

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 11 September 2007

Session 3

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EQUAL OPPORTUNITIES COMMITTEE

2nd Meeting 2007, Session 3

CONVENER

*Margaret Mitchell (Central Scotland) (Con)

DEPUTY CONVENER

Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE MEMBERS

*Marlyn Glen (North East Scotland) (Lab)

*Bill Kidd (Glasgow) (SNP)

*Hugh O'Donnell (Central Scotland) (LD)

Sandra White (Glasgow) (SNP)

*Bill Wilson (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

Jamie Hepburn (Central Scotland) (SNP)

Mary Scanlon (Highlands and Islands) (Con)

Jim Tolson (Dunfermline West) (LD)

*attended

CLERK TO THE COMMITTEE

Terry Shevlin

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 11 September 2007

[THE CONVENER *opened the meeting at 11:03*]

Work Programme

The Convener (Margaret Mitchell): Good morning. I welcome members and the public to the second meeting of the Equal Opportunities Committee in the third session of the Scottish Parliament. I remind everyone, including members, to turn off their mobile phones and BlackBerrys, as they interfere with the sound system even when they are switched to silent. I have received apologies from Elaine Smith and Sandra White.

The first item of business is our consideration of the committee's work programme. The decisions should be fairly straightforward, as all the items were discussed at our away day, which was held in Dunkeld on 29 and 30 August and at which we discussed our predecessor committee's legacy paper. The purpose of today's discussion is to agree on the actions that are set out in the paper that we have before us from the clerks. I propose to go through the paper, item by item.

Paragraph 3 sets out two categories of work: on-going work that we may wish to include in our short-term work programme and other on-going work on which we may wish to seek further information or which we may agree to monitor. Are members happy with the general approach to the work programme?

Members indicated agreement.

The Convener: Paragraph 4 concerns our predecessor committee's disability inquiry report, "Removing Barriers and Creating Opportunities". Does any member wish to comment?

Bill Kidd (Glasgow) (SNP): The report contains 156 recommendations. We need to look at those that have been achieved thus far and those that are in progress; that will leave us with those in relation to which no action has been taken. I am not sure whether the information is available on all that.

It could be worth while—although other members may not agree—for us to consider establishing a hierarchy of recommendations. Given the report's 156 recommendations, we have a lot of recommendations to consider, some of which may be more pressing than others. If that is agreed, we would then need to consider the likely

achievability of those recommendations that are set to be achieved during session 3.

The Convener: Thank you. That is useful.

Hugh O'Donnell (Central Scotland) (LD): Would there be merit in finding out from the new Administration its position on taking forward the recommendations? If so, we could send a letter to the Administration and follow up with an invitation to the relevant minister or cabinet secretary to appear before the committee.

The Convener: The paper that is before us today includes a suggestion for such action. We need to agree not only whether to try to discover what progress the various organisations that are named in the report have made, as Bill Kidd suggested, but whether to monitor the implementation of recommendations by taking further oral evidence from the relevant cabinet secretary or minister.

Marlyn Glen (North East Scotland) (Lab): I am happy with the approach that is outlined in the paper. We need to look at the recommendations, test them and see whether we can tick any of them off, as Bill Kidd suggested. However, I would advise against making a hierarchy of recommendations. One of the big difficulties for the equalities organisations at the moment as they move into a single equality body is the fear that a hierarchy of equalities will be set up. They feel that each strand is as important as the other. All the report's recommendations are practical and all of them should be taken forward. I agree with the actions that are set out in paragraph 6.

The Convener: In asking whether the committee is minded to accept the suggested action in paragraph 6, I propose that our consideration of the question of a hierarchy—if any—is made subject to Marlyn Glen's proviso that that could cause problems.

Marlyn Glen: We should look at the issue and deal with it now. Rightly, each equality organisation is concerned about its patch. The main difficulty for the organisations in going into a single equality body and considering the discrimination law review is the idea of hierarchies. We need to squash the idea and to say that there are no hierarchies. We could say to bodies, "You should be working on this recommendation, which can be met in the short-term and quickly." We could also say, "We recognise that that recommendation will take a bit of work." That is not to say that there is a hierarchy.

Bill Wilson (West of Scotland) (SNP): I wonder—

The Convener: I think that we are agreed that we will avoid the use of the word "hierarchy" and thereby any implications that may arise. As Marlyn

Glen said, we could highlight to organisations the recommendations that they can prioritise—the things they can do immediately—and say that we see no reason why they should not do those things.

Bill Wilson: I was about to make a suggestion about priorities and prioritising, but you have just covered what I was going to say.

The Convener: Okay, thank you. Do members agree with the recommendations in paragraph 6 of our work programme paper?

Members indicated agreement.

The Convener: The next topic in the paper is the discrimination law review. That review has been undertaken by the United Kingdom Department for Communities and Local Government with the aim of developing a simpler and fairer legal framework on anti-discrimination. There was a green paper and the consultation closed on 4 September. We have had an informal indication that the Scottish Government intended to contribute to the review.

The recommendations in our paper are that we clarify the timescale for the Scottish Government's response to the consultation, and that we contact the Department for Communities and Local Government to request a briefing on the review, on the outcome of the consultation, and on the next steps before a bill is introduced in Parliament. Do members agree with the recommendations?

Members indicated agreement.

The Convener: The next topic is the European year of equal opportunities for all 2007, which was launched in January in Berlin. The Scottish Parliament's Equal Opportunities Committee was represented at the launch by its then convener. The closing conference will take place in Portugal on 19 and 20 November.

The recommendation in our paper is that the committee investigate the possibility of our participating in the closing event—subject to the agreement of the relevant parliamentary authorities—in order to publicise our work and to network with relevant groups and individuals across Europe. Do members agree?

Members indicated agreement.

The Convener: Related events are being planned for Scotland by the Scottish Government and the Scottish Parliament, which is hosting an equality and diversity week from 27 to 29 November. Are members minded to recognise the equalities week?

Members indicated agreement.

Hugh O'Donnell: It is vital that we do that, because it will be a substantial series of events. I

notice that our paper refers to the involvement of both the Scottish Government and the Scottish Parliament, as you said convener. The week is not that far away, and it would be helpful to know what progress has been made and what sort of events people have in mind. That would allow us the opportunity to contribute.

The Convener: Yes, such information would be helpful; we can certainly ask what is planned.

Members have indicated that they are minded to take part in the week. Do we have any ideas on how we might do that? Some ideas were mooted at our away day, but if members would like a little more time to reflect, we will produce an options paper giving various ways in which we could participate. Are members happy with that?

Members indicated agreement.

The Convener: The next topic in our paper is mainstreaming equality in the work of Scottish parliamentary committees. In the second session of the Parliament, the Conveners Group proposed that all committees should consider their equality work and should report formally on it to the Equal Opportunities Committee, which would monitor the work. That position was endorsed in the Procedures Committee's legacy paper at the end of the second session.

Our paper suggests that we should find out how the new Procedures Committee intends to make progress with this work, and then consider how we can examine the work of other committees. Are members happy with that?

Hugh O'Donnell: Yes, it will be important that we do that.

Marlyn Glen: The Procedures Committee will hold its first formal meeting since the recess this afternoon. I am a member of that committee and we are certainly pushing for this issue to be an early priority in our work programme. That work programme will be set out this afternoon, but I think that there will be agreement that the issue should be an early part of the programme.

11:15

The Convener: Thank you—that is helpful. We will get formal confirmation from the Procedures Committee.

The next topic is the review of progress in equalities in Scotland. The notes in our paper are self-explanatory. In the second session, the Equal Opportunities Committee undertook a review of equalities in Scotland since devolution. The committee researched the issue and published a report.

Marlyn Glen: It is important that reviews are held regularly, particularly given the legislative

changes that are coming up. Groups such as Engender are doing work that this committee could make use of. It is important that we hold reviews regularly—or at least that someone holds reviews regularly and that this committee monitors the reviews.

The participation event that we held in the Parliament was really worth while. The people who took part valued it, so I look forward to our doing something similar again. I know that organising the event was a lot of work for the clerks, but it was worth while.

Bill Wilson: During our away day, it was suggested in several presentations that many of the data that would be required for recording inequalities were missing. If we are talking about reviewing progress, we will have to consider what data are missing. Clearly, we have to know what we can review accurately.

The Convener: We will take that point on board when considering the recommendations and key priorities in the review of equalities.

Hugh O'Donnell: It might be helpful to have a very short briefing paper on the previous participation event, so that we do not reinvent the wheel.

The Convener: That is a sensible suggestion; it will be helpful for new members to know exactly what happened before. If we are to hold a future participation event, we should receive a briefing paper from the clerks. That will allow us to agree on what we should do if we decide to hold another participation event during this third session of the Parliament.

Marlyn Glen has suggested that the key priorities from the review should run through all our work. One way of ensuring that that happens might be to follow the recommendation in our paper. The committee should use those key priorities as part of a baseline approach to any major piece of work that we carry out. Do members agree?

Members indicated agreement.

The Convener: The next topic in our paper is headed:

“Scottish Executive Ageing Population Strategy/Scottish Executive Language Strategy”.

The two strategies were published in 2007, and members are asked to agree that we should write to the Scottish Government to ask for an update on progress.

Bill Kidd: The strategies were published early this year, and since then we have had an election and a recess. I therefore do not think that, if we write to the Government now, we will learn anything of any worth. Would it be worth while to

tell the Government that we will contact it early in the new year to find out what position it has reached?

The Convener: That is one suggestion—we could defer asking for an update until a little later in the year. We could write to the Scottish Executive once it has found a way through its workload and is not bogged down with the many requests that it will have received early in the session.

Bill Wilson: On the whole, I agree with Bill Kidd. However, as you know, convener, at the away day I raised several times the issue of the Scots language. I would like to know fairly soon whether the Executive has any particular strategies on that and how it proposes to ensure equality for Scots language speakers. In the past, the Scots language has been neglected and its issues have not been raised—they have been quietly dropped. I do not want them to be dropped in the Parliament. Although I accept the suggestion that there is no point in asking for the strategy just now, I would like some kind of note to be passed forward, saying that the issue of the Scots language should be raised.

The Convener: We are asking only for an update at this point. We can write to the Scottish Government again if we want more information.

Hugh O'Donnell: I acknowledge the new Administration's workload, but I think that it is entirely appropriate for the committee to get its bid in first on the issues that we are concerned about and for us to notify the Executive of those issues accordingly. We all recognise that the comprehensive spending review will impact on any strategic moves. Notwithstanding that, we must signal to the Executive that equal opportunities should be at the front of the queue when it comes to getting attention.

Marlyn Glen: I agree. The strategies are on-going; however, it is in the nature of ageing that the longer one waits, the older one gets. We are talking about the entire population of Scotland, so it is vital that we push the issue.

Bill Kidd: I agree with what other committee members have said. I am not concerned about the new Government's workload; I am concerned that the committee should not waste time in asking for information that has not been updated since the strategy was launched. As I said, we should let the Government know that we will be looking for substantial information, possibly early in the new year. There are other issues on which we will also contact the Government. Given the fact that the strategy was introduced only recently, I do not think that we are going to get much back from the Government on it. It is all very well for us to ask for information in the knowledge that we are not going

to get much back, but I do not think that that would serve any great purpose.

The Convener: Perhaps you know something that we do not know.

Bill Kidd: I do not know anything.

The Convener: It is fair that we ask for an update. It will then be for the Scottish Government to respond and tell us exactly where it is or how much progress it has or has not made. We can decide how to progress the matter after that. Is that agreed?

Members indicated agreement.

The Convener: The next topic is the Prohibition of Female Genital Mutilation (Scotland) Act 2005. The Equal Opportunities Committee was the lead committee for the consideration of the Female Genital Mutilation (Scotland) Bill. When the bill became an act, the committee held the Scottish Government to account on the measures that were contained in the act and the implementation of those measures. It is proposed that we continue to monitor the implementation of the act by writing to the Cabinet Secretary for Justice for information on the Scottish Government's intentions for future action. Are we agreed on that course of action?

Members indicated agreement.

Hugh O'Donnell: Convener, can we ask not only what the Executive's intentions are, but whether it has any historical information about what has been done previously? For example, can we ask whether, since the act was passed, there have been any instances of the act being used and how it has been used?

The Convener: We can ask about future action and for any background that the Government would like to give us on the implementation of the act since it came into force.

The next topic is the widening access to council membership progress group. If members have any comments to make, I will take them. If not, the suggested action is that we write to the new Government, asking whether it intends to reconvene the group as a means of assessing the progress that has been made to date.

Bill Kidd: I suggest that we ask for a reply on this soon, as it is a matter of great interest that should not be allowed to slip down the political agenda. There has been a lot of talk recently, in all parties, about separating the parliamentary and council elections. The public interest demands that this be known about as soon as possible; therefore, we should ask for a reply soon.

Marlyn Glen: The widening access to council membership progress group was really important but was not established in good time. It is difficult to persuade the different parties to put forward

equal numbers of men and women as well as considering ethnic minorities when their selections are made. That is the kind of issue that needs to be pushed all the time. The Scottish Parliament leads the world on the number of women that we have in the chamber, but our local authorities are not in the same position. It is, therefore, important that we press for the group to be reconvened.

The Convener: It seems that we agree that the way forward is to write to the Scottish Government, asking whether it intends to reconvene the group and to make it a priority to reply to us as soon as possible. Are we agreed?

Members indicated agreement.

The Convener: The next topic is a review of progress on Gypsy Traveller issues. In 2001, the Equal Opportunities Committee produced a report on its inquiry into Gypsy Travellers and public sector policies. An interim report was published in 2005, which noted the progress that had been made. Subsequently, in February 2007, the then Minister for Communities confirmed that the Executive proposed to publish a national strategy and action plan on race equality that was to incorporate the findings of its strategic group on Gypsy Travellers. The committee is asked to agree to write to the Scottish Government, asking for an update on the race equality strategy with particular reference to progress on Gypsy Traveller issues. Is that agreed?

Members indicated agreement.

The Convener: The next topic is public sector duties. In session 3 of the Parliament, Scottish ministers will report on the Scottish Government's performance in relation to the implementation of the public sector duties on race, disability and gender. Scottish ministers will have an additional reporting requirement in relation to the disability and gender duties. Members are asked to confirm whether the committee, subject to other work commitments, will seek to scrutinise the work of the Scottish Government in that area during session 3. Are we happy to commit to that?

Hugh O'Donnell: It is important that we do that. The role of the public sector in setting the framework in which we all view equal opportunities is critical, given the substantial role that it plays in wider civic life. I am, therefore, cautious about the phrase "subject to other work commitments". It should be a matter of priority and should not be relegated below other work commitments. We need to find a way of progressing the issues in parallel.

Marlyn Glen: I have a suggestion. I know that the reporter system is the next item on the agenda, but I presume that, if we have a reporter system, that might help the situation. Like Hugh O'Donnell, I am concerned about the phrase

“subject to other work commitments”, because I think that the issue is important. If we decide to have reporters, we could assign the initial work to them; they could then bring the issue back to the committee. In that way, we would not have to spend so much committee time on considering the issue.

The Convener: That is a useful suggestion. We can incorporate the topic into the work of the reporters to make them mindful of that aspect of the work that they are undertaking with the various strands. In the meantime, we can lay down a marker that we would like to scrutinise the area in the future. We can then return to the matter when we consider the programme beyond the short term. Is everyone happy with that proposed course of action?

Members indicated agreement.

The Convener: The next topic is the commission for equality and human rights, which will be established next month. It will be a United Kingdom body, although it will impinge on work in Scotland. There will be a Scottish commissioner, Morag Alexander, from whom we received an informal presentation at our away day, and a Scottish director. The recommended action is to confirm that, again subject to other work commitments, we will scrutinise the work in Scotland of the commission for equality and human rights.

11:30

Bill Kidd: That replicates the situation with the public sector duties. It is important that, with the initiation of the commission, we observe everything and comment on its work. We should not separate that or leave it in abeyance because something else is more important. The commission is very important, because of the large areas that it covers, and we have to be up to the mark and ready to comment on anything that takes place.

Bill Wilson: It is important that we scrutinise the commission, especially when we know that some of the current bodies are nervous that what is important to them may be lost.

There is another point, which I have raised already. The commission will be a combined body that will also cover human rights, therefore we should start examining the human rights aspect. Human rights are often presented by the press in this country as being an issue in foreign countries. They are presented in this country as being negative. The fact that the commission will cover human rights and equal opportunities gives us the opportunity to say that human rights affect people in this country and that they are beneficial to everyone. There is an opportunity to raise the status of human rights in the minds of people—

and perhaps even in the press, although that is possibly being too hopeful.

The Convener: You have indicated an interest in that issue, and we will cover the point specifically when discussing the paper on reporters, but I thank you for your comments.

Hugh O'Donnell: First, let me declare an interest, as I am on the selection panel for the Scottish commission for human rights. Points have been made about how high up the agenda the issues come, but we must also be aware of the potential for cross-area conflict between the commission for equality and human rights and the Scottish commission for human rights, and monitor the situation when the two bodies are established. I understand that they will be co-located, which itself might present a range of issues on how they make progress. It is important that we keep track of both bodies. My understanding is that at some point in October, the chair of the Scottish commission for human rights will also be in place.

The Convener: That is helpful background information. At our away day, both the national director Scotland and the Scottish commissioner from the CEHR showed definite willingness and enthusiasm about engaging with the Scottish Parliament. We can say not only that we will scrutinise its work, but that we intend to have formal meetings, on the record, to take evidence and work in the spirit of co-operation.

The next element of the work programme is on the 2011 census. The recommendation before us is that we continue to scrutinise the equality aspects of the 2011 census by, for example, taking evidence from the General Register Office for Scotland on the outcomes of the census consultation. Are we agreed?

Members indicated agreement.

The Convener: The Scottish Executive provided support in session 2 to the lesbian, gay, bisexual and transgender hearts and minds agenda group, which aims to produce an action plan to tackle prejudice and discrimination. Does the committee want to receive a briefing from the group once it has published its report?

Hugh O'Donnell: Do we have a date for the report? Our papers say that it will be published in autumn, but autumn goes from September to the end of November. The date obviously will impinge on our forward work programme, so it would help to have an indication of when the report will be published.

The Convener: I understand from the clerks that the group envisages publishing the report in December, but it has indicated that it would be happy to come to committee pre-publication, if we were so minded. Do we agree to that?

Members indicated agreement.

The Convener: The last element of the work programme relates to the Welsh Assembly Equality of Opportunity Committee. In session 2, the committee held an informal meeting with that committee, the Scottish equalities co-ordinating group and the Welsh equality reference group, on issues of common interest.

We are looking for approval to explore the possibilities of working and holding future discussions with those bodies on relevant devolved Administration issues. Are we agreed?

Members indicated agreement.

The Convener: Thank you—that concludes discussion on agenda item 1.

Marlyn Glen: Are we leaving the work programme open to additions? I am thinking in particular about how we examine the budget for equalities consequences, which are not always obvious.

The Convener: There will be formal meetings on the budget.

Terry Shevlin (Clerk): We can do a budget approach paper for the next meeting.

The Convener: Yes. We are really just looking at the short-term work programme and, in particular, trying to pin down the disability inquiry so that progress is made on it. The budget will come into the work programme. The other issue in the short term is to examine and assess members' ideas for our own inquiries.

Marlyn Glen: The only other work from the last session that Elaine Smith asked me to mention was from our meeting on pornography. We are both keen that the committee should follow that up and examine what came out of the meeting.

The Convener: Members will all have their own priorities and ideas about what the committee should focus on. Elaine Smith could include that idea in her suggestions for committee inquiries. The clerks intend to produce a pro forma this week that sets out how members can progress their ideas for inquiries. Those ideas can be considered once the pro formas are completed. Are members happy with that?

Members: Yes.

Reporter System

11:37

The Convener: Agenda item 2 is a paper on the reporter system. It is fairly self-explanatory, so I will just invite comments on it before we move to the recommendation, which is to continue the system in a revised form. Are there any comments before we move to the decision? I call Marlyn Glen.

Hugh O'Donnell: The reporter system is an equitable way of moving issues forward, so I am all in favour of it. It breaks down the workload and gives us specific tasks in addition to our general committee membership role. It will, perhaps, give us a little more expertise in the areas that we are allocated or for which we nominate ourselves.

The Convener: Thank you, Hugh, but I ask you to act through the convener, to avoid any complications.

Hugh O'Donnell: My apologies.

Marlyn Glen: I agree that we should continue with the reporter system. I am not trying to be scary, but I should say that some of the work that was done by reporters is not in any reports, although it is no less important for that. Reporters do a lot of really interesting background work. It is important that we continue with the reporter system.

Bill Wilson: What happened to reporters' background work that is not in reports? Is it still available or was it lost in the system?

The Convener: Do you have specific examples, Marlyn?

Marlyn Glen: As the reporter on race, I attended a couple of conferences, including an interesting one at Tulliallan about police work and equality, and another on Gypsy Travellers. Although I did not write formal reports, as the conferences had their own reports, I used in committee what I had learned, for example in questioning ministers and other witnesses. Such work is useful, but it does not necessarily form a huge piece of written work.

Bill Wilson: That is fine—I was worried that someone had produced written work that was then lost. Thank you for clarifying that.

The Convener: Do members agree that the committee should continue with the reporter system and that members will take a policy strand and meet individuals, organisations and stakeholders that have a key interest in it?

Members indicated agreement.

The Convener: Any issues that reporters think should be brought to the committee will be brought to it and further action on them will be discussed.

Can I have volunteers to act as reporters for each strand? Sandra White, who is not here, has expressed her interest in continuing to be the reporter for the age equality strand. Are members happy with her doing so?

Members *indicated agreement.*

The Convener: Can I have a volunteer to act as reporter for the disability strand?

Bill Kidd: I volunteer.

The Convener: Are members happy that Bill Kidd should be the reporter for the disability strand?

Members *indicated agreement.*

The Convener: Elaine Smith, who has shown a committed interest in gender policy for a number of years, has indicated her interest in reporting on the gender strand. Are members happy that she should do so?

Members *indicated agreement.*

The Convener: Can I have a volunteer to act as reporter for the race strand?

Marlyn Glen: I am happy to do so.

The Convener: Marlyn Glen is happy to continue to be the reporter for the race strand. Can I have a volunteer to be the reporter for the religion and belief strand?

Hugh O'Donnell: I volunteer for that.

The Convener: We come to the sexual orientation strand. The committee is still a Labour member short, and we still do not know who will be appointed. Do members agree that I should write to the Labour business manager to clarify the situation and find out who will be appointed and when it will happen?

Members *indicated agreement.*

The Convener: Bill Wilson said that he would like us to consider adopting human rights as a separate equalities strand. The clerks have said that they will prepare a paper on the issue and bring it to the committee. We can take matters from there. Do members agree that we should proceed in that way and leave open the position of reporter for the sexual orientation strand until we know who will be appointed to the committee from the Labour group?

Members *indicated agreement.*

The Convener: As members have no other comments, I have pleasure in closing the meeting.

Meeting closed at 11:42.

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