanan's amendments, which would ensure that the mechanics of the register and the guidance are in place before the duty to register bites on lobbyists, I do not believe that it is necessary to set that out in the bill.

The Government would prefer to leave to the Parliament's discretion determining when the provisions in the bill should commence and the order in which commencement should take place. In doing so, the Government expects that the Parliament will wish to ensure that guidance on the operation of the bill as enacted has been produced and that support will be available to those lobbyists who may be required to register their lobbying activity.

For those reasons, I invite John Scott not to press amendment 34.

John Scott: I press amendment 34.

The Convener: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Scott, John (Ayr) (Con)

AGAINST

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 34 disagreed to.

Amendment 35 moved—[John Scott].

The Convener: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Scott, John (Ayr) (Con)

AGAINST

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Stevenson, Stewart (Banffshire and Buchan) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 1, Against 5, Abstentions 0.

Amendment 35 disagreed to.

Section 50 agreed to.

Section 51 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill.

Patricia Ferguson: Convener, I crave your indulgence while the minister is still with us.

Minister, has a date been established for stage 3? Colleagues around the table should have the opportunity to think about the framing of amendments for that stage.

Joe FitzPatrick: I will come back to members on that.

The Convener: An early indication would certainly be helpful, minister. Thank you very much.

Standing Orders

10:11

The Convener: Agenda item 4 is on chapter 9B of the standing orders. We have a note from the clerks, on which I invite comments from members.

Paragraph 17 of the note has three suggestions that we might care to agree to after considering the issue that Mary Fee has raised: that we make no changes to the standing orders; that we give further consideration to standing order rule changes; or that we highlight it as a legacy issue for next session's committee. There may be other options that members wish to draw to our attention.

Fiona McLeod (Strathkelvin and Bearsden) (SNP): It is a very useful paper that has helped us to get our heads round the issue. I suggest that there is another option. I will go through the three that we have and I will give my reasons why there should be a fourth option.

Option 1 is that we should make no changes to the standing orders. As I said last week, I am reluctant to change the standing orders without careful consideration, but the issue with the Trade Union Bill has highlighted that that is worth pursuing. It came to me when I was thinking about the change to English votes for English laws at Westminster that there may well be times when, although the Westminster Government says that proposed legislation is about England only, we will see that it could impact on Scotland. For that reason, we cannot say an absolute no to changing the standing orders.

Option 2 is to give further consideration to changing the standing orders. I have always said that we should not change the standing orders as a knee-jerk reaction to what the Trade Union Bill threw up, but given what I have said, we need to take a wider view.

Option 3 is to highlight the issue as an important legacy issue. However, given the discussion on the Trade Union Bill, the thinking about different laws that might be coming and how things are changing at Westminster, if we left it as a legacy issue, we would be leaving it in the hands of a committee that had not done the thinking originally.

I suggest a fourth option, which is that we start to think about the issue now. However, I do not want us to rush into anything. We should give the matter considered thought over the next few weeks, and then we can say whether we have had enough time to recommend making a change or whether we should suggest that the next committee considers the issue.

I have a question for the clerks. Last year, we talked about the fact that the Welsh Assembly had decided that it would vote against a legislative consent motion. What happened in Wales with that vote? Did Westminster take any consideration of it?

10:15

Gillian Baxendine (Clerk): My understanding is that the Welsh Assembly agreed that there should be an LCM on the Trade Union Bill, but I do not know how the Westminster Government has responded.

Fiona McLeod: It might be worth having a wee look at that.

Gillian Baxendine: We are in touch with the Welsh clerks about developments in Wales.

The Convener: That is fine. I hope that we get further information on that.

Fiona McLeod made some interesting comments. Does anybody else wish to make any comment? If not, we will move forward on that basis.

Michael Russell (Argyll and Bute) (SNP): Fiona McLeod raised an interesting possibility. As I said last week, I am resistant to changing standing orders on the basis of a dispute over a ruling by the Presiding Officer. However, I accept that the EVEL situation may change things. It may create circumstances in which—I repeat the word that I used last week—"obnoxious" legislation such as the Trade Union Bill will, in some interpretations, be difficult to deal with. Legislative consent motions have no force. I will be very interested to see what happens in response to the decision in Wales, but I suspect that I can predict the reaction of the Westminster Government. Its reaction will be to do nothing at all. It will not be moved by the decision of the Welsh Assembly.

Perhaps we need to create another category that deals with legislation that the Government of the day at Westminster says is only to do with England and Wales, but which we believe has much wider consequences. I think that that is worth doing. I think that Fiona McLeod is right to say that doing that is not the same as doing nothing; it is about establishing what we can do. We should try to give consideration to that approach before the end of the session. I think that there is time to do that. If we were to look at the matter over the next two or three weeks, we might be in a position to make a recommendation to the next Parliament. There will be other recommendations to the next Parliament. I was not a member of this committee when it was drawing up its report on procedures, but I gave evidence to it at that time. The next Parliament will

need to consider some urgent changes at a very early stage—at the very start of the next session—and this might be one of those changes.

Patricia Ferguson: We have to remember why we are looking at this paper today. We are looking at it because Mary Fee sent a letter to the committee asking that it consider a rule change. That was also part of an amendment that was agreed to by the majority of parliamentarians in the debate on the Trade Union Bill. Clearly, the amendment had to be worded in such a way that it would be competent, but the clear intent of the amendment was that we should focus on what was happening with the Trade Union Bill—which, frankly, is a clear and present danger—with a view to enabling this Parliament to suggest to the United Kingdom Government, by means of an LCM, its very clear opinion that the Trade Union Bill is a bad thing and that Scotland should be treated differently for all the reasons that we rehearsed in the debate, which I will not rehearse here.

There is a timetable for the Trade Union Bill. It is very important that we consider any action in relation to that timetable, otherwise the discussion is moot. I think that we should press ahead with work on a change to standing orders in the knowledge that, in effect, that is what Parliament asked us to do.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): This whole matter has very starkly thrown up the absolute lack of status of LCMs. Paragraph 11 of the paper that is before us states:

> "the procedure itself has no status or special effect and any clear expression of the will of the Parliament will be effective".

That shows very clearly that LCMs are not worth the paper that they are written on. I think that the response to the Welsh Assembly's vote on an LCM will be very understanding, and I agree with Mike Russell that Westminster will just say "Tough." The paper highlights clearly that the power lies in London.

Having said that, we need to discuss the issue and make progress on it. I think that we should do that as quickly as we can and see where we get with that discussion by the time the Parliament goes into dissolution.

John Scott: I am not sure whether I should be declaring an interest as a Deputy Presiding Officer, but I speak as a member of the Scottish Parliament. I am fully supportive of the Presiding Officer's position.

I am reluctant to see a change to standing orders. Although it is the will of Parliament, it might be perceived to be a knee-jerk reaction. The old maxim is "Act in haste, repent at leisure." Knee-jerk reactions have never been seen as a basis for creating good law.

Furthermore, we are still awaiting the arrival of Smith and we need to see how it interacts with all this. I have to confess that I am not absolutely up to speed on whether there will be an interaction with the proposals, but it would not be unreasonable for Parliament to look into the matter without prejudice. It should be an issue that Parliament takes a view on in the next session in due course, over time and after proper consideration. That would be a reasonable way forward.

The Convener: There is clearly a sense that the committee does not want to close this off today. We need to address the process that we now adopt, the content that we are looking to develop and the time that we are going to take to do all that. We have to address that during our deliberations.

It might be useful if Patricia Ferguson addresses that in addition to anything else that she wanted to say.

Patricia Ferguson: It strikes me that we are in danger of getting sidetracked into a completely separate and different debate. EVEL and the Smith commission are very important subjects and I do not say that they should not be the subject of work by the committee—it would be interesting to look at them.

However, as Dave Thompson did, I refer members to paragraph 11 of our paper, where it says:

> "The Convention does not specify how consent of the Parliament (or the absence of consent) is to be obtained or expressed. Chapter 9B sets out the procedure that the Parliament has chosen to help it deal with legislative consent in an appropriate and consistent way."

It is the 9B provision that has prevented us from having an LCM. Whether it would be effective or otherwise is not part of my argument. My argument is that Parliament clearly thought that it should have an LCM. That was ruled out by the Presiding Officer, who quoted chapter 9B of standing orders as the rationale for doing so. Our attention should therefore be focused on whether we wish to amend chapter 9B, and I think that we do.

Michael Russell: I repeat that I regard the Trade Union Bill as obnoxious. Parliament has said that it is obnoxious and it can say it again and again in whatever format it wishes but, regrettably, the reality of the situation is that Westminster holds the cards. What we need is a situation in which, if we need any change, we can express that about bills that may be defined either by the Government of the day or by other rulings as not

subject to LCMs. Fiona McLeod's proposal gets us to that next stage, which is good.

If Patricia Ferguson believes that that should be done before the end of the session, it is possible, although I tend to agree with what John Scott said. It is not necessarily sensible to rush a change through in a way that might get it wrong. To go back to what I said last week, we should not be changing standing orders because we object to a single ruling by the Presiding Officer.

The Convener: Speaking not as convener but as an individual, there is certainly a difficulty if we seek to take from the Presiding Officer the custody and interpretation of standing orders—or if we are seen to do so. I am not sure that we are necessarily at that point, but that is a risk.

I come back to Fiona McLeod because I have suggested that, whatever we end up with, we need to understand the process from here, the content and the timing. Do you have anything to add to what you have said that might help us in that regard?

Fiona McLeod: I am not sure whether I have anything that would help. I come back to the paragraph in Mary Fee's letter in which she asks the committee to

"provide the opportunity to vote on an immediate change of the Standing Orders".

I do not think that making "an immediate change" is the right way to approach a change to standing orders. Having read the paper that is before the committee this week and the one for last week's committee meeting, I am struck that although we are considering a standing order of the Scottish Parliament, which we have to look at, the issue is how it fits in with—how it aligns with—the devolution guidance note and the memorandum of understanding. We should not make an immediate change without understanding—given that there is an MOU and a DGN—that, if we introduce a standing order that interrupts that alignment, that will either have the effect that we wish it to have or again be an empty gesture, with the Scottish Parliament shouting into the wind. I would like us to start working on that issue. Doing so could perhaps help us to formulate exactly what we need to do.

The Convener: That is fine in a sense, but can you perhaps further illuminate the process? I am merely throwing in some suggestions as things that the committee might do. Do you envisage inviting evidence? What is the process from here?

Michael Russell: I appreciate Patricia Ferguson's point that there is a demand in some quarters for immediate change, so can we look at two draft standing orders, one of which would achieve what Patricia Ferguson wants to achieve, and one of which would achieve what Fiona McLeod wants to achieve? We can then make a choice.

The Convener: I will come to Patricia Ferguson in a second. As convener, I want to be clear about where we are heading today. As a matter of process, we have a specific set of words that Mary Fee has proposed be put as a change to standing orders. On one side of the discussion, I have a clear set of words and there is no ambiguity. On the other side, I do not yet have a clear set of words. That leaves me, as convener, with a bit of a difficulty, as I cannot put two propositions.

Michael Russell: The concept is clear, and I think that the clerks would be able to capture it in a draft standing order. The concept is that there would be an additional category—8 or whatever it is—which would be for legislation for which a legislative consent motion was either not sought or not permitted, or whatever the language is. Such a category would allow the Parliament to give an opinion on the matter, even if there was no LCM.

The Convener: So we are looking at—I pluck this out of the air—a new paragraph 9C of standing orders, which has something appropriate in it.

Patricia Ferguson has been dying to comment.

Patricia Ferguson: Paper 1 is before us on the basis of the letter that we had from Mary Fee and people's anxiety about not rushing into making a change without considering what is before us. However, we are now proposing that we should rush into something else without having a paper to consider.

Michael Russell: No, we are not.

Patricia Ferguson: I think that we are. The paper that we have in front of us refers specifically to the situation that applies in relation to chapter 9B of standing orders and the Trade Union Bill. We either want to do something about the Trade Union Bill—as far as we possibly can—or we do not. That is quite a straightforward matter.

However, any other change that brought in anything new to deal with any perceived circumstances would, in and of itself, have no more status than an LCM. I do not see why we would, at this stage, want to open up that debate when Smith has not been finalised and when the Devolution (Further Powers) Committee is looking at all of that, whereas with chapter 9B we have a recommendation—or at least a view; it is not necessarily a recommendation—from that committee and we have the view of Parliament. We really need to focus on that. If we do not, we are abrogating the responsibility that our colleagues have given us.

10:30

Michael Russell: I utterly reject that. There is no abrogation of responsibility. This committee is performing the function for which it exists, not only to consider standing orders but to be part of the stewardship of standing orders. It is absolutely right that that function is fulfilled, so I absolutely reject Patricia Ferguson's view on that. I am not saying that she is pushing us this way but we are in danger of an interpretation being given out that if members are not in favour of Mary Fee's suggested change, they are in some sense in favour of the Trade Union Bill.

For the record, I repeat for the third time, as strongly as I can, that I regard the Trade Union Bill as uniquely obnoxious. Equally, if we were to overrule the Presiding Officer—essentially by changing the rules because we dislike a single ruling from her—that would be the wrong thing to do for the future of this Parliament.

The question is how we move forward. Fiona McLeod has made a positive suggestion that we could consider. However, I entirely reject the idea that if we do not assent to Mary Fee's suggestion, we are in some sense wimpish about the Trade Union Bill and in some sense defying the will of Parliament.

The Convener: I have just taken some advice on one aspect of this to be clear about the difference between an LCM and a motion that is identically worded but is not described as an LCM. There is one difference—I will be hauled in by the clerk if I get this wrong. The one difference is that, if it is an LCM, the clerk of the Parliament writes to the clerk at Westminster to formally draw Westminster's attention to the opinion of the Parliament. If it is not an LCM, that process does not of necessity take place, although it is not prevented from taking place. That is possibly the immediate missing link that we might care to discuss.

Michael Russell: Well, that is easily bridged.

The Convener: Mr Russell will forgive me—Mr Thompson has been catching my eye quite agitatedly for some time so I will give him his due and then come back to Mr Russell.

Dave Thompson: Thank you, convener. I deny being agitated. As a lifelong trade unionist who organised his first strike when he was 14 years old, I—like Mike Russell and many folk in this Parliament—abhor what is happening with regard to the Trade Union Bill being imposed on us by Westminster. My father was also a trade union activist—in Morayshire, which was a strong Tory area back in the 1930s. It was a difficult thing to do; it was easy to be a trade unionist on red Clydeside, where everybody else was a trade unionist, but in Morayshire, you were very much on your own.

However, if we move too quickly on this and if any suggestion is made that Parliament should take over responsibility for such decisions from the Presiding Officer, we will be in real danger of getting ourselves on to very dangerous ground.

This has to be dealt with properly, with proper thought given to it. It has nothing to do with anybody's position on the Trade Union Bill. Mike Russell and I, and others, have made our position on that very clear. It is about proper governance and proper procedure within this Parliament. We on the Standards, Procedures and Public Appointments Committee have a duty to make sure that we get these things right.

The Convener: I will call Mike Russell, Patricia Ferguson and John Scott.

Michael Russell: If the issue is the letter from the clerk of the Parliament to the clerk at Westminster, I am sure that it would be possible to request that by special resolution. Indeed, I would be happy to support any member if they were to lodge a motion drawing attention to the debate that took place on the Trade Union Bill and saying, "Here is the information." That is fine. However, it would be highly dangerous to change our entire standing orders to do that.

John Scott: I support what Mike Russell and Dave Thompson have said. Forgive me, Patricia, for jumping in before you but we are the custodians of the law in Parliament as well as the creators of it. As I said, it would be a pity to act in haste and repent at leisure. There is a real danger of doing something precipitate and unreasonable here, and I think that we should avoid that at all costs.

Patricia Ferguson: For the avoidance of doubt, I am not accusing anyone of being in favour of the Trade Union Bill—quite frankly, I do not see how any right-thinking person could be in favour of it—and I do not feel the need to rehearse my trade union credentials in order to back up what I am saying. Most of us in this room are trade unionists—we are all probably active trade unionists to a greater or lesser extent—and I suspect that we are all very proud of that fact. This is not about whether we are in favour of the Trade Union Bill.

When we had the debate, I was conscious of the fact that a letter would go from the clerk of the Parliament to his opposite number at Westminster if an LCM was agreed to. For that reason, I suggested in my speech at the time that perhaps our business managers might collectively like to go to 10 Downing Street with a copy of the *Official Report* and present it there. I still think that they might like to do that. I would certainly be happy to

join them in doing that if they wished me to be there—I am sure that many of us would be happy to do so.

The point that I am trying to make is that I jealously guard Parliament's rules and regulations, too. I was a Deputy Presiding Officer in a previous life—that was a very long time ago—and I have a lot of sympathy with the idea that we should not move precipitately to change the standing orders. However, it is a fact that we discussed that last week and, as a result of that discussion, we have paper 1 in front of us. That was supposed to facilitate our having a discussion about whether we wish to move to change the standing orders. My opinion is that we do, although others may have a different view.

This is not about whether we are in favour of the Trade Union Bill; it is just a procedural issue. We have probably rehearsed all the arguments, and we should just move to a decision on the matter.

John Scott: Convener, I—

The Convener: Just one moment, please.

Let me put to members the sense that I am getting from them and test whether I am reading what is going on.

First, we agree that we do not intend to revisit in this meeting the substantive issue of the Trade Union Bill—that is beyond doubt.

Secondly, I am getting a pretty strong sense, although the view is not unanimous, that we do not wish to recommend the change that Mary Fee has put to us at this stage and in that form. Equally, I get the sense that we wish to encourage Parliament by means as yet perhaps not fully understood to ensure that it formally notifies Westminster of its views on the piece of Westminster legislation in question, as would have been the case if an LCM had been agreed to. As I say, we have to explore how that might be done.

John Scott: Convener—

The Convener: Just one moment.

We have not rejected and therefore still have on the table Fiona McLeod's proposal that we look further at whether there are standing order changes that it would be appropriate to make, having dealt with the immediate issue in the way that I think we are getting to.

Have I sensibly summarised where we are just now? I address that question at Patricia Ferguson in particular.

Patricia Ferguson: Yes, but my fear is that we are losing our focus.

The Convener: I understand and respect Patricia Ferguson's point, but in the summary that I came up with, I proposed something to enable us to complete what we are going to do today, although it will not complete the issue. I propose that we do not agree at this stage to bring forward the change that Mary Fee has suggested, although I hasten to say that we are not dismissing it, either. We are inviting Fiona McLeod to work with the clerks to bring forward an alternative formulation. I think that that has to happen. We will invite the clerks to consider that. We will also invite the clerks to explore how we can get the Parliament to notify Westminster, in a proper, formal sense, of the view that we have expressed through a non-legislative consent motion.

John Scott: If it is the intention or will of the committee to notify Westminster of the view of the Scottish Parliament, which I am certain it is aware of anyway, what we do must be done within the remit of the Scotland Act—it must not be ultra vires. The issue is difficult, but I would not wish it to be seen as challenging the authority of the Presiding Officer, either. That is vitally important to the principles of our Parliament.

I will reiterate something that I have said before. Like all other committees, in the run-up to dissolution, this committee will produce a legacy document. I am very aware that I am a guest on the committee today but I believe that the issue that we are discussing should either be first or extremely high on that document's list of things to be addressed. Alternatively, as I have said, the committee should begin an inquiry into the process while we await the outputs from the Smith commission and their effect on our Parliament in due course.

I know that I am repeating myself, but I think that it would be precipitate to make this change before the full impact and implications of the Smith agreement are in front of us.

The Convener: You are a full member of the committee while you are here as a substitute member. I am delighted to see you, and you are substantially more than a mere guest.

Patricia Ferguson: Convener, in your summary, before John Scott's contribution, you mentioned that Fiona McLeod's suggestion was an alternative to the proposal. I do not see it as an alternative; I see it as a different workstream. However, I think that the two things have to be kept separate. We have to dispose of Mary Fee's proposal, one way or another. Anything else is a different matter.

The Convener: Patricia Ferguson makes a fair point. I was not seeking to put the two propositions in opposition to each other, because we do not know what the other proposition—should one emerge—would be. All I am saying is that we should not dispose of Mary Fee's proposal at this

stage until we see whether there is another proposal that would be either additional or in distinction to it. At this stage, I simply do not know where we are going to get to on that issue.

Michael Russell: I thought that your summary was entirely fair, convener. If we were to proceed on that basis, we would want to dispose of the proposal at our next meeting. However, we need to get a little bit more information.

The Convener: For clarity, I do not envisage that the committee has the power to take action on notifying Westminster. However, we have the power to ask that we go away and find out how that might be done and what the processes are.

Are the clerks quite clear on that matter? I see them nodding.

Michael Russell: We are not proposing to send you with the letter, are we?

The Convener: Not unless Parliament takes a quite extraordinary decision.

Michael Russell: Well, it would be interesting.

The Convener: Parliament has the power to send me if it chooses to do so, and I would, of course, do that.

I think that that draws this discussion to a conclusion.

Patricia Ferguson: I just want to make one small point. Last week, we agreed not to dispose of the item concerning Mary Fee's letter and the consequences thereof, and that we would get a paper and do that this week. Now, however, we seem to be saying that we are going to do that next week. I respectfully ask that, next week, we absolutely come to a decision, because the timetable is tight.

The Convener: I think that, at this stage, I can only note your observation. I absolutely understand the issue of the timetable, which is of course why, when the subject first came up, I spelled out our understanding of the parliamentary timetable in Westminster.

That concludes this meeting. Thank you for your support and assistance. It sounds like we will meet briefly next week, not for stage 2 proceedings but to address the issue that we have just been discussing. I think that a 9.30 start will probably be good enough.

Meeting closed at 10:44.

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