



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 6 February 2019

Session 5



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RURAL ECONOMY AND CONNECTIVITY COMMITTEE

5th Meeting 2019, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

*Peter Chapman (North East Scotland) (Con)

*John Finnie (Highlands and Islands) (Green)

*Jamie Greene (West Scotland) (Con)

*Richard Lyle (Uddingston and Bellshill) (SNP)

*John Mason (Glasgow Shettleston) (SNP)

*Mike Rumbles (North East Scotland) (LD)

*Colin Smyth (South Scotland) (Lab)

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

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Claudia Beamish (South Scotland) (Lab)

Professor Adrian Davis (Edinburgh Napier University)

Mairi Gougeon (Minister for Rural Affairs and the Natural Environment)

Stuart Hay (Living Streets Scotland)

Rod King MBE (20's Plenty for Us)

Mark Ruskell (Mid Scotland and Fife) (Green)

Helen Stanley (Scottish Government)

Gavin Thomson (Scottish Environment LINK)

Bruce Whyte (Glasgow Centre for Population Health)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 6 February 2019

[The Convener opened the meeting at 09:29]

Subordinate Legislation

Genetically Modified Organisms (Deliberate Release etc) (Miscellaneous Amendments) (Scotland) Regulations 2019 [Draft]

The Convener (Edward Mountain): Welcome to the fifth meeting in 2019 of the Rural Economy and Connectivity Committee. I remind everyone to ensure that mobile phones are on silent.

Agenda item 1 is subordinate legislation. We will consider one affirmative Scottish statutory instrument: the Genetically Modified Organisms (Deliberate Release etc) (Miscellaneous Amendments) (Scotland) Regulations 2019—that is quite a mouthful. The committee will first take evidence from the Minister for Rural Affairs and the Natural Environment, and the motion on approval of the instrument will be considered at item 2. Members should note that there have been no representations to the committee on the instrument.

I welcome from the Scottish Government Mairi Gougeon, the Minister for Rural Affairs and the Natural Environment; Helen Stanley, senior policy officer; John Kerr, head of the agriculture policy division; and Juliet Harkins, solicitor with the legal directorate. Cabinet secretary—

Gail Ross (Caithness, Sutherland and Ross) (SNP): You have just promoted her.

The Convener: Oh—I have promoted you. Maybe that is wishful thinking.

Minister, I ask you to make a brief opening statement. Please try to limit it to three minutes.

The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon): No problem. I will try to explain this as briefly and concisely as I can. Thank you for inviting me along to consider the SSI and to move motion S5M-15628, which asks that the Rural Economy and Connectivity Committee recommends that the regulations be approved.

The primary purpose of the SSI is simply to allow Scotland to do what European Union law intends and bring our current legislation up to

date. It provides the Scottish ministers with the powers to continue our policy of opting out of growing future EU-approved genetically modified crops and introduces powers of enforcement in that respect. The Scottish Government's stated policy is that we will not allow GM crops to be grown in Scotland, and the instrument allows that to continue. The instrument updates out-of-date references and removes outdated provisions in a number of related domestic GM regulations.

In particular, the SSI includes provisions that allow for limits to be applied to the geographical scope of EU marketing consents for GM cultivation, if so demanded by the Scottish ministers or another member state. That means that we can ensure that Scotland is excluded from any consents to cultivate future EU-approved GM crops during any transition period. Of course, if there is no Brexit deal, Scotland's policy of no GM crop cultivation will continue, as the area is devolved, and any decisions on GM crops will be for the Scottish Government. The SSI also introduces appropriate investigatory powers, offences and penalties to enforce limits on the geographical scope in Scotland.

Although the SSI is not entirely connected to Brexit, it transposes current EU legislation into domestic law, as we made clear we would do in our programme for government, and it sits alongside a raft of other statutory instruments and SSIs to prepare for a no-deal Brexit. The committee will be well aware that, in a separate exercise, the Department for Environment, Food and Rural Affairs has been drafting EU exit amending SIs on our behalf for directly applicable EU legislation, in accordance with a protocol set out by the Scottish Parliament. Those SIs are for a no-deal scenario and are to ensure that appropriate EU rules are in domestic law, which will be important for us to maintain our GM crop-free status.

We will also lay our own EU exit SSI to fix the legislative deficiencies in our principal regulations. Because the SSI that we are considering today is about transposing into our law recent changes that have been made by the EU, we will have to fix the regulations with another EU exit SSI, which we intend to lay later this month. That EU exit SSI will ensure that, on exit day, our two current Scottish statutory instruments on the issue continue to be operable after EU exit.

I hope that that explanation provides some clarity on the purpose and process involved and that members are assured of the importance of passing the regulations into law and will agree to the motion, but I am happy to take any questions that the committee may have.

Peter Chapman (North East Scotland) (Con): I declare an interest, as a partner in a farming business.

This is maybe more of a statement than a question, but I fundamentally disagree with the Scottish Government's position on GM crops, which I think is holding us back as an industry. I accept that, at the moment, there are perhaps no GM crops that we would wish to grow in Scotland but, by turning our back on science, we are doing a disservice to our farming colleagues. The decision to go down that road is fundamentally wrong. I do not expect that I will change the minister's views in any way, but I feel that it is the wrong policy. It is always a bad idea to turn your back on science. Where is the science to back up the Government's position that GM crops are all bad and that we should turn our back on them? Where is the science to back up what you are asking us to agree to?

The Convener: Mr Chapman has made an important point. Although I am just convening the meeting and will not be asking any questions, it is important to say that I am also a member of a farming partnership. I say that for openness, not because I believe that it is necessary.

Mairi Gougeon: The member is more than entitled to his opinion on that issue. We have a different take on the policies. The stated policy of the Scottish Government is that we do not allow GM crop cultivation. There is no policy change in the implementation of the SSI. If at any point in the future, the Government wishes not to take the opt-out, the SSI will allow it to do so. However, we believe that it is important to transpose the EU directive that allows us to take that opt-out into Scottish law; that is our policy position at the moment and we do not intend to change that.

Peter Chapman: I suspect that we are not going to get any further on that.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Just as an observation, I say that I fundamentally disagree with Peter Chapman, but not on the basis of disagreeing on the science, because we oppose the cultivation of GM crops not on the basis of science but on the basis of Scotland being a pure and natural environment in which our wonderful food is produced. That differentiates us from other regimes.

I will make a more substantive point. From reading the SSI, it is clear to me—and I am sure that it is correct—that it refers to the cultivation of crops. Can the minister confirm that it therefore does not apply to animals or the importation of genetically modified material?

Mairi Gougeon: The member is correct. It relates just to cultivation.

Jamie Greene (West Scotland) (Con): I have a few quick questions. The paper that we have says that the policy objective of the SSI is to provide the Scottish ministers with the powers to opt out of growing future EU-approved GM crops. Can the minister outline the advice that the Government has taken that underpins its belief that it would have the power to opt out of such EU legislation under devolved competence?

Mairi Gougeon: Do you mean in relation to what we currently do or in relation to—

Jamie Greene: Do you currently have an opt-out?

Mairi Gougeon: Yes. Using the transitional powers, we currently opt out of that legislation. The Welsh and Northern Ireland Governments also intend to transpose the elements from the EU directive that we are transposing, so that they have that opt-out. It is also in use in 19 other member states, I think, and in specific regions within countries which have decided to opt out.

Jamie Greene: That is very helpful. Is it fair to say that there are no GM crops grown in Scotland, nor have there ever been, and that therefore there will be no substantive change to what happens currently in agriculture?

Mairi Gougeon: There will be no substantive change.

Jamie Greene: You mentioned potential transitional deals and the future relationship that the UK might have with the EU. If the negotiation on that involved the UK producing GM crops, would it be the case that those would be grown only in England, and not in any of the other regions where you believe there is a policy differential?

Mairi Gougeon: Do you mean if this matter was included in future trade deals?

Jamie Greene: Yes.

Mairi Gougeon: That would be a matter of huge concern for us but, as it stands, this is a devolved area. Therefore, even if we ended up with a no-deal Brexit, we would have the powers to make our own decisions in this regard, although there would be powers in the SSI that we would still use in relation to a no-deal Brexit. Ultimately the powers are devolved, but the inclusion of the issue in future trade deals would be a huge area of concern for us.

Jamie Greene: Could I ask one further question, convener?

The Convener: Yes, but first I want to make a point. Earlier, Jamie Greene made an observation about no GM crops being grown in Scotland. The minister did not respond to that. In fairness, I should say that there was a trial period during

which GM crops were grown in Scotland—some were grown in the Black Isle—but none have been grown since then.

Mairi Gougeon: I am sorry that I did not respond to that point.

Jamie Greene: I appreciate the convener's clarification.

Although the Scottish Government has an existing policy position on GM crops—that is quite a catch-all phrase—is it at least committed to maintaining an open mind and continuing open dialogue with the farming industry, in relation to which I have no interest to declare, and can the minister state that the Scottish Government is willing to review the policy as and when further scientific or other evidence is presented to it?

Mairi Gougeon: We always engage with the farming industry and will continue to do so. That is vitally important to my role and the role of the Cabinet Secretary for the Rural Economy. However, at the moment, we are not looking to change our stated policy position on GM crops any time soon. That said, we are happy to continue to engage in on-going dialogue.

John Finnie (Highlands and Islands) (Green): Minister, if you are going to turn your back on anyone, please turn your back on those who seek to change the status of Scotland when it comes to the protection of its natural environment.

Being a simple lad, I have gone to the explanatory note, which I accept is not the regulations. It says:

“These Regulations also give effect to Article 4(5) of the Deliberate Release Directive enabling the Scottish Ministers to take measures to ensure compliance with that Directive by introducing investigatory powers, offences and penalties”.

Can you give us some more information on that? Is there a timeframe for those measures being introduced? Would that involve a series of statutory instruments that we are likely to see in the coming months?

Mairi Gougeon: Helen Stanley can answer the question about the timeframe. What I would say is that that provision is to ensure that, if anyone breaches the regulations, we have the enforcement powers that enable us to take appropriate action and to introduce penalties as a result.

Helen Stanley (Scottish Government): I am sorry, Mr Finnie, but I did not fully understand what you meant when you talked about timeframes. Once the legislation is enforced, any offences and penalties that are within the legislation will take immediate effect. As has been said, at the moment, there are no commercially viable GM crops in Scotland anyway, so it is debatable

whether anyone is likely to commit an offence that will result in a prosecution using the new powers.

John Finnie: Does the creation of new powers suggest that there is a deficiency in the existing arrangements?

Helen Stanley: The opt-out involved new powers that were created by the EU, and it is up to member states that wish to use the opt-out to ensure that they have the correct powers in their own legislation. In that sense, because the opt-out was a new thing, new offences and penalties needed to be created to ensure that people were compliant with it.

Richard Lyle (Uddingston and Bellshill) (SNP): First, with regard to a comment that was made earlier, I say that Scotland is a country, not a region.

Is the current policy on GM crops the same one that has been in place for years, minister?

Mairi Gougeon: That is correct and, as I say, this SSI would not change any policy; we would simply be continuing with our current stated policy.

Richard Lyle: Unlike Mr Chapman, I agree with the Government's policy. Am I correct in saying that if we do not pass this SSI, by default GM crops could creep into Scotland, debasing our reputation as a good food nation?

09:45

Mairi Gougeon: We have opted out through the transitional arrangements. That is our position and we would still be able to do that if the SSI does not pass. However, the SSI brings our legislation right up to date. It was a programme for government commitment that we would transpose this directive and, even if we end up with a no-deal Brexit, elements of the SSI would still be important to us, particularly in relation to some of the offences and penalties and the geographical scope of the opt-out. The SSI is a continuation of what we are doing already, but it enables us to bring our legislation up to date.

Richard Lyle: Thank you for your comments on this. I will certainly be supporting the proposal when it comes to the vote.

Mike Rumbles (North East Scotland) (LD): There are no GM crops in Scotland. We have never had any GM crops in Scotland, apart from the trials that were mentioned. There are no proposals for having GM crops in Scotland. Nobody has come to the committee to say that there is any issue. The Scottish Government has done all this work on the legislation, but it comes into force two weeks before we are scheduled to leave the European Union and the minister has just confirmed that it does not change anything at

all. I have a pretty fundamental question: what is the Government doing here?

Mairi Gougeon: I think that I outlined most of that in my response to Richard Lyle—it is about bringing our legislation up to date. We committed to transposing the EU directive. Other countries across the UK are doing exactly the same. Wales will transpose the directive, and Northern Ireland is looking to do the same. It is vital that we have the provisions in Scottish legislation and that we can use the opt-out, because we have used the current opt-out in relation to some crops that have gone to the EU for approval for commercial cultivation. It is vital for us to have the power and to have the enforcement powers in relation to such crops.

Mike Rumbles: But it might be in force for only two weeks.

Mairi Gougeon: No, that is not the case because, even if we end up in a no-deal Brexit, we would still need elements of the SSI and would want to have them as part of our legislation.

Ideally, we would have introduced the SSI before now but, since the referendum, the main focus has been on making sure that we are ready for departure from the EU when that comes. A lot of resource has been tied into that. You will have seen all the SIs and SSIs that have come through, particularly in relation to the rural economy and the environment, where we have had an awful lot of legislation to deal with. It is vital that we put in place the legislation and that we do so before we leave the EU.

Mike Rumbles: The minister has repeatedly said that we have transitional arrangements and that we have opted out. Can the minister be clearer about what she means by that?

Helen Stanley: I can butt in, if that would be helpful. EU directive 2015/412 contained transitional provisions that allowed member states to opt out of one GM crop that was already approved for cultivation in Europe and a number of others that were pending authorisation at that time. Scotland, as part of the UK, was one of the countries that wanted to use those transitional provisions to opt out of the one GM crop, which was a GM maize, and the others that were pending approval. However, those were transitional arrangements. Countries had to apply to the Commission back in 2015 and there was a deadline for doing that. Transposition of the legislation would allow Scotland to opt out of future EU-approved GM crops—that is, ones that might come on stream in the coming months.

Mike Rumbles: That is my point. The legislation would come into force only two weeks before we leave the EU; we will not be subject to the EU rules after that.

Helen Stanley: We will, if there is a transition period under Brexit.

Mike Rumbles: Why do we not wait to find out?

Mairi Gougeon: On this issue, we cannot wait to see what happens.

Mike Rumbles: Why not?

Mairi Gougeon: I would much rather that our legislation was in a fit state and ready to go, regardless of the situation.

Mike Rumbles: We have never had GM crops and there are no proposals for GM crops. What is the point of the instrument?

Mairi Gougeon: That does not mean that there will not be proposals in the future. It is important that we have the powers in place—especially in relation to the SSI that is to come, which will correct any deficiencies—so that they are ready to go and we can use them if we leave the EU without a deal. We cannot wait to see what happens; we need to make sure that our legislation is fit for purpose.

Mike Rumbles: Because of all those people who want to—

The Convener: Hold on, Mr Rumbles. I draw to a close this line of questioning, as you have examined the issue about as far as you can take it. Maureen Watt has the next question.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): It is important to put on record that our world-leading plant breeding and crop research institutes will not be affected. Sometimes, GM crops and plant breeding are mixed up, which is unhelpful.

The minister has partly answered my question, which is about what other devolved nations are doing. Wales is progressing similar legislation. I am not sure how Northern Ireland can do that, although I believe that it wants to. There are now 19 countries in the EU—Germany was one of the first—to use the legislation. Whether or not we leave the EU, that is the norm and not the exception in the EU.

Mairi Gougeon: I agree. Belgium for example, is in a similar situation to the UK, in that one of its regions has decided to opt out. You are absolutely right that 19 countries in the EU—the vast majority—have decided to use the opt-out. Northern Ireland would want to do that as soon as its Assembly is in place.

The Convener: As there are no more questions, we move on to agenda item 2, which is formal consideration of motion S5M-15628.

Motion moved,

That the Rural Economy and Connectivity Committee recommends that the Genetically Modified Organisms (Deliberate Release etc) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.—[*Mairi Gougeon*]

The Convener: Do members have any comments?

Richard Lyle: I agree with the Scottish Government's policy on GM crops, which it has followed for years. I compliment the minister on her presentation. I totally disagree with members who say that we should allow GM crops. Scotland is a good food nation; Scotland has excellent food. As far as I am concerned, I intend to ensure that it stays that way.

The Convener: I had hoped that we would not have statements but, as Richard Lyle has made one, I will have to let in other members.

Peter Chapman: I fundamentally disagree with this short-sighted policy. On average, GM crops are cleaner than the old technology, because they always use less fertiliser and fewer chemicals; they are also more profitable to grow. The policy stands in the way of our farmers moving forward and competing in the world marketplace. [*Interruption.*]

The Convener: Hold on. I say to members that, with the greatest respect, we have already been here. I recognise that everyone has different views, but I have already explained that I find it difficult to hear when everyone talks at the same time. I have never stopped people coming in with their views, and I am happy to let that happen, but I cannot have you all doing it at the same time.

Mr Chapman, you have made your point, and I am now happy for Mr Rumbles to make his. After that, if no other member wishes to make a brief point, I will move to the question whether we agree to the motion.

Mike Rumbles: As this is the debate on the motion, I think that we are quite rightly entitled to make our points.

I shall be supporting the Scottish Government on this matter. My question to the minister was simply about whether we needed to go down this route, considering that, as I said when I asked my question, the instrument will take effect only two weeks before we leave the EU. After all, the legislation is about opting out of EU legislation, which in any case will no longer apply. I just find that a little strange.

As this is a really important issue, in future, we need to have a debate on the science, GM crops and everything else. At the moment, however, it is right that we maintain the status quo. The Scottish Government has done an awful lot of work on the issue. I am sceptical as to whether it was

necessary but, given that the instrument has come before us, I will support it.

John Mason (Glasgow Shettleston) (SNP): I have two points. First, on Mr Rumbles's point about whether the work was necessary, the reality is that the committee and, indeed, all committees are doing a huge amount of work on Brexit, and we do not know whether it is needed, because the totally incompetent Westminster Government has no clear picture. I do not know why Mr Rumbles is picking on this particular piece of legislation, because the same point applies to a lot of other things that we are doing. I fully support the need for us to do that work.

Secondly, on Mr Chapman's point about the science, the reality is that the science is incomplete. There have been many proposals about and a lot of work on genetic modification and the like, but we have not yet seen the long-term effects on the land, crops and other things over 10, 20, 30, 40 or 50 years. As I said, the science is not complete, so it is misleading of Mr Chapman to say that we are going against it.

John Finnie: To my mind, a lot of this legislation is heavy duty and can be confusing, but it has far greater clarity than the Liberal Democrats' position on anything. That view has been reinforced today by Mr Rumbles's confusing position on whether they are for or against GM.

I am not surprised to hear Mr Chapman's fixation with profit, which—ironically—is at odds with what I thought the committee had collectively agreed when, as part of our salmon inquiry, we said that the precautionary principle should apply. The contingency that the Scottish Government has taken is appropriate, and I fully endorse it and the continuation of the application of the precautionary principle.

The Convener: I will give the minister a chance to respond to any of the comments that have been made, but I remind her that her officials cannot come in at this stage.

The one thing that I would say—and it is not about the motion itself—is that what we do in committee is not best served by members making political comments. It is best to make those sorts of comments in the chamber; we look at the facts and the evidence.

Do you wish to make a comment, minister, or are you happy to move to the question on the motion?

Mairi Gougeon: I am happy to move to the question, convener.

The Convener: The question is, that motion S5M-15628, in the name of Mairi Gougeon, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)

Abstentions

Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 2.

Motion agreed to,

That the Rural Economy and Connectivity Committee recommends that the Genetically Modified Organisms (Deliberate Release etc) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.

The Convener: I thank the minister and her officials for coming, and I briefly suspend the meeting to allow the panel to depart. I ask members to remain in the room, if possible, so that we can move straight on to the next item.

10:00

Meeting suspended.

10:06

On resuming—

European Union (Withdrawal) Act 2018

Common Fisheries Policy (Amendment etc) (EU Exit) (No 2) Regulations 2019

Common Organisation of the Markets in Agricultural Products (Basic Acts) (Amendment etc) (EU Exit) Regulations 2019

Market Measures (Marketing Standards) (CAP) (Miscellaneous Amendments) (EU Exit) Regulations 2019

Market Measures Payment Schemes (Miscellaneous Amendments) (EU Exit) Regulations 2019

Market Measures (Domestic Provisions) (CAP) (Miscellaneous Amendments) (EU Exit) Regulations 2019

Organic Products (Amendment) (EU Exit) Regulations 2019

The Convener: Agenda item 3 is consideration of six consent notifications for United Kingdom statutory instruments on the common fisheries policy, common organisation of the markets and organic products that are being laid in the UK Parliament under the European Union (Withdrawal) Act 2018. The common fisheries policy instrument is categorised as partly category B, which means that the transition from an EU to a UK framework would be a major and significant development.

Do members have any comments?

Stewart Stevenson: I have a brief comment on the common fisheries policy instrument. I very much welcome the fact that it leaves the competency dispute about the determination of fishing opportunities to another instrument, and I think that that represents a pragmatic and sensible approach by the two Governments.

The Convener: As there are no other comments, does the committee agree to write to the Scottish Government to confirm that it is content for consent for the UK SIs referred to in the notifications to be given and to request a response from the Scottish Government on the wider policy matters that have been identified?

Members indicated agreement.

Restricted Roads (20 mph Speed Limit) (Scotland) Bill: Stage 1

10:08

The Convener: Agenda item 4 is stage 1 consideration of the Restricted Roads (20 mph Speed Limit) (Scotland) Bill. I invite members to declare any relevant interests.

Stewart Stevenson: I am the honorary president of the Scottish Association for Public Transport, which has an interest in roads.

The Convener: Thank you. In this, the committee's first evidence-taking session on the bill, the committee will take evidence from academic, health, environmental and health sector perspectives. I welcome Rod King, founder and campaign director, 20's Plenty for Us; Stuart Hay, director, Living Streets Scotland; Dr Adrian Davis, professor of transport and health, Edinburgh Napier University; Bruce Whyte, public health programme manager, Glasgow Centre for Population Health; and Gavin Thomson, air pollution campaigner, Friends of the Earth Scotland and Scottish Environment LINK.

I do not know whether you have all given evidence at committee before, so I will say how it works. You do not need to touch any buttons on the consoles in front of you, as the microphones will be activated for you. When you want to come in, you should try to catch my eye and I will bring you in at the appropriate moment. We have quite a big panel—there are five of you—so you might not all get to answer every question, but I will do my best to bring you in.

I hope that we will have relatively short questions that will prompt short answers, as that will allow more of you to get in. I caution you that, if you see me wagging my pen, it will probably mean that you should wind up. Ultimately, it will become so quick that it might fly off in your direction if you are not paying attention to me, so please do not keep speaking and look the other way. In the unlikely event that you all look away when a question is asked, one of you will be nominated, so there is no hiding.

On that basis, we will start, and the first question will be asked by Colin Smyth.

Colin Smyth (South Scotland) (Lab): This is probably the most straightforward question that you will be asked during the meeting. Why do you support the proposal to reduce the default speed limit on restricted roads from 30mph to 20mph?

The Convener: As it is such a simple question, we will start on my right—your left—with Rod King

and work along the panel to get a short answer from each of you, please.

Rod King MBE (20's Plenty for Us): We have to start with what we have now, which is a 30mph limit that was set in 1934 and was very much plucked out of the air as seeming reasonable. We have to ask ourselves whether that is appropriate for nearly a century later when we have so many more aspirations for ways in which we want to use the roads to do with public health, active travel and people's ability to move around independently under their own steam. A limit of 20mph or 30kph is the developing standard across the world as the safe and appropriate speed limit where pedestrians and cyclists mix with motor vehicles.

Stuart Hay (Living Streets Scotland): We support the proposal for the same reasons. It is really about creating towns and other places that are safe and feel safe for people to walk or cycle around and for kids to play in. A limit of 20mph is the only way to achieve that. A limit of 30mph is not appropriate if we want to have those conditions in our towns and cities.

Professor Adrian Davis (Edinburgh Napier University): Notwithstanding what has been said, one of the key things is to reduce the numbers of deaths, serious injuries and slight injuries, which predominantly—in cities, at least—happen to people who are outside vehicles. Those people do not present much of a threat kinetically to other road users, but they suffer disproportionately.

Scotland has agreed and is trying to implement vision zero, which is about having no fatalities or life-changing injuries, and a 20mph limit is important in that regard, as it dampens down the kinetic energy in the system. It is also important as a public health position, as it increases population health, reduces the disease burden and reduces the cost to the national health service.

Bruce Whyte (Glasgow Centre for Population Health): As Adrian Davis said, there is the great benefit of reducing casualties. Currently, 60 per cent of serious and fatal casualties on 30mph roads are vulnerable road users such as walkers or cyclists. We also know that there are inequalities in who is likely to be a casualty. Casualty numbers are higher among adult pedestrians in more deprived areas, and higher again among child pedestrians. The bill will help to address those inequalities across Scotland.

Gavin Thomson (Scottish Environment LINK): I am very happy to be here. Reducing the default speed limit will improve the flow of traffic, reduce congestion and emissions and encourage more active and healthier travel choices, and all those things will have positive impacts on air quality. As an air pollution campaigner, that is why I support the bill.

Colin Smyth: Does any of you know what percentage of 30mph roads in Scotland are restricted roads that will, therefore, be covered by the bill?

Stuart Hay: I have asked that question. I believe that it is quite difficult to get the data from local authorities, because it relates to the number of traffic regulation orders that are out there, and nobody has collated them all.

The Convener: There are supplementary questions on that issue.

10:15

Mike Rumbles: We are considering changing criminal law—breaking the speed limit is a crime. A publication from the Scottish Parliament information centre, which is publicly available, refers to research on the 20mph speed limit pilot in south Edinburgh. It said:

“The average speed of vehicles on streets, provided with a 20mph speed limit, has dropped by an average of 1.9mph from 22.8mph to 20.9mph.”

Before the speed limit went down to 20mph, the majority of motorists were not breaking the law. When it was reduced, the average speed exceeded the limit, which means that most motorists are breaking the law. Do you have any comments on that?

Professor Davis: First, I will provide a bit of the science behind that, by way of explanation. From the peer-reviewed literature on the science of speed and kinetic energy, we know that for every 1mph reduction in average speed, there is a 6 per cent reduction in the number of collisions. We know that the slower people travel, the more time they have to make the decision to stop. The faster they go—for example, once they get over 30mph—the more dangerous things become, and people often drive at well over 30mph where there is a 30mph speed limit. We have to think about the kinetic energy and the impact.

Often, the press portray a 1mph or 1.9mph average speed reduction as being not really worth it—we see that time and again—but that lacks understanding of the science of kinetic energy and the significant drop in the number of collisions that result from that reduction. We have seen data from Portsmouth City Council—the first authority in England to implement a 20mph speed limit across a whole city—Calderdale Council, Bristol City Council and Warrington Borough Council, where, as a result of speed reductions, significant reductions have been reported in the number of casualties. The link can be seen—if the kinetic energy is reduced, the likelihood is that the number of injuries is reduced.

As a coda to that, I point out that Scotland was the first place in the United Kingdom to implement a 20mph speed limit. That was done in 75 sites across 27 local authorities at the end of the 1990s, and there were significant reductions in the number of casualties. Scotland was the first place to do it and we have good evidence that small average reductions are important.

Mike Rumbles: Professor Davis did not address my question, which is about criminality and the point that most motorists in south Edinburgh would now be considered to be criminals.

Rod King: One thing to remember is that when 20mph limits are set, a lot of roads are included where the speed is already low and possibly below 20mph.

There are three types of roads: residential roads with low speeds, roads with medium speeds of about 20 to 24mph and roads on which the speed is a little bit faster. Research shows that there is a mix of reductions in speed where 20mph speed limits are implemented. There is no reduction on the slow roads, some reduction on the medium-speed roads and a reduction of 3mph to 4mph on the faster roads.

Research also shows that, after the implementation of 20mph speed limits, the vast majority of people—80 per cent or so—travel below the speed at which there would be enforcement, which means that they travel at speeds below 25mph. There is good evidence on those changes.

Another point is that, if a consistent national limit is set and there is public consensus for it, compliance across the spectrum of speeds is affected, which obviously helps.

Mike Rumbles: My whole point is about compliance. We have 20mph speed limits in Edinburgh. The anecdotal evidence is that, sometimes, given the traffic, no one can drive more than 20mph, but that, at other times, quite a large number of people break the 20mph speed limit. What is the point of having a law that most people do not observe?

Stuart Hay: We should be aware that behaviour is no different where there is a 30mph speed limit. In fact, the statistics show that people behave worse in 30mph zones. A limit is a limit, and it is important that people drive according to the conditions. In an urban residential area, people should anticipate that there will be children and that sight lines are limited, and they should drive at about 20mph. Some drivers already do that, so the point about introducing a speed limit is to shift the behaviour of the other drivers. We can partly do that through education, so that people are aware of the new limit, partly through engineering, where

necessary, and, finally, partly through enforcement, for the hard core who really do not get it.

The Convener: I have a follow-up question. The 20mph speed limit in Edinburgh is quite interesting. If you drive at 20mph, what you notice more than anything else is the bicyclists who are doing 30mph or 40mph downhill. Adrian Davis made the point about injury. Injury is about developing kilojoules of energy at a point of impact in a limited area. A bicycle will do that probably more effectively on a point of impact, because the point where it hits will be very narrow.

I know that bicyclists are a problem. What do you think about a car driver saying, "Well, I'm being overtaken by a bicycle."? Does that make it easier for a driver to come to terms with the limit? Should we not be thinking about bicycles as well?

Professor Davis: That is an outlier question, because that is a minor point. Getting up to 30mph is quite difficult for most people on bikes. The science is based on mass and speed; there is an equation to measure that. It is the mass of the vehicle that will do more damage. You really do not want to get hit by a heavy goods vehicle, because you will be dead. With respect, convener, I say that mass is the most important consideration. A bike is much smaller. That is not the main point of consideration for us today. Most people are hit by motor vehicles.

The Convener: As convener, I will take your point that I should not ask outlier questions.

Stewart Stevenson: I want to deal with the numbers question before my substantive question. My question is for Professor Davis. If you have 10 vehicles travelling through a zone, nine of which are doing 29mph and one of which is doing 40 mph, 10 per cent of the vehicles are breaking the speed limit, but the average is 31mph. That suggests that averages are the wrong way of looking at the problem. Is it fair to say that we should be considering median speeds, rather than average speeds?

Professor Davis: If someone was travelling at 29mph or even 30mph, the person behind them who was trying to go at 40mph could not do so because they would be behind them in the queue. One thing that we have talked about in the literature on 20mph is pace cars: when people abide by the speed limit, it forces other people to abide by the speed limit.

Stewart Stevenson: I am just exploring the arithmetic, because the thrust of the previous question was about average speeds. The 40mph driver could be at the head of the queue, rather than at the back of the queue. If the average speed is above the speed limit, that does not tell us the amount of people who are breaking the

speed limit. I just want to get on record whether my comment—as a mathematician—is correct.

Professor Davis: My way of answering that—I hope that this is not abstruse—is that we find across authorities from which we have post-implementation data that the really high speeds come down the most. That is one of the most dramatic changes: where people might previously have gone at 40mph, they might now go at 28mph, which is well above the speed limit, but is a lot less than 40mph. That is the best way that I can answer your question using the data that I have in my head.

Stewart Stevenson: I will move on to my more substantive question, which is not just for Professor Davis. The bill covers restricted roads only. In other words, it does not cover A or B roads, or roads on which lamp posts are more than 185m apart. In a sense, that comes back to the question that Stuart Hay could not answer about whether we have any sense of what that means in the real world. Stuart Hay said that he did not know, but do we have a sense of what part of the road network the bill would apply to?

Bruce Whyte: My understanding is that about 80 per cent of the roads in Edinburgh are covered by the 20mph limit, so that leaves 20 per cent.

Stewart Stevenson: Right. I want to home in on that figure in order to be precise. Is that 20 per cent of the distance or 20 per cent of the number of roads?

Bruce Whyte: I am not certain, but I think that it might be 20 per cent of roads.

Stewart Stevenson: Twenty per cent of roads are unaffected.

Bruce Whyte: Yes. I think that it will have been decided that some roads are restricted roads but the speed limit should remain at 30mph, or whatever it was previously.

Stewart Stevenson: The bill is only about restricted roads. Is that too restrictive in terms of what we are trying to achieve in policy terms?

Rod King: The bill seeks to set what would be appropriate—the right national consensus—for most roads. It will not take away a local authority's ability to use its flexibility. When a local authority is considering in what areas 20mph could be appropriate, 90 per cent of its roads might be restricted, so they would clearly come into that category. Another 5 per cent might be unrestricted but the authority wants the limit to stay at 30mph; and there might be another 5 per cent of roads that are not restricted but it wishes to make 20mph roads. In the latter case, the local authority can make a traffic regulation order to make those roads into restricted roads, which would enable it to accommodate those 20mph limits.

The Convener: Jamie Greene has a supplementary question.

Jamie Greene: Given the opening comments, it is fair to say that every member of the panel is in favour of the bill, which is quite short.

Stewart Stevenson: The debate is about the principle of the bill.

Jamie Greene: As Stewart Stevenson said, the panel is in favour of the principle of the bill.

It is quite striking that nobody can answer fundamental and simple questions about how many roads or what percentage of road mileage would be affected by the bill that we are being asked to agree to. In Edinburgh, there even still seems to be uncertainty about how many roads are affected in the current zone, never mind how many would be affected in future zones. In order for us to consider fully the consequences of the bill, it is entirely appropriate that we get a sense of the scale of its impact, but no one seems to be able to provide an answer on that. Why is that?

Stuart Hay: We cannot do exact numbers, but we can say what—

Jamie Greene: Surely you can answer on how many roads there are and what the road mileage is.

Stuart Hay: No. Basically, that would mean counting up all the 30mph areas in Scotland that have an order applied to them—those are areas that the bill would affect. We have a very developed network; those streets have all been assessed at 30mph, and most of them would go down to 20mph. Where it was deemed appropriate by local authorities, a few would be retained at 30mph. From Living Streets Scotland's point of view, those roads would be in places such as industrial estates, where there is not a lot of pedestrian activity and the primary function of the roads is to be distributor roads. However, the 20mph roads would cover all residential areas, areas where there is lot of pedestrian activity—for example, around parks—and every area that has a school.

We know where the bill would impact, but we do not know how many exclusions would be created, because that is a different process.

The Convener: I am conscious that we are still on our first question and that the panel has a lot more questions to answer. I invite Rod King to come in briefly, then we will move on to the next question.

Rod King: No member of the panel knows the answer to Jamie Greene's question for the same reason that the Department for Transport, the UK Government, Transport Scotland and most local authorities do not know. The mix of restricted and

non-restricted traffic regulation order roads has been built up over time and there is no central database. That is why we are ignorant.

10:30

Jamie Greene: Is there no data? Has no one mapped the road mileage and what percentage is classified as restricted roads in any part of the UK?

Rod King: London has a public map of every road and every speed limit. There is no data for the rest of the country, but the DFT has an aspiration to do that.

The Convener: Instead of imposing a default national speed limit of 20mph on restricted roads, would it not be preferable to allow local authorities to impose 20mph speed limits where that is considered to be appropriate? That would flick it the other way around: instead of there being a default, local authorities would be allowed to make the decision. Perhaps Gavin Thomson wants to start off on that question.

Gavin Thomson: Sure. We have touched on local authorities having powers to create exemptions. The onus is on local authorities to implement 20mph limits, but the process is cumbersome; it takes a long time. The bill would speed up the process and be much more resource efficient.

It is about creating a norm, with a lower speed limit being that norm, rather than the exception. That is important for behaviour change and travel choices. Other panellists may want to touch on that point.

The Convener: I accept the point on the norm, but the bill could have simplified the process of giving roads 20mph limits. I know that Rod King wants to come in but, for balance, I ask Bruce Whyte to come in.

Bruce Whyte: The issue has an important inequalities angle. Scotland has a mixed bag of 20mph limits; some authorities—the City of Edinburgh Council, for example—have covered the city, and other cities have very few 20mph limits. There are casualties on 30mph roads; the bill would reduce the number of casualties and fatalities and increase levels of active travel, such as walking and cycling. There is inequality in the distribution of 20mph limits and there are higher levels of pedestrian casualties in more deprived areas.

Gavin Thomson's point about social norms is really important. A national limit, albeit with exceptions that local authorities could dictate, would create a lower speed environment, which would be more considerate for all road users, particularly those who are vulnerable, such as

pedestrians and cyclists who are most likely to be the casualties on 30mph roads.

The Convener: I will widen this out and bring in Peter Chapman, to ask his next question, which may allow Rod King to come in.

Peter Chapman: As an alternative to lowering the default speed limit to 20mph, the RAC has suggested the use of variable speed limits, with a 20mph limit during peak times only. In the scenario of driving through Edinburgh at 3 o'clock in the morning with no other cars about and nobody walking about, is it fair that the driver should be restricted to 20mph?

Rod King: That is a very big question. Would that approach be applied to motorways and rural roads or only to places where there are people—where a 20mph limit is appropriate and where people mix? The RAC suggestion does not stack up and would not be consistent with our broader range of speed limits. It would tend not to work, with people involved in interminable arguments about whether the limit should come in at 7 o'clock or 7.30 and so on. It is much clearer to say that a speed limit exists 24/7.

To come back to the question about letting local authorities continue to impose 20mph limits, such an approach treats the 20mph speed limit as the exception, rather than the rule. It continues the current situation, in which the public consensus is that we can drive at 30mph on most roads, with the exception of roads in a few odd local authorities that set the speed limit at 20mph. It endorses non-compliance and it is not a very smart approach. It is predominantly the approach in England, where 33 per cent of the population live in authorities with—more or less—a default 20mph limit, adjacent to authorities without a 20mph limit.

That is not a smart way to do it. The bill proposes a much smarter way, which is much more in line with what Scandinavian countries do. In Scandinavia, the default is 30kph, or 18.5mph, on most roads. There is both a social consensus and a civil liability consensus on that. If a driver is doing more than 25mph on a road with a 20mph limit, that driver is 100 per cent liable for the consequences of a crash, regardless of any negligence of the pedestrian. People who do not comply with the 20mph law can face sanctions under civil liability.

Mike Rumbles: I want to follow up on the discussion about taking a blanket approach rather than allowing local authorities to impose 20mph limits. I represent many people in rural Aberdeenshire, and the A roads that go through all the villages in rural Aberdeenshire will not be affected by the bill. However, committee members were told this morning at a technical briefing that

every single road that leaves the main road will have to have signage to show the 20mph speed limit—that came as a surprise to me and, I think, to other members of the committee. The cost to Aberdeenshire Council alone will run to I do not know how much. Can you talk about the feasibility and cost of having a blanket approach across the country?

Rod King: The primary responsibility of local authorities when setting speed limits is to take into account the needs of vulnerable road users. I would ask whether that main road needs a 30mph or a 20mph limit. If 20mph is appropriate, the local authority can make a traffic regulation order to make the speed limit 20mph on that part of the road and then it will not need to put up any signs on the side roads.

The Convener: We will come back to the question about cost, because John Mason will ask more detailed questions about cost later.

Stewart Stevenson: I am not looking for a long answer to this question, just perhaps an indication of where to find the answer. Rod King said that a third of English authorities have, in essence, a blanket 20mph speed limit, which suggests that two thirds do not have that limit. Are there differential accident and health outcomes between the two groups of authorities? Is evidence available that can help us?

Professor Davis: I mentioned the evidence from towns and cities that have implemented the 20mph limit and done an evaluation. Bristol has done the most detailed evaluation, which has shown a reduction in deaths and serious and slight injuries. I also mentioned Warrington and Portsmouth in my submission, as well as the original data from Scotland.

We have good evidence that reducing the speed limit from 30mph to 20mph brings about a reduction in deaths and serious and slight injuries, if that is what you are asking, Mr Stevenson.

Stewart Stevenson: Forgive me—I accept that, but we know that authorities make different interventions to try to drive down accidents, so looking at what happens in one authority gives us only part of the answer. I was merely asking whether the shape of the graph in authorities that have not reduced the speed limit is different from the shape of the graph in authorities that have reduced it. It is not about comparing Bristol before implementation with Bristol after implementation; it is about comparing Bristol with Cheshire, for example.

Professor Davis: Absolutely. In a decent evaluation there must always be a comparator, to show what happens if the action is not taken. The calculations in "The Bristol Twenty Miles Per Hour Limit Evaluation (BRITE) Study" showed a drop,

as was the case in Calderdale, relative to areas that did not implement the speed limit—all other things being equal, which is always the difficult issue.

Peter Chapman: I want to explore my question about variable speed limits a wee bit more, particularly with Mr Hay, because he said that it was important to drive according to the conditions. I remind the panel that the scenario is that somebody is driving at 3 o'clock in the morning in Edinburgh when there are no other cars about and nobody is walking. Is it fair to ask that driver to go at 20mph, or is it reasonable to say that 30mph would be perfectly okay at that time? It is about driving according to the conditions.

Stuart Hay: We have to consider the conditions at that time, when visibility is reduced because it is night-time, stopping distances are different and, on certain days of the week, people who have had a drink might be wandering around. A lot of factors need to be taken into account when the speed limit is brought in. Another point about variable speed limits is whether to sign those, which causes confusion for drivers. We need only to look at the problems that have been caused on bus lanes, which apply at different times in different places, and the controversy around that. We would be repeating that issue if there was a variable speed limit. It is much clearer to say that it is an urban area so the correct speed is 20mph.

Gavin Thomson: I was going to make a similar point. There will be pedestrians out and about in the middle of the night. There might not be many, but we can never predict where they will be and where they might need to get to. They deserve safe streets as much as someone who is walking about at peak time or rush hour.

Jamie Greene: I have a question that moves us in another direction, but I apologise if I go over some old ground first. No one is suggesting that night-time pedestrians should face less safe conditions than daytime pedestrians; the premise of Mr Chapman's point is about taking a sensible approach to quiet roads and having speed restrictions that apply at different times of day depending on the conditions, which is a fair point to raise.

I want to go back to something that Mr Thomson said in answer to the convener's question about the status quo in relation to exemptions versus what would happen in future. Am I correct that Mr Thomson said that it is a cumbersome or onerous process for local authorities to change a 30mph speed limit to 20mph?

Gavin Thomson: Yes.

Jamie Greene: What makes you think that the bill will change that? Can you point to the section of the bill that makes it clear that the process will

be easier or less onerous? It is a one-page bill so that should be easy.

Gavin Thomson: What makes me say that is the pace of change for local authorities that have implemented 20mph limits; it has taken many years and has had to be done through a TRO. Simplifying the process, as the bill does, makes—

Jamie Greene: Sorry—how does the bill do that? Explain it to us in simple terms.

Gavin Thomson: I cannot do that—I am sorry.

Jamie Greene: Okay, fine. The point is that, compared with applying to change a 30mph limit to 20mph, the process for changing a 20mph limit to 30mph will be different. It is still unclear to me why it will be better and simpler. My question is open to anyone on the panel who wants to answer.

Stuart Hay: You gave the example of Edinburgh, where there are very few roads left with a limit of 30mph and it has, therefore, been deemed appropriate. Under the new bill, Edinburgh would concentrate on those streets, retaining them at 30mph, rather than dealing with all the streets that need to be 20mph. It would be a much shorter list of streets, which means that there would be less scope for objections, and the TRO process would work more easily in terms of advertising and so on.

Jamie Greene: It may be a question for the member in charge of the bill, but no one has really explained to me how the new process will differ technically from the current process. Edinburgh is a different example because it already has a blanket 20mph approach and therefore, by default, there are fewer roads to exempt.

On a scale from zero to 100 per cent, where zero would mean that no one applied for an exemption from the 20mph restriction to go back to 30mph and 100 per cent would mean that everyone applied for exemptions, does anyone have an idea of the volume of TROs that local authorities might need to move limits from 20mph to 30mph, compared with the existing volume of TROs to go from 30mph to 20mph?

10:45

Rod King: Some answers to your questions are in the detail, which we do not have the data for. However, the experience of UK implementations is that about 80 per cent of the 30mph roads in an authority's area get a 20mph limit. TROs must be made for every one of those roads and decisions must be made on where to put the required 20mph repeater signs on every one of those roads, which involves administrative and engineering work and outsourcing the engineering work. Appropriate consultation for a TRO must also be done. If a

20mph limit is to be successfully and effectively implemented across all areas, the media, social engagement and education must be done right.

All those things are imposed on a local authority when a 20mph limit is set as an exception to the national norm. If the national norm is changed, the situation will completely change. Instead of having to make TROs for 80 per cent of roads, a council will need to do them for probably 5 per cent of roads. Instead of looking at signage for 80 per cent of roads, a council will need to look at it for perhaps 5 per cent of roads. A local authority will be able to look at the best mix of engagement, including social media engagement and education, that relates to how the communities own the benefits and to the national consensus that 20mph is the right speed to do when in the presence of people.

Jamie Greene: I say with respect that you have changed the premise of the argument—your argument is volume based rather than process led. Arguing that the new process would be simpler is different from saying that, because fewer TROs would be required, the arrangements would by default be easier. You are saying not that the process would change but that the volume would differ.

Rod King: The volume would differ, but councils would not have to make exceptions to the national norm—they would be going with the flow.

Jamie Greene: Exceptions would have to be made. If a council currently wants a road to go from 30mph to 20mph, it seeks an exemption from the national limit, so it would surely have to go through an exemption process if the bill applied. If the blanket limit changed from 30mph to 20mph and a local authority wanted to change a road's limit to 30mph—many local authorities might choose to do that—the authority would still have to go through an exemption process in the same way as it currently does. I cannot get my head round what would be different.

Rod King: Technically, there would be no difference, but the demand on local authority resources would be hugely different—we are talking about 5 per cent of roads instead of 80 per cent, which means that one sixteenth of the resources would be required.

Jamie Greene: That answers my original question—it is not the process but the volume that would change.

The Convener: I need to bring in other members, who are lining up. Richard Lyle has a question.

Richard Lyle: We are all talking about cars, but what about buses? In my area, buses run through housing estates. The bill would create a timetable

problem for buses, as it would add to their journey time if they could only do 20mph, not 30mph. What would happen to bus timetables?

The Convener: Does anyone want to answer that question specifically? I am conscious that Rod King has been at the forefront of the argument.

Professor Davis: I will give a brief example from the city of Bristol, which I know in considerable detail. The main bus operator there is First, which opposed the 20mph programme when it started with a pilot, as in Edinburgh. However, analysis showed that it was not the speed limit but passengers boarding and buying tickets that delayed buses. First did not have to change its timetable.

The effect on average speed is relatively small. Some adjustments might be needed, but that issue is small relative to the delays from people boarding buses, which relate to ticket types.

Gavin Thomson: In areas where 20mph has been implemented, the flow of traffic has improved, so it is not necessarily true that journey times are longer. A bus's top speed might be lower, but the overall journey time will not necessarily be longer.

Mark Ruskell (Mid Scotland and Fife (Green)): Some 20mph zones have been rolled out in Scotland, albeit in quite an inconsistent way. If the bill is not passed and we stick with the existing system, what progress can we make on 20mph zones in Scotland?

Bruce Whyte: As I said, there is a piecemeal approach in Scotland just now. If we want to lower the 30mph speed limits on restricted roads in our towns and cities, to save lives, to get more people walking and cycling and to enable people to feel that it is safe for their children to walk and cycle to school, doing it on a national basis would have a national public health impact. Scotland could be at the forefront of a public health intervention that could have an impact not unlike that of the smoking ban—it would be that large.

Rod King: The reality is that the Scottish Government is being asked what the right speed limit is for residential roads, and it is in a position to say whether that is 20mph or 30mph. If it decides against 20mph, it will be endorsing 30mph on every restricted road, unless the local authority thinks otherwise. It will be endorsing a national consensus that it is okay to drive at 28mph or 29mph in housing estates, high streets and other places where people want to walk and cycle, with all the consequences of those higher driving speeds. That will certainly have a negative effect on public health, as far as active travel is concerned, and on the liveability and wellbeing of Scottish communities.

Professor Davis: I reiterate what Rod King said. Scotland is leading in many ways. For example, it led on the Climate Change (Scotland) Act 2009, and the Climate Change (Emissions Reduction Targets) (Scotland) Bill is currently before the Parliament. Scotland has strong ambitions on improving population health by increasing physical activity.

A 20mph limit is necessary, although it might be insufficient on its own; other measures need to go with it. It is a great opportunity to help to address many of the problems that Scotland faces, and not implementing the approach would be a missed opportunity.

Finally, we know from the science—it is very clear—that driving at higher speeds kills more people. We have an opportunity to try to reduce the number of people who are killed or have life-changing injuries. That is a big, big opportunity for Scotland.

The Convener: That neatly brings us to the next line of questioning.

John Finnie: In their submissions, all the witnesses referred to road safety, for which I thank them. Professor Adrian Davis said:

“First, what is road safety? Road safety can be defined ... as ‘freedom from the liability of exposure to harm or injury on the highway’.”

He went on to say:

“This is in contrast to much of what is commonly misunderstood to be road safety. As researchers noted almost three decades ago, ‘road safety usually means the unsafety of the road transport system’. Road safety is more than about the avoidance of being injured. It must also address the perception of risk of harm and freedom from harm and its manifestation at the individual, community and societal levels.”

Will the panel talk about the road safety benefits that will accrue from the proposals in the bill?

The Convener: Adrian Davis, you started to answer that question in your previous answer, so I will come to you last. Rod King, do you want to respond? Please be brief, so that I can bring everyone in.

Rod King: There is a problem with what we mean by road safety—it means different things to different people. Community roads can become a lot safer if children do not walk or cycle to school. Does road safety include the fears of a parent about allowing their child to walk or cycle to school? Does road safety include the fears of the 75-year-old who normally walks to the shops once or twice a week but decides that the speed of traffic is such that they do not think they can get safely across the road any more? If children are no longer walking or cycling to school and elderly people are no longer going to the shops, that will reduce the number of casualties on the roads, but

road safety has to be extended beyond those statistics. Communities and individuals have to feel more able to walk or cycle on the streets, and lowering the speed of traffic does that. As well as the strict casualty aspect of road safety, lowering the speed of traffic has huge benefits for wider aspects of road safety, including emissions, which I am sure Gavin Thomson will address.

Stuart Hay: We have to look at what is being done by the countries that are doing best on road safety. They take a safe systems approach: accidents will happen and mistakes will be made, so it is about asking what factors deliver bad outcomes. One of those factors is speed, so, if you can eliminate that as a factor, you will get better outcomes for road safety.

Scotland is trying to move in that direction, and we are about to review our road safety framework. Progress has been really good, but that progress is plateauing and the 20mph limit is one of the few big-ticket items left in the locker that we could deploy to improve those statistics. That is what we need to do as a nation.

Bruce Whyte: We have all been involved in studies or have quoted studies that have shown reductions in the number of road casualties because of 20mph limits. There are various examples from Bristol and other cities across the UK. Those statistics are based on the number of police-recorded casualties, and we know that the police underrecord casualties.

A recent paper by Rachel Aldred suggests that the number of casualties on the roads is five times higher than the number of police-recorded casualties. Those unrecorded casualties were probably more minor, and speed might not have been a factor in all of them, but it is about safety and the perception of safety on our streets.

If we feel that our streets are safer, we are more likely to be out on those streets, we are more likely to cycle on those streets and we are more likely to allow our children to walk or cycle to school. Some of the estimates of the casualty reductions underestimate that aspect. It gets into the area of how we become a more active nation as well.

The Convener: Adrian Davis, I will bring you in. I will not bring in Gavin Thomson at this point, because I think he will be the first to respond to the next question.

Professor Davis: I echo what Rod King has said. One way of addressing road safety is through fear. If we just remove pedestrians and cyclists from the roads, which is what has happened increasingly over recent decades, we can achieve the casualty reduction targets. Traditional road safety practitioners will say that that is fine, but it is not fine if we want to achieve

the important public health outcomes and the climate targets that we need to achieve.

Other aspects relate to social inclusion. Stuart Hay mentioned that people feel they are no longer able to go out—that is what we call community severance. An example of that is when someone in their 70s feels that they cannot get across the road and is fearful of the environment out there—they are fearful that people are driving too fast and they are walking too slowly.

A whole welter of benefits come from slower speeds, including a reduction in the number of casualties and in the associated misery and suffering, which, in turn, leads to savings to the national health service. However, the benefits go well beyond the traditional road safety concept; it is about freedom from fear.

11:00

John Finnie: I thank the panel for those answers. In your replies, some of you alluded to something that also features in all your responses—active travel and its potential. The written submission from 20's Plenty for Us states:

“Look at any city/place that has successfully encouraged active travel and you will find low speed limits of 20mph or 30kmh on most streets.”

I understand that, if people were confident to walk and cycle on the streets, there would be an increase in their doing so. Has any assessment of that been made, or are you able to quantify from experience elsewhere what the increase in active travel would be as a result of any reduction in the speed limit?

Rod King: One of the issues is that a 20mph limit is not a silver bullet for active travel. No one expects a big change, but a 20mph limit is a foundation for active travel. It provides a foundation for all the other initiatives on active travel that are going to be taken, such as cycle training, making dangerous junctions better, creating better off-route cycle paths and better walking facilities, having wider pavements or whatever. That is what happens when, as I mentioned, there is an approach to the community and it is told that active travel will be made easier.

Having a 20mph limit is one of the things that is done, although it is never done in isolation, which makes it a little hard to quantify the difference that it makes to active travel. Professor Davis will probably have more to say on that.

The Convener: I promised Gavin Thomson that I would let him in now, so I will make good my promise.

Gavin Thomson: I am checking my notes. A study came out last year that looked at 20mph zones in London, which showed that 5 per cent of

the residents who were surveyed said that they were walking more and 2 per cent said that they were cycling more. Given those statistics, if we expand 20mph limits so that they are the norm, I think that we can expect the figures to rise. Creating behaviour change is about people seeing it, demonstrating it in their communities and gradually, over time, changing their travel choices.

Bruce Whyte: I will give you a specific example of that. Prior to the introduction of Edinburgh's 20mph limit, a 20mph limit was piloted in south-central Edinburgh—members might be aware of that. There were before-and-after surveys of residents that involved over 1,000 households; I will give some of the statistics from those surveys. The percentage of children who walked to school increased marginally from 63 per cent to 65 per cent, and the percentage of older primary school children who were allowed to play unsupervised outside their home, on the pavement or in the street, rose from 31 per cent to 66 per cent. When people considered how safe their street was, the percentage of people who felt that speeds were safe increased from 71 per cent to 78 per cent. The number of people who considered traffic speeds in their local area to be safe improved, the proportion of children who cycled to school increased from 4 per cent to 12 per cent, and overall support for the 20mph speed limit increased from 68 per cent to 79 per cent. That is a specific example from south-central Edinburgh.

Richard Lyle: No one in the room can dispute that reducing the speed limit would be an improvement. We know that speed kills—that is accepted. Mr King talked about drivers not knowing what the speed limit is on a particular road, but most new cars show the speed limit on their dashboard, which tells the driver whether they are in a 30mph zone or a 40mph zone.

The Environment, Climate Change and Land Reform Committee recently carried out a piece of work on air pollution. Air quality is important to people. In its submission, Living Streets Scotland says:

“Evidence on carbon reduction and air pollution is mixed and inconclusive”.

Gavin Thomson of Friends of the Earth Scotland says:

“Reducing the speed limit would improve the flow of traffic, reduce congestion and emissions”.

However, the RAC, which has been called the motorist's friend, says that

“the potential impact on urban congestion from reduced speeds and the inevitable longer journey times may increase emissions.”

What impact will reducing the default speed limit on restricted roads to 20mph have on vehicle emissions and on local air pollution? Can you

highlight any relevant research in the area that might be of interest to the committee?

The Convener: I will let Gavin Thomson and Stuart Hay answer that question first, given that their organisations have been quoted.

Gavin Thomson: I will talk about the research in a moment. As I have mentioned, the evidence base suggests that 20mph limits improve traffic flow and—importantly, from an air pollution point of view—result in less stop-starting and less acceleration and deceleration. That means less particulate pollution. Particulates are tiny particles that cause a lot of damage when you breathe them in and, indeed, a lot of the air pollution work that we do focuses on particulate matter. When there is less acceleration and deceleration, and less stop-starting of traffic, there is a lot less particulate pollution and an improvement in air quality.

Studies that I would point to include that of the transport and environmental analysis group in 2013, which showed the reduction in NO_x as a result of 20mph drive cycles. The evidence on PM₁₀ is a bit more mixed, but I would point to a 2017 study on 20mph speed limits in Wales, which found that improvements in traffic flow led to decreased particulate pollution—in other words, decreased air pollution.

Stuart Hay: I would probably cite Edinburgh as a good example. It has a 20mph speed limit, and I do not think that there has been any real problem with air pollution getting worse. I believe that the situation is gradually improving, and it has not been affected by the 20mph limit.

Looking to the future, I think that one of the main sources of air pollution will be particulates from braking. When you drive at 20mph, you do not brake as hard, and that means that we start to bring down the level of particulates. Moreover, there will be increasing use of hybrid vehicles, which, because they run at lower speeds, will result in lower emissions. In the future, air quality measures will be complemented by a 20mph speed limit, and I think that such an approach is really going to work. The fact is that not many studies have been done on the matter, but we should not just assume that the situation will be worse. After all, it is all about how people drive their vehicles.

The Convener: Mike Rumbles has a supplementary question.

Mike Rumbles: Indeed, convener, and it is on that very point. Both Stuart Hay and Gavin Thomson have—quite rightly—mentioned particulate emissions and how they are lower at 20mph, but what most people think about is exhaust emissions. The SPICe briefing that we have been given says:

“Detailed research conducted for the Corporation of the City of London concluded that exhaust emissions are broadly similar with either a 30mph limit or a 20mph limit”.

Do you wish to comment on that?

Gavin Thomson: I am familiar with that study, which points to the evidence being a bit mixed with regard to the difference between limits of 20mph and 30mph. It depends on the car and whether it uses petrol or diesel. However, what we would stress in drawing out any conclusions is that the study does not necessarily relate to people's driving styles, which will change when the speed limit changes. I think that it is based on drive-cycle exhaust emissions, which are more laboratory tested. When the speed limit is reduced, driving patterns tend to change, with less acceleration and deceleration and, indeed, less fuel consumption, which also impacts on exhaust emissions.

Rod King: The background to this is the fact that most fuel consumption and emissions come from acceleration and from, if you like, replacing deceleration. Going at a constant 20mph, most vehicles will get about 90 miles to the gallon, which tells you how much fuel that they are using in that steady state. The Imperial College London report showed that the evidence was mixed. With petrol cars there was a slight increase in NO_x and PM₁₀ emissions, whereas in diesel cars there was a slight decrease.

However, NO_x and PM₁₀ emissions from diesel vehicles are 10 times higher than those from petrol vehicles, so the 8 per cent saving on emissions from diesel engines is very beneficial in comparison with the slight increase in emissions from petrol engines. We calculated that, on that basis and given the mix of diesel and petrol vehicles on the road, the reduction in emissions from setting a 20mph limit is equivalent to taking half the petrol cars off the road completely. That gives the committee an idea of the reduction in emissions. An important point is that the Imperial College London report said categorically that moving to a 20mph limit would not increase emissions.

Peter Chapman: When a modern car travels at a steady 30mph, it uses less fuel than when it runs at 20mph. That is a fact—I am sure that it is correct. I have seen figures that show that fuel consumption is 10 per cent higher at a steady 20mph than at a steady 30mph, because the car is in a lower gear at 20mph.

The Convener: Does anyone want to respond to that? Rod King could come back in, but I promised to call Adrian Davis, so I will be in trouble if I do not let him in.

Professor Davis: I do not want to break the flow, but I would like to bring in a point about social norms.

The Convener: Rod King can respond to Peter Chapman and then I will bring in Adrian Davis.

Rod King: I have a degree in automobile engineering, so I always enjoy such questions. Tests have shown that whether fuel consumption at a steady speed of 30mph differs from that at 20mph all depends on the gearing for most cars, but the difference is marginal. None of us gets 90 miles per gallon from our cars, because we use the most fuel not in keeping going at the same speed but in accelerating and decelerating.

The slight variation between steady-state fuel consumption at 20mph and consumption at 30mph is not pertinent at all to the effect on emissions, which comes from taking out all the acceleration from 20mph to 30mph. We should bear in mind that twice as much energy is used to reach 30mph as is used to reach 20mph.

The Convener: I call Claudia Beamish.

Claudia Beamish (South Scotland) (Lab): Thank you, convener—I appreciate that. I declare an interest as a co-convener of the cross-party group on cycling, walking and buses. I ask any panel member who feels that it is appropriate to answer to give their view on the impact of an increase in active travel on air pollution emissions or greenhouse gas emissions.

The Convener: I stopped Adrian Davis before, so it is his turn now.

Professor Davis: I still have a point to make about social norms, if I can fit it in.

Emissions are a really interesting area, in which there is a disconnect between public understanding and the science. Time and again, European studies have shown that, particularly in urban environments, where pollution is most intense, the pollution is concentrated inside vehicles. That is an interesting point that must be unpacked because of the lack of understanding—people think that they are protected in their new cars, but they are not.

The pollution level drops significantly away from the centre of the carriageway, where it peaks. Pedestrians get the least pollution and cyclists get a bit more. In urban areas, most of the pollution is in vehicles, and the lack of knowledge about that is interesting. As I say, the fall away in pollution is significant. Someone who is on the top deck of a bus experiences less pollution than someone who is on the lower deck—that is how fast the pollution falls away.

Exposure is a serious issue. Active travellers still experience pollution, but the science is clear

that the cardiovascular benefits of being physically active—as well as the benefits for mental health and wellbeing—are much more significant than the risk to health from pollution. That has been studied many times in the peer-reviewed literature.

The Convener: I return to Richard Lyle for a follow-up question before we move on.

Richard Lyle: Given the uncertainty about the emissions impact of the proposed 20mph speed limit, can the panel members set out why they think that the benefits outweigh concerns about air pollution? Do you all honestly think that a 20mph speed limit would improve traffic flow—seriously?

The Convener: Richard, you will have to apologise to Jamie Greene later for taking his question.

11:15

Rod King: The 20mph speed limit should reduce emissions. There is evidence that when speeds are reduced and controlled, rather than when it is a free-for-all, you get more traffic through. I have read that the ideal speed is actually 17mph in networks where there are a lot of junctions with incoming traffic and so on. Of course, it is well known that if you want to get more traffic on the M25, for example, you reduce the speed limit, because that allows you to get more throughflow. Basically, when you have congested conditions, reducing the speed enables you to get more throughflow.

Stuart Hay: We need to consider that one of the biggest barriers to walking and cycling is to do with perceptions of safety. If you improve people's perceptions of safety, they will walk and cycle more and drive less, so there will be fewer cars on the road. The cars that remain will be more efficient because there are fewer of them, and there will be less congestion, so you get a virtuous circle. However, you will not get that virtuous circle unless you can change perceptions of safety. To do that, you need the 20mph limit to begin with.

Professor Davis: We should try to keep in mind that this is not only a road safety intervention but a behaviour change intervention. Human beings do not like changing their behaviour, so it will take time. It will also take time to create a new social norm, but it will happen. We saw it happen with drink-driving, which was perfectly acceptable in the 1970s—now you are a social outcast if you drink and drive. We have to move to such a position with speed, so that it is no longer acceptable for people to break the speed limit. We can create a new social norm, which would help to achieve compliance with the 20mph limit—that was the subject of one of the consultation questions. It would also require some enforcement and campaign activities, which I would label as

social marketing. If we do that, as Stuart Hay said, we get the modal shift that we want, which releases the public health benefits.

Bruce Whyte: I will take the discussion back to safety. The National Institute for Health and Care Excellence, the World Health Organization, the Organisation for Economic Co-operation and Development and the Faculty of Public Health all support 30kmh—which is equivalent to slightly less than 20mph—or 20mph as a safe speed on urban roads, particularly where there could be conflict between cars and walkers, cyclists and other vulnerable road users.

NICE also publishes guidance on air pollution, and in that guidance it strongly supports 20mph limits for smooth driving and speed reduction.

Gavin Thomson: The picture for exhaust emissions if we change the 30mph limit to 20mph might be mixed or have a degree of nuance, but when we look at air pollution as a whole, including tyre wear and brake wear, it is pretty clear that 20mph limits would improve air quality.

On the question of traffic flow, the evidence base is pretty clear that 20mph—or 30kmh—reduces idle times and gear changing and the accelerations and decelerations that we have discussed.

The Convener: I am afraid that we have to move on to the next question now, which is from Maureen Watt.

Maureen Watt: My question is on the social benefits. There were comments in the written evidence that reducing the speed limit on restricted roads to 20mph would increase the liveability of neighbourhoods, particularly for residents and local businesses. Can you expand on what that means, exactly? Does it mean that children will be playing football across the road? I am all for residents and pedestrians reclaiming streets, but what exactly are the social benefits of this measure and what tangible differences will we see in our streets?

The Convener: I will start off with Stuart Hay, as this seems to be his area.

Stuart Hay: The 20mph limit is part of the wider picture as well as an essential ingredient in how we change our streets. It changes the feel of our streets; people are happier to spend more time in them, especially in the town centres; and there is not as much traffic noise or as much of a perception of danger. However, we have some way to go before we see kids playing in the streets. I do not think that a 20mph limit will do that on its own, but I think that it is a step towards it.

The Convener: I will bring in Rod King, and I will then have to go to the next question, I am afraid.

Rod King: This is important, because what we are talking about are the public spaces between buildings that we call streets. We must not forget that they are public spaces.

There is very clear evidence from Donald Appleyard in America and Josh Hart in Bristol on how dependent community cohesiveness and communications are on the traffic conditions on roads that separate the people in communities and how they affect their ability to visit neighbours, walk to the shops and, indeed, be in the community as a person. When you walk, you talk to people. This approach makes a very beneficial change in the cohesiveness of communities and how people feel about them; indeed, the Appleyard research quite clearly shows that increased traffic leads to reduced communication between neighbours and less of that collective community feeling. If we can get lower speeds and thereby do something that is symbolic of making communities better, it will help.

The Convener: Thank you. The next question is from the deputy convener, Gail Ross.

Gail Ross: I want to cover two areas, but I have been told that I need to roll them into one question to save time. I apologise, therefore, because that question might be a long one.

I want to ask about awareness raising and enforcement. Evidence that we have received suggests that awareness raising should be along the lines of the drink-driving campaign, with the focus on social stigma and the like, but obviously the safety and environmental aspects need to be highlighted, too. What form should an awareness-raising campaign take?

On enforcement, we are obviously—or, I should say, maybe—going to get people who say, “I wasn’t aware of the speed limit.” There will be an implementation period to allow local authorities to get the signs in place, but how should the police handle any such instances that might arise during—or, indeed, after—that implementation period?

The Convener: I am not sure how strictly the police are enforcing the 20mph speed limit around Edinburgh, but perhaps someone will bring that up in their response. Who would like to kick off?

Rod King: I will cover the enforcement issue. In that respect, we can look at best and worst practice around the UK. Worst practice is for the chief constable to say, “We’re not going to enforce 20mph limits,” because that sends out a huge message to non-compliers not only that they are not going to get caught but that it is not a proper speed limit in the first place.

The level beyond that worst practice would be some form of enforcement. In other words, the

speed limit would be seen as just another speed limit; it could be any road anywhere, but the limit, whatever it was, would be enforced.

Then there is the kind of best practice followed by, for example, Avon and Somerset Police. First of all, it has 20mph speed awareness courses, and when it puts people on such a course, the administrative fee that it gets from attendees helps to pay for the enforcement process. It also publishes where the speed camera sites are going to be each week, and they cover 20, 30 and 40mph sites. That sort of approach spreads a consensus that 20mph limits are being enforced just like any other limit.

It is not a case of having a policeman on every corner. It is about establishing something that I would say is not just a social consensus but an establishment consensus, under which people know that 20mph is the legal limit and that if they get caught breaking it, they will face a restriction by way of a course or a fixed-penalty notice. That is the experience that we have.

The Convener: Rod, can you please clarify whether you are suggesting that speed awareness courses—which I do not think are available yet in Scotland—would be good practice? Is that right?

Rod King: I am saying that they are part of a method that is used in some places in England in order to impose a restriction on someone without necessarily putting points on their licence, if that is appropriate. Yes, it can be done.

The other option is that the police can delegate responsibility for enforcement to local authorities or other agencies, which has been explored in some areas.

The Convener: Until you said “yes”, I thought that you were going to give a politician’s answer.

Professor Davis: I will come back to my point that introducing a 20mph limit is a behaviour change intervention, as well as a road safety intervention. One example is the Think! drink-driving campaign, which has been running for decades and is trying to relieve the scourge of drink-driving. West Midlands Police provide a really good example, which I cited in my written submission. Although they are a relatively small force, their tactic is to deliberately go out and make a lot of noise in communities. They often go round school areas and other population-specific settings and deliberately book people for speeding and other infringements. In the case of a school area, they will tell the headteacher and ask them to put it out through their social media networks. They create a dialogue and cause quite a bit of noise for those people who say that the police should be out catching real criminals. They will explain exactly why someone is a criminal as a result of the action that they have been caught

doing. That approach creates a consensus that the police are out there and it means that, with the level of capacity that the police have, they can create the impression that someone will be caught if they speed.

We need more police enforcement, but there needs to be a bigger discussion, which probably requires more time than we have in this evidence session, about a national awareness campaign and the constituent ingredients of that campaign, which, as I have mentioned before, need to have a strong social marking element of what people gain and what we take away. We take away a person’s right to drive at 30mph, but with a 20mph limit there are a lot of benefits, which we have talked about. Studies across the UK, such as the British social attitudes survey, consistently show that there is clear majority support for 20mph.

John Mason: I am interested in the financial memorandum and some of the costs of all this. I realise that that might not be the panel’s specialist subject, but it is connected to some of the questions that Mike Rumbles asked. The financial memorandum specifically mentions Angus, so I had a quick look on Google at Brechin. The A935 runs through Brechin and, as the bill stands, the speed limit would be 30mph. I counted at least 40 side roads that would all need to be in a 20mph zone, and there would be a 30mph zone around all those roads. There is a considerable cost to that and the council has made an estimate of the cost. Presumably, it would be cheaper to have only 20mph zones around the town, and for every road in the town to stay at 20mph. In many ways that would be simpler for people to understand, because otherwise a child who was playing in one street would not know that the next street had a different speed limit, for example. Would that be cheaper to implement and easier for people to understand? Why are we looking only at restricted roads for the purposes of the 20mph limit?

Stuart Hay: There is no reason why we should not be looking to bring some of the high streets that are part of the trunk road network down to 20mph. To be honest, Transport Scotland has attempted to do that, but it has faced the challenge that the local authority would have to bring down the speed limits on all the side streets. The problem is almost reversed. If Transport Scotland and councils worked together, we could make the change cheaply—that is the whole point; Transport Scotland would not exactly have to make a policy change.

Your point is valid. The bill would introduce an approach that was cheaper overall than making all the different orders would be. We would end up with fewer signs, rather than more signs, if we planned implementation on a network basis as a national programme. If changing the speed limit

was a national initiative, there would also be an onus on the national Government to bear some costs.

11:30

John Mason: To play devil's advocate on my point, would the transport industry oppose 20mph zones on major routes through small towns?

Stuart Hay: The sections of road that are involved are relatively short, and such limits have been introduced before. What is proposed is not new, but doing it has been technically difficult. There is support in communities for 20mph limits. Most of the time, the average speeds on shopping streets where vehicles are loading and there are pedestrian crossings are not particularly high, so the impacts on businesses would probably be marginal.

Rod King: The beauty of the bill is that it is set at the optimum level, which addresses restricted roads and leaves it to local authorities to decide on A and B roads. That provides the flexibility that is needed. The bill combines national consistency with local flexibility, which is really good.

If the bill was the other way round and proposed to change the speed limit on all roads in urban or village environments to 20mph, the committee would ask different questions about whether that was appropriate. The bill achieves a fine balance and I commend it for that.

John Mason: That is fine. When Mark Ruskell appears as a witness, I will follow up the point with him.

I have another question on costs. The financial memorandum refers to a cost of £1 million to £2 million for removing repeater signs. I understand that present regulations say that repeater signs cannot be erected for whatever the default speed limit is but that if the speed limit is not the default—if it is 20mph or 40mph—repeater signs are needed.

The community councils in my area often ask for repeater signs. The Clyde Gateway, which is a new dual carriageway in my area, is a big sweeping road that looks and feels as if it should have a 40mph or 50mph limit, but its limit is 30mph. People have asked for repeater signs there, but the council says that it cannot put them in.

Should we change the rule about repeater signs? That would save us quite a lot of money, because the City of Edinburgh Council could leave all its 20mph signs up.

The Convener: I am not sure whether John Mason is suggesting that he could become a

middle man for the City of Edinburgh Council to sell on its repeater signs.

Rod King: John Mason raises technical issues that relate to the Traffic Signs Regulations and General Directions, which are different from the guidance on setting speed limits. The TSRGD has had numerous changes over the years.

Repeater signs are required when the national speed limit does not apply. If the national speed limit changed, 20mph repeater signs would not be needed on restricted roads, but repeater signs would be needed on 30mph dual carriageways, where the national speed limit would no longer apply. There are opportunities, because the position in the TSRGD has been relaxed, and the number of repeater signs is now at the local authority's discretion.

John Mason: Does the local authority have discretion over the number of repeater signs, whether it has them, or both?

Rod King: At least one sign is needed in an area—the issue is obscure—but the TSRGD does not necessarily say how many are needed, as long as drivers know what the speed limit is.

Other countries do not have repeater signs, which are a UK phenomenon. We keep on reminding drivers of the limit because they are not smart enough to know whether the limit is 30mph or 20mph.

John Mason: This proposal will complicate it, will it not? At the moment, if you are driving in Glasgow you assume that you are in a 30mph-limit area, but under the plan there will be confusion because some roads will have a 30mph limit and some will have a 20mph limit.

Rod King: There can be simplifications. You will have to look at changing the TSRGD, because in some places it refers to not having repeater signs on 30mph roads, and it conflates that with roads that are subject to the national speed limit. Some changes will be required anyway. That would allow you to say that where you have 20mph or 30mph roads, it does not matter if you have 20mph repeater signs and that you can leave them in. The detail of that could be worked out and addressed by a statutory instrument, rather than by legislation.

John Mason: I accept that. That is great. Thank you.

Colin Smyth: The Convention of Scottish Local Authorities says that the current budget going through Parliament is a £147 million cash cut for local authorities. The Scottish Parliament information centre says that it is a £230 million real-terms cut for local authorities. Nobody believes that the Government will hand local authorities an extra £20 million to pay for this

proposal. Do you think that it is fair to ask local authorities to pick up the bill for it? I will play devil's advocate by asking whether that is local authorities' priority and what you think should be cut. Do you think that what is proposed is the most effective road safety investment that local authorities could make?

The Convener: Gosh, that was quite a subjective question.

Professor Davis: I will try to answer Mr Smyth's question. He asked whether the proposal would be the most effective intervention. We have already had a debate about that in the wider literature. Yes, in terms of cost to the nation, it looks like one of the most effective interventions that we could make to try to reduce casualties.

I remind you at national Parliament level to consider that the value of a statistical life is more than £1.8 million—that is the cost if you kill someone on the road. That is a crude assessment, of course—it does not include misery, loss and all the other things that are not easily quantifiable.

There are big savings for the national health service. That is a question that needs to be addressed at national level. Given that there are savings to the national health service—which we can estimate from the studies that have already been done—could money from NHS budgets be crossed over to help the implementation of the 20mph programme? I know that my NHS director colleagues would not like to hear that, but it is a viable suggestion and the question should be asked.

Bruce Whyte: I will duck the question about who should pay for this, but it is clear that there would be up-front costs of having more signage and changing signage. However, over the piece, if we see reductions in casualties and fatalities, which we might expect year on year, there would be a long-term benefit in the savings we would make from that, and there would be public health benefits to having a slightly more active population. This intervention is not the only thing that we need to do to improve physical activity and health in Scotland, but, given that we are building pedestrianised areas and segregated routes, it will help by making people think that it is safe to use them—it will improve the effectiveness of some of those other schemes.

Maureen Watt: The financial memorandum says that the annual cost to local authorities in the first two years will be £9 million to £10 million. In its submission, Aberdeenshire Council—I represent part of Aberdeenshire—says that it will cost it £0.5 million. Half a million pounds times 32 local authorities is £16 million. Is the figure

therefore not grossly underestimated? Where did it come from?

Stuart Hay: I did not prepare that figure, but the proposal will affect local authorities in different ways, depending on what level of progress they have already made on 20mph limits. Some local authorities, such as Glasgow City Council, which is rolling out the measure, will see a saving if they have a programme already—they will be able to do it more cheaply and efficiently. For local authorities that have not done anything or that have a very small network, it will cost them a lot more money in the short term, but even they will benefit because it is the cheapest and most efficient way of rolling out the limit. National Government needs to stump up and contribute if it wants to deliver the road safety framework. This is a national initiative that will deliver national benefits. There are not a lot of things left in the locker, and this is one of the cost-effective options for the Government to tap into.

The Convener: In rural constituencies where there are lots of trunk roads, it will be a big problem.

Jamie Greene: I want to follow on from Maureen Watt's line of questioning. I have had specific conversations with many local authorities about this, among other transport issues, and they are gravely concerned about the potential costs of it.

The financial memorandum states that some of the total cost will be offset by fine income. That is an odd stance to take, because we do not know what that income will be. It is also predicated on the assumption that people will break the law, which is not an entirely positive view. How can we come up with proper conjectures as to the cost of this to local authorities and other agencies, including courts, the Government, the Crown Office and the police, which we have not taken into account? Surely we should be able to come up with a total figure on this to show us the scale of it.

The Convener: That might be a question that the member in charge will have to answer. I am happy to bring in Rod King briefly, and then I am afraid that we will have to draw this session to a close, because we are very short of time.

Rod King: Some of the details will get resolved when local authorities start to look at the proposal and start to exercise their options in deciding whether to keep a main road a 30mph road or make it a 20mph road. Those questions are for further down the line. For UK implementation today, we are talking about £3 to £4 per head of population for implementing authority-wide 20mph limits. That is seen as very good value. You have a great opportunity to load that to national

Government as well as local government and make efficiency savings by doing it in a nationally co-ordinated way. That is a very positive opportunity to get the best value for money from what is recognised to be the right thing to do.

The Convener: That is probably a good place to stop, on the basis that members will get the opportunity to talk to local authorities and the police as part of our evidence sessions. I thank all the panel members for coming and I hope that they all got the chance to put their points of view across. I will now suspend the meeting for five minutes.

Stewart Stevenson: Just before you do, convener, I point out that I failed to include in my declaration of interests my membership of the Institute of Advanced Motorists.

The Convener: Okay. I will now suspend the meeting. I ask members to be back here at 11:47, please.

11:42

Meeting suspended.

11:49

On resuming—

Transport (Scotland) Bill: Stage 1

The Convener: Agenda item 5 is consideration of recent developments in relation to the Transport (Scotland) Bill. Committee members received an amendment to the agenda yesterday afternoon to allow this matter to be discussed.

Last Thursday, I met the Minister for Parliamentary Business and Veterans at his request, and he proposed that stage 2 of the Transport (Scotland) Bill, which was originally pencilled in for late March or April, be delayed. At this stage, we do not know how long the delay will be, but it is partly because of resource capacity within the Scottish Government and partly because of the announcement that was made the same afternoon that the Scottish Government would be lodging an amendment to the bill at stage 2 to introduce a workplace parking levy.

At this stage, it is probably appropriate to bring in John Finnie.

John Finnie: I just want to confirm that I have contacted the convener and the clerk to advise that, in fact, I will be the member lodging the amendment on the workplace parking levy and that the Scottish Government has indicated its support for it. I felt that it would be a courtesy to say that in advance.

Moreover, the adjusted timeframe, which I assume has nothing to do with this, might afford the committee the opportunity to take some evidence on the proposed amendment. Certainly, I am keen to make available the wording of the amendment to facilitate that and to ensure that we can have some discussion about it. That might be helpful.

The Convener: Thank you for that.

I have a couple of questions. I think that we can class this as an evolving situation, with different bits of information coming in at different levels, and the discussion that I think the committee should have is about the process and how we will manage things rather than the merits of the proposal itself. Mr Finnie, will you be consulting on the proposal before you lodge the amendment?

John Finnie: It is not my intention to consult formally; there has been engagement with local authorities and others, but not in a formal capacity. I thought that bringing the amendment to the committee would afford members the opportunity to carry out that level of scrutiny.

The Convener: On that basis, I believe that if the committee consults on this matter—and it will be for the committee to decide whether that is

appropriate—members will welcome sight of any proposed amendment at the first possible opportunity to ensure that, if we carry out any consultation, we do so with that in mind.

John Finnie: I am happy to make the proposed amendment available, perhaps with some background papers.

The Convener: Other committee members have indicated that they would like to say something—I see a few of them lining up. I will take Mike Rumbles first.

Mike Rumbles: I thank John Finnie for answering some of the questions that I was going to ask. It was my understanding that a Green member, not the Scottish Government, would be lodging the amendment, and it is good to have that confirmed formally.

I know that John Finnie has said that he will make the proposed amendment available as soon as he can, but it would be helpful to know the probable date when we might get sight of it. It is essential that we consult on it, hear people's views as we would during the normal stage 1 process and then take evidence. That is the process that we need to follow.

John Finnie: As members will be aware, the workplace parking levy proposal became part of the negotiations on the draft budget, but the fact is that I would have lodged such an amendment anyway, completely independent of that. Normally, I would have done so knowing some people's views but without necessarily initiating any formal consultation. As I have said, I would have lodged such an amendment, in the way that any member can lodge a stage 2 amendment, but the amendment has developed a status that it would not ordinarily have had.

Colin Smyth: It is fair to say that the proposed change to the bill is a material one. The committee went through a detailed consultation at stage 1 that allowed many organisations to comment on the bill, and it would be unfair not to follow exactly the same process for such a proposed major change, so it will be important to follow that process. Unfortunately, the timescale for stage 2 is unclear; the convener has said that the Government does not know what it will be yet. Will we have sufficient time to carry out the process that it is only fair for us to follow?

The Convener: I will store up the questions, distil them and answer them at the end.

Richard Lyle: Everyone knows my view on a workplace parking levy.

Colin Smyth: I do not.

Richard Lyle: Well, when a witness raised the issue previously, I said that I was against it.

It is interesting that the Greens are bringing forward this proposal. Given that he will be introducing the proposal, I would like Mr Finnie to answer one question, if possible: will the levy be charged on companies or on employees?

The Convener: I am sorry, but I said at the beginning of the item that I do not want to get into the policy discussion, and I would like to stick to that approach without upsetting every committee member. I would like the committee to discuss how it would like to handle the proposal, the consultation and the evidence.

Richard Lyle: Mr Finnie can tell me the answer to my question afterwards.

The Convener: With a smile on my face, I ask Richard Lyle to park his question. I would appreciate it if he asked it later.

John Mason: I largely agree with Colin Smyth. On the whole, we have a good legislative process, but one weakness can be that, if a major amendment appears at stage 2 or 3, it might not be consulted on as thoroughly as the issues that were raised at stage 1 were. I agree with Colin Smyth that the proposal deserves proper consultation.

I am a bit unsure but relaxed about whether we delay completing our stage 1 report to take evidence on the levy—and then include that evidence in the report—or whether we let the report go ahead and do the consultation between stages 1 and 2. I do not have strong views on either side, but I think that we should carry out proper consultation.

Maureen Watt: I will follow what John Mason said. We have two options. The proposal will form a substantial part 7 of the bill. Because we have already taken evidence, we would normally complete our stage 1 report now, have the stage 1 debate and consult before stage 2. I think that we have heard from the Government that the intention to delay stage 2 came before the budget stuff happened and is related to Brexit. Given the delay, we have a window in which to decide whether to consult before completing the stage 1 report. I am not sure that I have decided one way or the other, although I probably support consulting at stage 2, but the committee should decide on that and we should hear every member's view.

Colin Smyth: That is a good point. My view is that we should complete the current stage 1 report and make it clear that we will consult further. All the evidence that we have been given for the stage 1 report is based on the bill as it stands. The organisations might have different views, but they have not yet had the opportunity to consider the proposed workplace parking levy, so it would be unfair to cite their evidence on that.

In effect, we might almost need two stage 1 reports—in which case, perhaps we should not use that particular term. Our current stage 1 report should be based on the evidence that we have received on the bill before us. It is important that we follow a similar thorough process for the material change that is proposed.

Maureen Watt: The proposal will not affect other parts of the bill—it will stand alone.

12:00

Stewart Stevenson: With regard to process, I very much welcome the fact that we have a window to look at the issue before we consider the stage 2 amendments. I suspect that the parliamentary process would allow us to open up the issue and put it in the bill, but that might disadvantage people who participated at stage 1.

We should complete the report and contemplate publishing it, and we should then have a separate report on the narrow point that we are discussing and consult on it. The point is narrow in the sense that we do not need to go back to all the witnesses who have already participated and ask for their views.

The Convener: Does John Finnie or Jamie Greene want to say something? I will then try to sum up where I think we are going on the issue.

Jamie Greene: I will not comment on the merits of the amendment or the related policy. That debate is not for this arena; it is for another day, and I am happy to park it.

My comments are more about the process that we should follow. These are just my views, but if we are talking about a substantive addition to the bill—by which I mean, say, a new section or a new concept on which evidence has not previously been taken—the committee should not entertain the prospect of including it in the bill. In fact, I would ask whether the Rural Economy and Connectivity Committee was actually the place to consider that policy or legislative proposal; instead, one might argue that the Government should introduce a stand-alone piece of legislation that would be assigned to the appropriate committee to which the subject matter is relevant. However, if the committee agrees—[*Interruption.*]

The Convener: The clerk is whispering in my ear.

Jamie Greene: I appreciate that that would be very off-putting.

The Convener: I am absolutely listening to you. In my previous occupation, I was used to having a radio in one ear and another radio in the other ear, but I find it difficult when people shout over each

other. I am listening to exactly what you are saying—crack on.

Jamie Greene: I am enthused by your hearing abilities, convener.

If the committee agrees that it is willing to accept the additional subject matter—I will call it an amendment—in the bill, I will just note that we are at the end of the stage 1 process, and it is my understanding that the stage 1 report has to be debated by members in the chamber and then voted on so that the bill can proceed. I do not see how the Parliament can proceed with the bill as drafted in the knowledge that a substantive piece of it on which we have taken no formal evidence will be added at stage 2. It is imperative that stakeholders be given the opportunity to go through the due process with the committee that every other bit of the bill has gone through if the bill is to proceed.

As a matter of principle, I do not support adding this additional subject matter to the bill. If it is to be added, I request that we extend the stage 1 process to allow it to be included in our report.

The Convener: Is John Finnie happy to listen to what people are saying and then come back in?

John Finnie: Yes, convener.

Peter Chapman: I have a lot of sympathy with what Jamie Greene has just said. I wonder whether the proposed amendment would fit into this bill—indeed, I have serious doubts whether it would. That is what we need to decide on first.

If we decide that it fits and becomes part of the bill, it is absolutely imperative that we take plenty of evidence on it, as we have done for all the other parts of the bill. We will need time to take that substantial evidence, because we will need to take on board a huge amount of additional information. I do not know how that should be done, but I have to wonder whether the issue should be in the bill at all.

Mike Rumbles: What we are dealing with is completely different from our normal process and the normal way in which we deal with things. At stage 2, people often say that evidence has not been taken on a particular amendment; in fact, I have said it myself, and I would disagree to such an amendment on that ground alone. However, this is not a normal process.

For the first time—I think that it is the first time—we have a situation in which there is a political agreement between the Scottish Government and another party in the Parliament, whereby Scottish National Party members will support the amendment that the Greens lodge on the issue. As far as I am aware, that is what the Cabinet Secretary for Finance, Economy and Fair Work told the chamber. Therefore, it will not be a normal

amendment that we will be considering, because when it is lodged, the majority of members of the committee will already be committed to voting for it, as the finance secretary made such a commitment in the chamber. That is despite the fact that we do not know what the amendment will look like, we have not taken any evidence on the issue and we do not know what the conclusion will be. As I have said, this is not a normal process.

Normally I would say that we should complete our stage 1 report, have the stage 1 debate and then move on to stage 2, but this is not a normal process. The committee could find itself in a rather strange situation if it were to complete its stage 1 report and hold a debate on the bill's general principles, with everybody knowing that there was a major issue that could not be debated. All my experience since 1999 leads me to suggest that we are in an unusual, if not unique, situation that we must deal with in a special way.

The Minister for Parliamentary Business and Veterans has made it clear that he is happy for Parliament to delay the stage 1 debate, and John Finnie has said that he is happy to provide us with his amendment as soon as it is written down so that we can consider it. I think that we should delay the publication of the stage 1 report to allow us to consult and take evidence on the proposal. That way, we will be able to have a proper stage 1 debate on the bill.

Stewart Stevenson: Are you saying that the issue that the amendment will deal with should be covered in the report that we are doing at the moment or in a separate report? I am not bothered either way.

Mike Rumbles: I think that it would look odd if we produced our stage 1 report in the knowledge that there was a major element of the bill that we could not refer to.

Stewart Stevenson: That is fine. My question was a narrow one.

Mike Rumbles: I am proposing that we postpone the report so that we can do it properly.

Richard Lyle: I remind members—I will check the *Official Report* to make sure—that, during our consideration of the road works part of the bill, we heard from a chap who raised the issue of a workplace parking levy. That was when I made my comment. I do not see what the problem is with those who are saying that such a provision should not be included in the bill. I look forward to the Greens producing their proposal, and I expect that I will vote for Mr Finnie's amendment. I am not prejudging the issue, but it was raised by a witness during our consideration of the road works part of the bill. The convener asked the panellists whether they had anything else to say, and one of them mentioned the workplace parking levy.

Jamie Greene: I want to respond to Mike Rumbles's point about the usual due process when committees consider a bill. He said that the process that we are discussing is not the standard one. I think that the committee ought to be prepared to say to the Government that we will not accept an unusual process but will continue to follow the usual due process, because that is how committees operate when it comes to legislation. Because the Government of the day has requested that a member of a different party introduce a policy by amending an existing bill, it is, by default, veering away from the due process that we should be following.

I am not arguing for or against the proposition—that is an argument for a different day. There will be many views on it, and we will have ample opportunity to express them. My premise is that we should ensure that the committee does what it is supposed to do in the way that it is supposed to do it. Therefore, I do not think that we should veer away from the normal process, and we should not accept the workplace parking levy proposal as an addition to the bill.

The Convener: After John Finnie responds, I will summarise where I think we are and try to find a route forward.

John Finnie: I thank colleagues for their comments. Indeed, it was the reason why I contacted the convener and the clerk.

I know that we are not discussing the merits of the amendment, but I just want to say a few things about it. I have had a written amendment on this matter for a considerable time now, and it has featured in discussions with another party. I will lodge this amendment, and the committee can safely assume that I will lodge others. However, I am not going to flag them up. I am flagging this amendment up only as a courtesy, given the profile that the issue has received. I do not want to circumvent any procedures, because I think that they are absolutely important. I will be lodging other amendments at stage 2, and, as with the amendment that we are discussing, they will stand or fall on their own merits.

With any amendment lodged at stage 2 to any piece of legislation that did not in some way fit with the work that the committee had already done, people could say that we had not taken enough evidence. We cannot always scrutinise to the level of detail that we might want, but I expect the committee to scrutinise the amendment, and I have tried to be helpful by flagging it up in advance.

I am grateful that there has been an opportunity to discuss this on the agenda. I will assist the convener and the clerks in helping the committee to look at the amendment.

The Convener: I do not want to cut anyone off, but I think that everyone has had the chance to say something on this matter.

First, I just point out that this is a Government bill, and, as such, any member can lodge amendments to it at stage 2. However, we should also bear in mind the importance of standing orders and the procedures of the Parliament, and I must ensure that we as a committee comply with them. I would also sound a note of caution by pointing out that it is clear that everyone wants to hear evidence from people on this amendment and we should have the ability to do so.

I have logged the point that the committee wants to take evidence and consider the amendment, but the fact is that, in theory, John Finnie could have lodged the amendment at stage 2 without telling us if its existence had not come out. Personally, as committee convener and a committee member, I think that introducing such a proposal at stage 2, without the committee having looked at it at stage 1, is wrong. With any amendment that I lodged at stage 2, I would like the issue at least to have had some air time at stage 1.

I therefore propose that we continue to work on the stage 1 report, which is based on the bill that is in front of us. We will not be in a position to publish that until after the recess, in any case, so we have some time. I will then clarify the Parliament's procedures; speak to the Government minister Graeme Dey about business matters and find out more about deadlines and timings; and then speak to John Finnie about the amendment and try to get its wording. I will then come back to the committee with appropriate proposals, based on today's discussions, for hearing evidence on the amendment, which we have not yet seen.

At that point, we can decide how we take the stage 1 report forward and whether we publish it now or hold off. My feeling is that it would be wrong to make that decision now or to prejudge the issue in any way; the committee needs to take evidence on the amendment, hear that evidence clearly and, on the basis of that evidence, make up its mind whether the proposal is good, just as we do with all amendments and Government bills.

That is how I propose to deal with the matter. Have I missed anything fundamental? Am I wrong?

Mike Rumbles: I did not hear you say the word "consultation", convener. I think that the committee needs to carry out a short consultation before it invites people to give evidence.

12:15

The Convener: Let me look at the procedure and find out exactly what is being done, but my understanding is that a lot of people out there might want to comment on the matter. We need to make sure that, when the Government works out the timescale for the bill, the committee is given time to do its job properly. The committee has always made it clear to me as convener that we will be driven not by the Government, but by the way in which we look at legislation. I am mindful at all times of the need to do that properly and not to be constrained by Government timescales.

Jamie Greene: I do not disagree with anything that you have said, convener, but I am still unclear whether this additional subject matter should or will be included in the stage 1 report, or whether it will be dealt with as a stage 2 amendment. If it is the latter and if we know as much in advance of our completing and publishing the stage 1 report, we are fundamentally missing the point. If we know that the subject is coming up—and if we know about it because it has been well rehearsed publicly—it should form part of our stage 1 consideration and allowed to go through due process as it deserves. For that reason, I do not consent to the overall approach that you have proposed, convener.

The Convener: Let us consider the matter after recess, when I will have more information. As for the stage 1 report, all the committee can do is consider what is in the bill—that is as far as we can go. We can caveat it, but I will look to the clerks for advice on that. I do not want to make a decision until the committee has discussed how we want to handle that.

Mike Rumbles: We could say in our report that we were aware of what was coming down the track because it was put into the public domain by the finance minister in Parliament.

The Convener: Indeed we could, but until we have more information and know more about what is happening, the timescales and so on, it would be wrong to make a decision on any particular item.

With that in mind, I ask the committee to support my proposal so that I can report back to members after recess. Does the committee agree?

Members indicated agreement.

The Convener: Thank you very much. We now move into private session.

12:16

Meeting continued in private until 12:27.

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