

# **FINANCE COMMITTEE**

Tuesday 21 November 2006

Session 2

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## FINANCE COMMITTEE

### 29th Meeting 2006, Session 2

#### CONVENER

\*Ms Wendy Alexander (Paisley North) (Lab)

#### DEPUTY CONVENER

\*Mr John Swinney (North Tayside) (SNP)

#### COMMITTEE MEMBERS

\*Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)

\*Mark Ballard (Lothians) (Green)

\*Derek Brownlee (South of Scotland) (Con)

\*Jim Mather (Highlands and Islands) (SNP)

\*Mr Frank McAveety (Glasgow Shettleston) (Lab)

\*Dr Elaine Murray (Dumfries) (Lab)

#### COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)

Janis Hughes (Glasgow Rutherglen) (Lab)

Alex Neil (Central Scotland) (SNP)

John Scott (Ayr) (Con)

Iain Smith (North East Fife) (LD)

\*attended

#### THE FOLLOWING GAVE EVIDENCE:

Margaret Jamieson MSP (Scottish Commission for Public Audit)

#### CLERK TO THE COMMITTEE

Susan Duffy

#### SENIOR ASSISTANT CLERK

Rosalind Wheeler

#### ASSISTANT CLERK

Kristin Mitchell

#### LOCATION

Committee Room 1



## Scottish Parliament

### Finance Committee

*Tuesday 21 November 2006*

[THE DEPUTY CONVENER *opened the meeting at 10:01*]

#### Convener

**The Deputy Convener (Mr John Swinney):** I open the 29<sup>th</sup> meeting in 2006 of the Finance Committee and welcome members and the press and public. I ask that all pagers and mobile phones be switched off for the duration of the meeting.

Members will have noticed that a revised agenda for today's meeting was issued yesterday because our former convener, Des McNulty, has been elevated to greater things—some people might say—as Deputy Minister for Communities. On behalf of members, I congratulate him on his appointment and record our appreciation for his convenership of the committee over a number of years.

Des McNulty tendered his resignation on Friday. The agenda for today's meeting had been issued on Thursday, but I was advised by the clerks that, under rule 12.1 of standing orders, when a vacancy for a convener arises, a new convener must be chosen at the first available opportunity. There is a facility that provides for a committee's agenda to be altered in the *Business Bulletin*, which is why the appointment of a new convener is on today's agenda. If anyone is concerned about the shortness of notice, which I asked the clerks about yesterday, that is the explanation for it.

Parliament has agreed that members of the Labour Party are eligible for nomination as convener of the committee, so I seek nominations from members of that party.

**Dr Elaine Murray (Dumfries) (Lab):** I nominate Wendy Alexander.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** I second that.

**The Deputy Convener:** Does any other member wish to make a nomination?

**Members:** No.

*Ms Wendy Alexander was chosen as convener.*

**The Deputy Convener:** I suspend proceedings briefly while the seating arrangements are changed.

10:03

*Meeting suspended.*

10:04

*On resuming—*

### Budget Process 2007-08

**The Convener (Ms Wendy Alexander):** I thank John Swinney for convening the first part of the meeting and I thank members for choosing me as convener. I look forward to following in the footsteps of Des McNulty, who convened the committee ably.

For the second item on the agenda, we have with us Margaret Jamieson, who is the convener of the Scottish Commission for Public Audit. Last week, we considered the SCPA's report on Audit Scotland's spending proposals and agreed to invite Margaret Jamieson along today so that we could gather more information.

The SCPA's responsibility is to scrutinise Audit Scotland's proposals and to make recommendations to Parliament by laying a report. Because the Finance Committee has overall responsibility for scrutiny of the Executive's draft budget, by convention we include the SCPA's report in our report. There is a written agreement between the committee and the SCPA, a copy of which is in the committee papers. As the clerk's cover note says, the SCPA will try to answer our questions and make available information on its scrutiny of Audit Scotland's proposals.

I am delighted that Margaret Jamieson accepted the invitation to attend this meeting and I ask her to give us a verbal report on the SCPA's deliberations, before I invite questions or comments from members.

**Margaret Jamieson (Scottish Commission for Public Audit):** Thank you. I congratulate Wendy Alexander on her appointment as convener.

Thank you for inviting me to provide details of the SCPA's scrutiny of Audit Scotland's 2007-08 budget proposal. I trust that members have seen the SCPA's report and Audit Scotland's budget proposal. The annexes to the SCPA's report include a word-for-word record of commission meetings and supplementary written information from Audit Scotland.

It might be helpful if I provide background information on the work that was undertaken to scrutinise the proposal before I talk about the recommendations in the SCPA's report. The SCPA first took evidence from Audit Scotland on its estimated expenditure for 2007-08 on 26 April. The meeting focused on efficiency savings and increases in staffing levels. Audit Scotland then provided a supplementary written submission, which included additional information on efficiency savings.

The second evidence session, at which the Commission scrutinised the details of Audit Scotland's bid, took place on 27 September. That meeting involved further questioning on efficiency savings and staffing levels but also focused on senior staff salaries and pensions liability, which had emerged as an issue. The supplementary evidence that was provided by Audit Scotland after the second meeting provided additional detail on the basis for senior staff's salary increases, the basis for the 38 per cent increase in income from local authority fees and copies of correspondence on pensions liability.

The SCPA's report made a number of recommendations; I will talk through the issues behind them. The report recommended that Audit Scotland provide

"a break down of targets for planned efficiency savings (analysed between cash releasing and time releasing)."

The commission considered that its scrutiny would be aided if Audit Scotland would provide such information, given that Audit Scotland has provided detailed information to the Executive on what constitutes good practice in measurement and recording of time-releasing and cash-releasing savings. In addition, Audit Scotland noted in evidence a number of cash-releasing savings that appeared to have emerged as a result of events that were outwith Audit Scotland's control; for example, there was no longer a requirement to audit Argyll and Clyde NHS Board. The commission therefore considered it important for Audit Scotland to provide a breakdown of planned savings and additional savings that had not been anticipated.

Another recommendation related to pensions liabilities. The Auditor General for Scotland advised the commission of a liability of £300,000, which Audit Scotland considered had arisen from difficulties with the Scottish Public Services Ombudsman Act 2002. Audit Scotland told the commission that, according to legal advice, liability in relation to former Scottish commissioners and one other member of staff, who were in post before the post of Scottish public services ombudsman was established, remains with Audit Scotland. The Auditor General for Scotland told the commission that before receiving that legal advice he had thought that liability would lie with the SPSO. In its report, the commission expressed concern that Audit Scotland did not factor the liability into its budget for 2007-08 or inform its external auditor about the liability. The report also noted the commission's intention to pursue the issue. The SCPA will hear evidence from Audit Scotland tomorrow.

I understand that members have seen a copy of a letter that I received from the SPSO yesterday, which gives the SPSO's perspective on the issue.

I read the letter with interest and although I have not yet had an opportunity to discuss it with my colleagues on the commission, I am sure that they will, during tomorrow's meeting, be keen to pursue the issues that it raises.

The commission asked Audit Scotland about the basis for senior staff salary increases of around 8 per cent in 2004 and 2005 and a further increase of 3 per cent in 2006. The commission made no recommendation on the matter, because it was satisfied by the information that Audit Scotland provided and because the issue does not directly relate to the 2007-08 budget. Supplementary evidence from Audit Scotland described the independent market-salary benchmarking exercise that was undertaken during 2005, which formed the basis of the pay increases. The increases appeared to the commission to be comparable with salary increases elsewhere. Additional information on the issue is detailed on page 33 of the SCPA's report, in annex B.

The final recommendation related to increases in staffing levels. The commission has observed year-on-year increases in the staffing complement at Audit Scotland and has on a number of occasions sought evidence on the basis for the increases. The commission agreed to keep a watching brief on proposed changes to the staffing complement before such changes are implemented. It recommended that, in the interests of good governance, Audit Scotland should notify the commission of any proposed increase in its staffing complement, or of any restructuring, in order to allow the commission to consider the justification for the plans when it is appropriate to do so.

The final recommendation is part of a number of monitoring measures that the commission seeks to introduce as a result of the findings of the Finance Committee's inquiry into accountability and governance. The committee's inquiry report set out the governance framework for the Scottish Parliamentary Corporate Body to follow in exercising its role in relation to commissioners and ombudsmen. The commission welcomes the framework. The SPCB has powers in relation to commissioners, such as the power to approve additional staff, but the legislation that established Audit Scotland and the post of Auditor General for Scotland does not confer on the SCPA parallel powers in relation to Audit Scotland. The commission's draft legacy paper contains a number of suggestions for future working practices, which seek to mirror the SPCB's governance arrangements, if that is possible and appropriate within legislative constraints. The SCPA will also discuss that matter tomorrow.

The commission's draft formal response to the Finance Committee's inquiry sets out changes to

commission procedure that have been made as a result of the committee's recommendations. The SCPA will discuss the procedures tomorrow.

I hope that that overview of our work and findings has been useful. I set the SCPA's recommendations in context by noting that Audit Scotland's budget proposal represents a 3 per cent increase on last year's proposal, based on a general price inflation assumption of 2.5 per cent. The commission requested evidence on the reason for the above-inflation increase and received assurances that the difference can be attributed largely to increases in depreciation costs, offset by decreases in employer's pension contributions.

I will be happy to provide further clarification on the SCPA's report today or in supplementary correspondence. Although I will answer for the SCPA wherever possible on the nature of its scrutiny of Audit Scotland, I will not answer questions on specific details of the figures in Audit Scotland's bid, beyond pointing the committee towards information that is provided by Audit Scotland, because direct scrutiny of the bid has already taken place during SCPA meetings.

10:15

**The Convener:** I thank you for your helpful evidence on the SCPA's scrutiny role. Members of the committee will welcome the fact that the SCPA is proactively reviewing its governance and reporting arrangements. I ask members to be mindful, when asking questions, of the need not to trespass into what is properly the SCPA's procedural role.

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** Why is the SCPA satisfied with the Auditor General for Scotland's response to its questions about salary increases? Margaret Jamieson referred to page 33 of the SCPA's report and said that there were salary rises of about 8 per cent in 2004 and 2005 and a further increase of 3 per cent in 2006. However, according to the table on page 34, which sets out details of the senior salaries review body settlements, there was 3.7 per cent "average earnings growth" in 2004; a 4.2 per cent "average base pay award" in 2005; and an "average individual award" of 3.35 per cent in 2006. Do you agree that the salaries are running well ahead of inflation?

**Margaret Jamieson:** The situation could be as Andrew Arbuckle describes it. However, Audit Scotland told us in evidence that it had gone to an external organisation because it was concerned that it could not retain or recruit staff in certain areas and it wanted to benchmark salaries for those posts. That was the reason for rates of increase that were above inflation and higher than

the rates of increase in other public sector organisations. That is detailed in the information that we have provided.

**Mr Arbuckle:** My reading of the minutes of the SCPA meetings is that the Auditor General said that salaries were benchmarked on the basis of confidential information, which is all a bit non-transparent.

**Margaret Jamieson:** Information would have been confidential under data protection legislation in order to protect individuals—the information would have gone as far as to say, "Officer A got whatever salary and officer B got whatever salary." We could not further break down the across-the-board figure that we were given without identifying the exact amounts that individuals got.

**Derek Brownlee (South of Scotland) (Con):** I want to get a flavour of the process that the SCPA adopts in relation to the efficiency agenda. I see that you clearly challenged Audit Scotland about its contribution to the broader efficient government programme. When the SCPA scrutinises the budget proposals, do you stand back and consider savings per pound of expenditure by Audit Scotland in the context of the broader public sector? Do you do such benchmarking, or do you consider only Audit Scotland's internal savings?

**Margaret Jamieson:** We consider only Audit Scotland's internal savings. There is discussion on the matter that Derek Brownlee raised, but it takes place in the Audit Committee. The SCPA was conscious that Audit Scotland expects public agencies to achieve a certain level of efficiency, through internal and external audit processes, so we thought that it was prudent that Audit Scotland should indicate what it would achieve, so that there would be commonality and we could say with hand on heart that Audit Scotland is making a contribution as well as ensuring that others in the public sector are doing so.

**Derek Brownlee:** I do not want to put words in your mouth, but were it felt that Audit Scotland could deliver more savings on a broader cross-public sector basis if it had more resources, would it be for Audit Scotland to bring the SCPA a resource plan to scrutinise rather than for you proactively to suggest such a move?

**Margaret Jamieson:** I do not think that we would actively encourage Audit Scotland to do that.

**Mr John Swinney (North Tayside) (SNP):** You made a point in your opening statement that is referred to in paragraph 21 of the SCPA report, which states:

"in the interest of good governance, the Auditor General should write to the Commission with notification of any proposed increase in Audit Scotland's overall staffing complement".

Although I welcome that good practice—controlling staff numbers is a significant part of any budget control—I am a bit surprised that it is being mentioned only now in the monitoring framework. Has that been explored previously in the budget process or has there been no direct supervision of staff numbers?

**Margaret Jamieson:** That has never been a priority because there was a settling-in period then a restructuring of Audit Scotland. Only now do we see some levelling out and stability. There were also some gearing-up issues at Audit Scotland in the roll-out of best value throughout the public sector. We believe that Audit Scotland is now stable, which is why we want to monitor its staff numbers into the future.

**Mr Swinney:** Is there not also an argument for saying that if Audit Scotland has reached stability, a testing regime should be put in place to guarantee that all existing staff are required for purpose, rather than saying to Audit Scotland, “If you want to increase your staff numbers, tell us”? As part of the efficient government agenda, which Derek Brownlee asked about, should not there be pressure from the SCPA on Audit Scotland? Should not you ask it, if you see that it wants to increase staff numbers or keep them the same, whether it is certain that its practices are efficient enough and that it is monitoring its caseload effectively to guarantee that the public purse is being protected?

**Margaret Jamieson:** Derek Brownlee should be assured that the commission will look closely at Audit Scotland’s staffing information and that we will scrutinise extremely carefully any case that is made to increase or decrease staff numbers in the future. That will be part of our legacy paper and we will also talk to the auditors that we employ to ensure that Audit Scotland is as efficient as the organisations that it audits.

**Jim Mather (Highlands and Islands) (SNP):** Neither in the Audit Scotland budget proposal nor in the verbal description of its efficient government agenda has Audit Scotland quantified the savings from the “deletion”—their word, not mine—of another director, from the delay in replacing computers or from the reduction in consumption of paper and energy. Are there any plans to get hard numbers for those savings from Audit Scotland?

**Margaret Jamieson:** That is part of the ongoing work that we are going to undertake. We want to know about inefficiencies and whether the savings are time-releasing or cash-releasing. Perhaps Audit Scotland did not have sufficient information to give us about those savings when it attended previous evidence-taking sessions, but we will put the marker down that we want that information at future meetings.

**Jim Mather:** That marker is healthy, given that only £160,000 of the tangible savings that Audit Scotland lists, which amount to £499,000, were the result of action that Audit Scotland took of its own volition. The savings of £160,000 were achieved by reducing the management team, whereas other savings arose from the abolition of national health service trusts and the dissolution of NHS Argyll and Clyde, which were external factors. What charge did NHS Argyll and Clyde pay for audit before it was dissolved?

**Margaret Jamieson:** I cannot tell you.

**Jim Mather:** It just seems that £75,000 seems a bit light—

**Margaret Jamieson:** From my perspective as a member of the Audit Committee, rather than the SCPA, I know that a charge is levied across health boards. One year a board might have more hours of audit than an adjoining board—there are swings and roundabouts. However, that is not an issue for the SCPA.

**Jim Mather:** In an opening gambit on efficiency savings in its budget proposal, Audit Scotland said that efficiencies would be

“redirected towards better services or returned to audited bodies.”

Has any cash been returned to audited bodies?

**Margaret Jamieson:** Not so far.

**Dr Murray:** Jim Mather covered some of the points that I was going to make about efficient government. You said that many of Audit Scotland’s efficiency savings were fortuitous rather than planned. However, Executive departments claim to have made significant savings—perhaps more time-releasing than cash-releasing savings—and the Executive claims to have beaten its target for efficiency savings. Did Audit Scotland tell you that it planned to make savings of a certain amount? If so, does the figure that it gave you match the figure that was achieved?

**Margaret Jamieson:** As I recall, Audit Scotland’s efficiency savings were stumbled on and not planned. No contribution to the efficiency agenda appeared to feature on Audit Scotland’s internal radar, which is why we flagged up the matter. The Executive asked every public organisation in Scotland to make a contribution, which should include the Scottish Parliamentary Corporate Body and Audit Scotland. Our role is to ensure that the issue is given serious consideration.

**Dr Murray:** I commend the SCPA for its approach.

**Mark Ballard (Lothians) (Green):** Paragraph 6 of the SCPA’s report states:



"Total resource requirements for 2007-08 represent a 3.0% increase on last year's proposal and are based on a general price inflation assumption of 2.5%."

When we took evidence from the Scottish Parliamentary Corporate Body on its dealings with commissioners and ombudsmen, it said—if I remember rightly—that its approach is to assume a zero budget increase, so the budget is constructed from the ground up and is then subject to scrutiny by the SPCB. In other words, there is no assumption that there will be an increase in costs, based on price inflation or any other factor. What process did the SCPA follow? Did you ask Audit Scotland to work from a zero budget, or did you assume that there would be an increase in costs in line with inflation?

**Margaret Jamieson:** We did not ask Audit Scotland to construct its budget in any way. That is entirely a matter for Audit Scotland, which must consider its development and provide us with a budget. When Audit Scotland gives the commission a figure, it is incumbent on us to satisfy ourselves that Audit Scotland will have sufficient funds to enable it to undertake audits throughout the public sector. We must report to the Finance Committee. We do not operate in the way that the SPCB operates.

**Mark Ballard:** Have you considered adopting the approach that the SPCB has adopted?

**Margaret Jamieson:** No.

**Mark Ballard:** Are you concerned that the increase on last year's funding appears to be based on general price inflation?

10:30

**Margaret Jamieson:** I would expect that to be the case: after all, we must bear it in mind that the work that Audit Scotland is required to carry out in the public sector is moving up a gear. For example, not only is this the third year of the best-value regime in local government, but the process is now being rolled out into the whole public sector, including further and higher education and the national health service. I and the SCPA are satisfied that the 3 per cent increase will take account of all that work.

**Mark Ballard:** Do you agree that basing year-on-year funding increases to organisations on inflation is not necessarily the most strategic approach that can be taken?

**Margaret Jamieson:** I do not give Audit Scotland its budget; I simply recommend to the committee whether it should be approved.

**The Convener:** As there are no further questions, I thank Margaret Jamieson for her very full written evidence and comments. I think that you will have picked up the committee's strong

support for the SCPA's recommendation, which, as usual, will be reflected in our budget report in due course.

## Decision on Taking Business in Private

10:31

**The Convener:** In the third item on the agenda, I seek the committee's decision on whether to take in private our consideration of the draft report on the 2007-08 budget process next week and at subsequent meetings. Our usual practice is to conduct such deliberations in private until the report is published. Do members agree to continue that practice over the coming weeks?

**Mr Swinney:** I think that in the interests of openness we should have these discussions in public.

**The Convener:** What do other members think?

**Mr McAveety:** I take a different position. As we are discussing certain issues in substantial detail, we should conduct our deliberations in private and try to reach some rounded and conclusive views.

**The Convener:** Do members have any other views? You will notice that I have a bias towards the bottom end of the table, which will no doubt continue for a couple of weeks. As a result, I will start at that end and move up.

Andrew, do you wish to contribute to the debate?

**Mr Arbuckle:** Yes, convener. I am happy to consider the draft budget report in private.

**Mark Ballard:** The rule should be that reports are considered in public as far as possible, unless there is a strong reason to consider them in private. I have not yet heard a strong enough set of reasons for considering the report in private. We ought to take the issue seriously and try to be as transparent as possible, unless there is some overriding reason not to be.

**Derek Brownlee:** I am torn on the matter. We are about to discuss in private items that, to be honest, we could have quite easily discussed in public. I guess that the matter was simply nodded through. As far as the report is concerned, I am quite happy to discuss it in public.

**Jim Mather:** I very much agree with Mark Ballard's comments. Given that we have a climate in which the Howat report, for example, has been denied us, it would be very healthy to discuss the report in public.

**Dr Murray:** That is a complete red herring; I do not think that this has anything to do with the Howat report. We have such discussions in private because they very often involve technical questions about the way in which paragraphs have been structured and how points have been

expressed. They might well also involve criticisms of the people who drafted them, which do not necessarily need to be on the public record. If we discuss such reports in private, we can have a franker and more honest discussion about our feelings than we can if we discuss them in public.

**Mr Swinney:** I am keen to discuss the report in public. After all, we have to work out many important issues with regard to the budget process.

I have to say that I differ with Elaine Murray on whether the Howat report has anything to do with this; in fact, I feel that it lies at the heart of the issues that we have to chew over. The Howat review was set up to make recommendations on current programmes that are not working, which is material to our discussion on the budget report. It would be healthy to discuss the matter in public and to set a good example for the Executive on how to deal with such issues.

**The Convener:** Perhaps one advantage of starting at the bottom of the table is that the convener gets the last word. I had not fully appreciated that fact when I began.

**Mr Swinney:** Actually, we have noticed that tactic already.

**Mr McAveety:** Is that not a character trait, convener?

**The Convener:** The clerks have rightly pointed out that decisions on taking items in private are made on a case-by-case basis, so we should not overstate the importance of this particular decision. It applies only to our consideration of the draft budget report.

As convener, I want to make an observation that perhaps relates to my responsibilities. The Finance Committee has such a high reputation in Parliament—it is described as one of the most powerful parliamentary committees—because we have tried to operate on a cross-party basis and have succeeded in publishing budget reports to which all parties have agreed. Given that we all represent different political parties, that is no mean achievement. Inevitably, any budget report will reflect a balance of criticism of the Executive that will be stronger from members of Executive parties and perhaps not as strong from—I am sorry; I mean that the criticism will be stronger from members of the Opposition and not as strong from those from Executive parties.

**Mr Swinney:** I do not know; it could be the other way round. I am sure that we will be quite amenable in those circumstances.

**The Convener:** I think that, particularly given the politically charged months ahead, the chances of our achieving cross-party agreement in certain delicate negotiations about what constitutes

appropriate criticism with regard to a total budget of £25 million might be diminished if we hold this discussion in public. Of course, at the end of the day, the report will be published and, as the Deputy Convener has pointed out, that has not always been a pleasant experience for the Executive parties. Indeed, in the past, the committee has been robust in its views.

Given that we usually have such deliberations in private and then publish our report, I am inclined to stick with what has worked for us in the past. As I have said, if we do not do so, our chances of pulling together a cross-party report of the kind that has given the committee the stature that it has will be much diminished.

I am happy to take further comments on this matter.

**Mr Swinney:** I take your comments seriously, convener. I am certainly anxious for the committee to focus on the core evidence and arguments on the budget. If that is how we will approach the stage 2 draft report on the budget, I am happy to follow normal practice and ensure that we stick to that approach.

**The Convener:** I am very grateful for that, deputy convener. If no one else has any comments, I thank the committee for reaching a decision. We will follow the practice as before.

We now move to agenda item 4. As previously agreed, we will move into private session to consider our draft reports on the financial memorandums to the Education (School Meals) (Scotland) Bill and the Schools (Health Promotion and Nutrition) (Scotland) Bill.

10:38

*Meeting continued in private until 11:19.*



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