# LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Tuesday 30 May 2006

Session 2

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# LOCAL GOVERNMENT AND TRANSPORT COMMITTEE
## 15th Meeting 2006, Session 2

**CONVENER**

*Bristow Muldoon (Livingston) (Lab)

**DEPUTY CONVENER**

*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

**COMMITTEE MEMBERS**

*Dr Sylvia Jackson (Stirling) (Lab)
*Paul Martin (Glasgow Springburn) (Lab)
*David McLetchie (Edinburgh Pentlands) (Con)
*Michael McMahon (Hamilton North and Bellshill) (Lab)
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
*Tommy Sheridan (Glasgow) (SSP)
*Ms Maureen Watt (North East Scotland) (SNP)

**COMMITTEE SUBSTITUTES**

Colin Fox (Lothians) (SSP)
Mr Bruce McFee (West of Scotland) (SNP)
*John Farquhar Munro (Ross, Skye and Inverness West) (LD)
Dr Elaine Murray (Dumfries) (Lab)
Murray Tosh (West of Scotland) (Con)

*attended

**THE FOLLOWING ALSO ATTENDED:**

George Lyon (Deputy Minister for Finance, Public Service Reform and Parliamentary Business)

**THE FOLLOWING GAVE EVIDENCE:**

Jim Black (Scottish Accident Prevention Council)
Sarah Colles (Royal Society for the Prevention of Accidents)
Bruce Crawford (Mid Scotland and Fife) (SNP)
Hazel Leith (Royal Society for the Prevention of Accidents)
Claire Menzies Smith (Scottish Parliament Directorate of Clerking and Reporting)
Brian Topping (Scottish Accident Prevention Council)

**CLERK TO THE COMMITTEE**

Martin Verity

**SENIOR ASSISTANT CLERK**

Alastair Macfie

**ASSISTANT CLERK**

Rebecca Lamb

**LOCATION**

Committee Room 1

# Scottish Parliament

## Local Government and Transport Committee

*Tuesday 30 May 2006*

[THE CONVENER *opened the meeting at 14:01*]

## Interests

**The Convener (Bristow Muldoon):** I call today's meeting of the Local Government and Transport Committee to order and welcome all members of the committee, the press and the public.

I intimate to the committee that we have received apologies from Mike Rumbles and that Fergus Ewing will be late because of other commitments.

John Farquhar Munro is attending the meeting as a substitute for Mike Rumbles. Given that this is the first time that he has attended a meeting of the committee in the current parliamentary session, I should check whether he has any relevant interests to declare.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** I do not think that I have any notifiable interests.

## Petition

### Home Safety Officers (PE758)

14:02

**The Convener:** I welcome our first group of witnesses, from whom we will take evidence on petition PE758, which was submitted by Jim Black of the home safety committee of the Scottish Accident Prevention Council. The petition, which calls on the Scottish Parliament to urge the Scottish Executive to place a statutory requirement on local authorities to employ home safety officers, was passed on to us by the Public Petitions Committee and we decided to take evidence on it.

I welcome Jim Black of the Scottish Accident Prevention Council; the SAPC's vice-chair, Brian Topping; Hazel Leith, who is home safety development officer for the Royal Society for the Prevention of Accidents in Scotland; and Sarah Colles, who is ROSPA's home safety adviser. We look forward to hearing your evidence. I hand over to Jim Black for an explanation of the reasoning behind the petition. After we have heard from any other members of the panel who have something to say, we will move on to questions.

**Jim Black (Scottish Accident Prevention Council):** The committee has received our briefing paper. The Scottish Accident Prevention Council has been around since 1931 and has campaigned for a long time to improve safety in Scotland in a variety of ways. The home safety committee feels that, in the 21st century, it is time that we reduced the number of people who are injured in their own homes.

In our petition, we ask that local authorities should employ home safety officers. We feel that it would be best for home safety officers to be employed by local authorities because those bodies have fingers in many pies, including health boards and fire boards, and can play a co-ordinating role in bringing together voluntary agencies, charities and other agencies to create a safer Scotland.

**The Convener:** Do any other members of the panel wish to make introductory remarks?

**Brian Topping (Scottish Accident Prevention Council):** As we all know, we have road safety officers in Scotland; we fully support them. Over the years, they have had targets to reduce the number of accidents on our roads. Far more accidents happen in the home environment, however. We are calling for a system of home safety officers, with the aim of reducing the number of accidents in the home. If we were able to do that—if people had fewer accidents—we

would save money for the national health service. We are calling for a spend-to-save scheme.

**Sarah Colles (Royal Society for the Prevention of Accidents):** We cover accident prevention in all areas: at work, on the road and at home. Many more resources go into the prevention of occupational and road accidents than go into the prevention of accidents at home.

**Michael McMahon (Hamilton North and Bellshill) (Lab):** Since the petition came to the Public Petitions Committee, I have taken a keen interest in the debate on the issues. Some of the evidence seems to run counter to your argument. Local authorities have told us that they already provide such a service, although perhaps not in exactly the way that you propose. How widespread among local authorities is the provision of home safety services? What are the gaps, of which authorities may not be aware?

**Jim Black:** Some local authorities employ full-time home safety officers, whereas others add home safety to the remit of their trading standards or environmental health officers. However, the scale of the problem is so large that a dedicated, full-time person is needed in each authority if everything is to be pulled together. There are about six or seven full-time home safety officers in Scotland and about the same again with a part-time remit.

**Michael McMahon:** You mentioned earlier that you co-ordinate safety across a whole host of agencies. From my constituency experience, I know that the fire and rescue service is now much more proactive in its work. Changes to the service mean that officers visit people in their homes and address safety issues. Will you give us a flavour of your discussions with fire and rescue services on the role that they could play in filling the gaps?

**Jim Black:** As I am based in Edinburgh, I will give examples of what is happening in Edinburgh at the moment. Recently, I started a home-check scheme for older people in the city. Given that it is not possible for me to cover 500,000 people on my own, I have gone into partnership with the Care and Repair Forum Scotland's handyperson service. When an older person requests a home-check visit, one of Care and Repair's volunteers goes out and gives them advice. If any small jobs need to be done, the handyperson service can do them free of charge.

However, the direct answer to your question is that we and the fire and rescue service have established a joint referral service. If an officer from the fire and rescue service goes into a home to do a home fire safety check and sees anything that is over and above a fire hazard, which they deal with, they will refer the case to me for a home-check visit. We do the same thing when we go out on a home-check visit; it is a two-way referral system. If one of our home checkers sees a fire hazard, over and above the usual battery missing from a smoke detector or piles of newspapers, for example, they will refer the matter to the fire and rescue services. Our joint referral scheme seems to be working well so far.

**Michael McMahon:** You give the impression that, although that work is taking place, it is happening on an ad hoc basis. The petition is about trying to ensure that each local authority adopts best practice and undertakes home safety checks by way of making a commitment to employ a full-time officer. Have you costed your proposal? What are the costs to local authorities and what are the savings for the health service by way of a reduction in demand?

**Jim Black:** The only costs to a local authority would be the costs involved in the home safety officer post, which would depend on the salary that was agreed by the authority. As I said, given that we co-ordinate and pool resources, we are able to create a synergy that is greater than the sum of the parts. There would be no real costs over and above the salary of one home safety officer per authority.

The health service would be the main winner. It would save money because of the reduction in the number of people who attend accident and emergency. The money that would have been spent on A and E could be diverted elsewhere to reduce waiting times and so on. It should be a win-win situation for all.

**Michael McMahon:** To cut down to the bare minimum, what you are asking for is one officer per local authority.

**Jim Black:** Yes.

**Dr Sylvia Jackson (Stirling) (Lab):** I also strongly support the petition and what you are trying to do. As a former science teacher, I know that home safety is considered in the early years of the secondary part of the curriculum, particularly from the electrical side: fire and so on. It seems a logical progression for agencies to work together. In what ways have you tried to dovetail with the education side? I was thinking not only about contacting the Minister for Education and Young People but about working with local authorities and within schools. You have also said that you would like restrictions to be placed on the sale of matches and cigarette lighters to persons under the age of 16. Will you talk a bit more about that?

**Jim Black:** Through home safety Scotland, practitioners—some of whom are sitting in the public gallery—have a lot of contact with schools; they give presentations to and run events with schools. Here in Edinburgh, we have just built the risk factory, which is the first purpose-built

experiential learning centre in Scotland. All primary 7 pupils from East Lothian, West Lothian, Midlothian and Edinburgh will go through the risk factory, which will teach them about all aspects of personal safety, including home safety. A lot of good work is going on with education departments, but it varies from local authority to local authority.

On your second question, the point that you raised relates to the brief from the fire safety champion, John Russell. I do not really feel that I can answer for him, but I understand what he is getting at when he talks about ending the sale of matches and cigarette lighters to under-16s.

**Dr Jackson:** Would you support that proposal, as well as getting your home safety officers?

**Jim Black:** I thought that John Russell had just put that in as a wish list for himself. He supported us and then he threw in "I wish this could happen as well." Thanks to ROSPA's work, things are already changing and there is European legislation on child-resistant lighters.

**Ms Maureen Watt (North East Scotland) (SNP):** It is probably not necessary to declare this, but Mr Topping and I were on Grampian Regional Council's public protection committee many years ago.

I am someone who prefers bottom-up government to legislation by central Government for local authorities, unless it is really necessary. Out of 32 local authorities, there are 11 safety officers. Why are safety officers not spread out over more local authorities? Why have certain authorities perhaps not seen the benefit of having a safety officer? Is it because the idea has not been taken up by the Convention of Scottish Local Authorities or has not been promoted? It has been said that there are no statistics to show that there would be a reduction in the number of people going to accident and emergency or hospitals and a reduction in the number of call-outs for the fire brigade. I am sure that if there were such statistics and if people could see the benefits of having safety officers, more local authorities would introduce them. Why has that not happened?

**Brian Topping:** The simple answer is that many local authorities would love to have a safety officer and have given their support to the SAPC, as has the Chief and Assistant Chief Fire Officers Association. Seventy-eight per cent of hospitals throughout Scotland have supported what we are doing. However, as with resources for the Scottish Parliament, there is no bottomless supply of money in Government finance. The Government has to fund many mandatory areas, such as education, so there is not a lot of money left to do other things. As a result of accidents in the home, more than 18,000 people go to accident and emergency, not counting people who go to their local doctor; in 2003, 226 people died as a result of such accidents. When people consider the numbers, we have their support.

If there was funding for even one home safety officer in every local authority, as Mr Black has said, they could co-ordinate with the fire service and education departments as one of their mandatory functions. Working with local authorities in that way, we could reduce the number of accidents that happen, which could save the health service a large amount of money and reduce waiting times and the amount of time that people have to take off work. The list of benefits is endless.

ROSPA has a successful home safety book that a lot of SAPC members have distributed to schools as it educates young children about how to prevent accidents happening in the home.

14:15

**The Convener:** In your submissions, both of your organisations identified the fact that 226 people died in 2003 as a result of accidents in the home. Apart from fires, which account for 70 or 80 of those deaths, are there any large categories that are a major concern?

**Jim Black:** Falls are a big killer among older people.

**The Convener:** Are there any other categories of accidents that a home safety officer would be able to focus on as an area in which reductions could be made?

**Jim Black:** Falls, burns, scalds, poisonings—those are the main categories.

**Sarah Colles:** Burns and scalds are some of the worst and most upsetting injuries and could easily be avoided. They are also some of the most expensive injuries to treat. If a child is scalded by a bath that is too hot or by a spilled cup of tea, they will have to have years and years of skin grafts, which will cost a lot of money. Fortunately, those accidents tend not to be as numerous as falls among older people.

**John Farquhar Munro:** Do you target particular types of properties or are your investigations across the board?

**Jim Black:** It varies among authorities. In Edinburgh, I am fortunate enough to have quite good statistics that I have broken down into postcode areas, which means that I can specifically target the postcode areas where most accidents take place. In other areas, the statistics might not be as good as Edinburgh's are or might be collected in a different way. The collection of

statistics is a problem, but that is another issue. All households will be targeted, however.

**John Farquhar Munro:** Ms Colles mentioned scalding. The Parliament received a petition about the possibility of fitting anti-scald valves in domestic water supply systems. She also mentioned the possibility that someone could be scalded by a spilled cup of tea. There are two distinct issues.

What do the witnesses say to the suggestion that local authorities should encourage households to fit anti-scald valves in their domestic supply systems?

**Jim Black:** They should definitely do so. A requirement to fit such valves is now part of building standards regulations, thanks to the petition that you mentioned. However, the requirement applies only to new and refurbished properties.

We would encourage anyone to have a thermostatic safety valve fitted as a safety feature.

**John Farquhar Munro:** The convener asked about categories of accidents. What is the major fault that you find in dwellings, apart from smoke alarms that have no battery?

**Jim Black:** It varies. A person's lifestyle is probably the major problem. A few years ago, we conducted a survey in Edinburgh and found that some of the most expensive houses had the most tripping hazards because people could not afford to maintain the property once they had paid their large mortgage and council tax payments. We found that people were rattling around inside unsafe houses with worn carpets, stair treads and so on.

**David McLetchie (Edinburgh Pentlands) (Con):** Some of the comments that have been made today have raised the issue of duplication of work. Why do we have a Scottish Accident Prevention Council as well as a Royal Society for the Prevention of Accidents? How big are the organisations? How are they funded? How many people do they employ?

**Sarah Colles:** In the United Kingdom, ROSPA employs about 100 people altogether. I think that eight of those are employed in Scotland, in our Edinburgh office. Of those eight, two are funded by the Scottish Executive's Health Department to promote home safety in Scotland. ROSPA covers all areas of safety. A lot of our effort goes into road safety, water safety and occupational safety. Our main office is in Birmingham, but we have a few people in Scotland, Northern Ireland and Wales.

**Jim Black:** The SAPC is a charity that is funded by membership fees from local authorities and health boards. It has three main committees, dealing with road safety, home safety and water and leisure safety. It has no employees. The board of the SAPC includes an elected member and an official from every local authority. Health boards nominate people to sit on the board as well, as does the Chief and Assistant Chief Fire Officers Association.

**David McLetchie:** What came first, ROSPA or the SAPC? If the SAPC came after ROSPA, why was there a need for an SAPC? Why did you not just let ROSPA get on with it?

**Jim Black:** ROSPA does not have enough staff to cover the whole of Scotland. As you heard, it has only two home safety people.

**David McLetchie:** I am just interested in why we have two organisations that—from your explanations—seem to duplicate a range of functions.

**Jim Black:** I do not think that we duplicate functions. The SAPC is local authority based and does work relating to sharing information, whereas ROSPA is more of a campaigning body.

**Sarah Colles:** Yes. We are a lobbying and campaigning body. We are a charity as well and are a very small organisation, compared with the size of the accident problem.

**David McLetchie:** I understand that; I am just saying that there seems to be an element of duplication in relation to the two bodies, both of which receive funding from the taxpayer to perform safety functions.

**Brian Topping:** The SAPC takes a partnership-working approach, which is something that everyone always talks about. ROSPA's two home safety officers give us advice, take minutes and so on. As Mr Black said, membership of the SAPC board includes elected members from all local authorities, council officials, the odd home safety officer—it would be super, obviously, if we were able to have on our board a home safety officer from every council—representatives from CACFOA and members of health boards. All those people work in local communities across Scotland. However, if we had home safety officers in every local authority, we could co-ordinate people's efforts more effectively. Our committee has supported CACFOA with regard to the issue of domestic sprinklers and has done work on safety by design, which involves ensuring that safety features are built into new houses.

Two home safety officers cannot cover the whole of Scotland and get local authorities working with health boards, fire brigades and so on. It is important that people are able to work in partnership to reduce the number of accidents and deaths in the home environment.

**David McLetchie:** If the SAPC is supported by local authorities and uses seconded staff to carry

out its work, should you not persuade local authorities—rather than the Scottish Parliament or the Scottish Executive—of the case that you are making? Presumably, if local authorities, which support the SAPC, all engaged a home safety officer, the Scottish Parliament or the Scottish Executive would not need to tell them to do so. If you persuade your sponsors, you have solved your problem.

**Jim Black:** I understand your argument, but it comes back to funding—each local authority has only a limited budget and some authorities do not regard having home safety officers as a priority.

**David McLetchie:** Are you saying that the Executive should give resources from the block grant to all councils that are members of SAPC to employ home safety officers?

**Jim Black:** Yes. That would be a spend-to-save scenario because there would be a reduction in the number of people having accidents.

**David McLetchie:** What evidence is there of a lower accident rate in authorities that have home safety officers as opposed to those that do not?

**Jim Black:** Any evidence is probably only anecdotal because, as I mentioned earlier, statistics are collected differently in each health board area and it is difficult to prove results one way or the other.

My target in Edinburgh is to reduce by 15 per cent the number of people who are admitted to A and E by 2008. When I started, the figures that I had were not as good as those I have now. It will be difficult to prove a lower accident rate one way or the other over just one year, but it will be fine in three years because we will have a robust baseline to start with.

**Brian Topping:** As we mentioned earlier, road safety officers were funded by Government many years ago and targets were set. If the Executive is so minded, I see no reason why there should not be funding for home safety officers in all 32 local authority areas. In that way, we would be able to set targets and get the councils to work in partnership to reduce the number of accidents.

As Mr Black and Mrs Colles said, the health service would save money if we reduced the number of people who have to go to A and E or their local general practitioner or who are off work. The Executive could set targets if the posts were made mandatory and properly funded. If they are not mandatory, councils that do not have the money will not be able to afford the luxury of having an officer.

**David McLetchie:** Jim Black said in response to Maureen Watt's question that he envisaged each council having one home safety officer. Is it realistic to expect Glasgow, with 600,000 people, to get by with one home safety officer, when Clackmannan, whose population is barely a tenth of Glasgow's, would also have one officer?

**Jim Black:** Yes. I am the home safety officer for Edinburgh and I like to think that my co-ordinating role makes a difference to the people of Edinburgh.

**David McLetchie:** So it is part of the efficient government strategy. Might it be over the top to have a home safety officer for Clackmannan? Would it be more sensible to have one officer for Stirling, Clackmannan and Falkirk because the population of those areas is similar to the numbers that you look after in Edinburgh?

**Jim Black:** Each local authority area is a different size. I cannot speak for Clackmannanshire, although it was a member of home safety Scotland until recently because the authority had a trading standards officer who had a remit for home safety. He has since been moved to Stirling, but still covers Clackmannanshire.

Clackmannanshire is not a good example to pick because it is so small, but one home safety officer is enough for larger cities. Having such an officer sends a message to people that home safety is taken seriously and that the officer is a good point of contact for anyone who wants to do some home safety work in the community. Lots of local wee groups do things, but they need to be pulled together to pool their resources and make a bigger difference.

**David McLetchie:** If there were one officer per local authority, by the time back-up provisions were included, one might be spending £1 million or £1.5 million throughout Scotland. When I think about safety messages, I tend to think of national television advertising campaigns about using smoke detectors or campaigns that warn people about the dangers of chip-pan fires, which I understand cause a high proportion of accidents, or the dangers associated with not stubbing out cigarettes and so on. Might not consistent expenditure by the Scottish Executive on national campaigns similar to those that we have for road safety have as much impact—if not a greater impact—on the number of accidents as the employment of a network of safety officers? For the same money, we might end up with fewer accidents. Is that a reasonable proposition?

**Jim Black:** No, because everything that you have mentioned is already a statutory function. Road safety officers are employed, but money is still put into the adverts.

14:30

**David McLetchie:** I was talking about campaigns on smoke detectors in the home, chip-pan fires and people not extinguishing cigarettes.

**Jim Black:** That is all fire safety stuff, which is covered by CACFOA. Campaigns such as the don't give fire a home campaign are funded by the Scottish Executive.

**David McLetchie:** Indeed they are, but there is funding and funding. Such campaigns have a limited shelf life, but they are responsible for increasing awareness among the general public. The issue comes down to whether it would be better to spend a significant amount of money—in the order of £1 million to £2 million—on wider public education about dangers in the home, or whichever issue is highlighted, or on employing a network of local government officials. Is not that the issue?

**Brian Topping:** We all agree that television adverts reach a big audience. However, surely there is nothing better than having someone working at grass-roots level in the community, whether with toddlers, in schools or with older people—we all know that people are living longer now—to educate them on the range of issues that have been mentioned. Surely that would complement any TV adverts that the Government or CACFOA wanted to put out. Both are important.

**Hazel Leith (Royal Society for the Prevention of Accidents):** I travel all over Scotland and visit lots of different local authorities. A national campaign on television would be fantastic and we would all love to have one, but it would cover only standard accidents or particular on-going issues. Different issues arise in different local authority areas. There are a lot of ethnic minorities and asylum seekers in Glasgow in comparison with Aberdeen, and people in Aberdeen might face different issues and have different practices in the home in comparison with people in a more remote area. Each local authority should have the opportunity to consider its own issues, rather than considering only general, national issues.

**The Convener:** That brings us to the end of questioning. We will consider in due course a paper based on the evidence that you have given today and written submissions that we have received from a range of people. We will then consider whether we require to take further evidence from other witnesses or whether we can come to a conclusion and make recommendations with regard to the petition. We will consider all that in a few weeks' time. Thank you for coming along to give evidence in support of the petition.

# Tay Bridge and Forth Road Bridge Tolls (Proposed Abolition)

14:34

**The Convener:** Item 2 is on Bruce Crawford's draft proposal on the abolition of Tay bridge and Forth road bridge tolls. I welcome Bruce Crawford, who has been at the committee on many occasions as deputy convener, and Claire Menzies Smith from the non-Executive bills unit.

I will set out the process. The new rules that govern consideration of members' bills establish a two-part process under which members submit a draft proposal that must normally be consulted on before a final proposal is submitted. If a draft proposal is not consulted on for 12 weeks from the date of lodging the proposal, the member must provide a statement of reasons for that. That statement is then referred to the relevant committee for consideration.

In this case, the proposal has not been consulted on. Consequently, the member in charge, Bruce Crawford, has submitted a statement of reasons to the committee for us to consider. We are asked to consider whether enough consultation has taken place on the proposal to enable its merits to be assessed properly at a later stage. We can come to one of two decisions today, once we have heard evidence from Bruce Crawford. The first is that we are satisfied with the statement of reasons, in which case the member may proceed to a final proposal without consultation; the second is that we are not satisfied with the statement, in which case further consultation must take place or the proposal will fall.

I will give Bruce Crawford an opportunity to speak in support of the statement that he has submitted, after which members may ask questions or give their views on it. I will then give Bruce an opportunity to respond to any points that are raised before we consider our decision. Many members have views on the issue that Bruce Crawford raises, but I encourage us all to restrict ourselves to the question of whether consultation is necessary. We could be here all day if we got into a debate on the issues.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I fully accept, as you said convener, that today is not the day to address the merits or otherwise of abolishing the tolls on the Forth and Tay road bridges. The purpose of the debate is to consider whether sufficient consultation has taken place to enable my proposed bill on removing the tolls from the Forth and Tay bridges to be assessed appropriately in the future.

The tolled bridges in Scotland have been the subject of a major Government review. As a consequence, I am persuaded—I hope that I can also persuade the committee—that key stakeholders and the public have had adequate opportunity to consider the issues. The arguments for and against my proposal were explored appropriately during the Government review. The Scottish Executive's transport white paper "Scotland's transport future", which was published on 16 June 2004, outlined the approach to the major review of existing bridge tolls in Scotland, which was to be conducted in two stages. Phase 1 focused on the tolling regimes on the Forth, Tay, Erskine and Skye road bridges. The review examined environmental, economic and accessibility issues, as well as traffic trends and alternative tolling regimes.

The phase 1 consultation began in July 2004 and a full report was published in October 2004, which led to removal of tolls from the Skye bridge. During phase 1, letters were issued to all MSPs, 18 letters were issued to bridge and local authority transport officials and 21 letters were issued to organisations that have an interest in tolled bridges. In total, 35 responses were received, including three from private individuals. In addition, Executive officials met the bridge and local authority transport officials who are associated with each bridge and with the Mobility and Access Committee for Scotland in its role as adviser to the Executive on the interests of disabled people in the formulation of transport policies.

The phase 2 review began in April 2005 and the report was published in March 2006. The review considered the broader operational and management issues for each tolled bridge in Scotland. A consultation paper was published on the Executive's website and a copy was sent to 104 key stakeholders and all MSPs. In addition, Executive officials held a series of meetings with key stakeholders. In total, 63 written responses were received.

Paragraph 2.2 of the executive summary of the second report says:

"Consequences of removing and retaining tolls at each bridge were considered in some detail in Phase One and, as a result, a decision to end the discredited Skye Bridge tolling regime was taken. The further information gathered during Phase Two will enable the Scottish Ministers to decide the most appropriate course or courses of action for the remaining three tolled bridges. This will include full consideration of the consequences of retaining and removing their tolls."

The Minister for Transport and Telecommunications reported the findings of that major consultation exercise to Parliament on 1 March and, as a consequence, tolls were removed from the Erskine bridge. I submit to the committee that a full and extensive exercise was carried out to the highest governmental standards; I contend, therefore, that further consultation would provide no new significant information to add to that which has already been collected by the Scottish Executive. That consultation process was considered to be robust and safe enough for ministers to decide to remove the tolls from the Skye and Erskine bridges. I strongly believe, therefore, that there is ample safe and robust published information to help to test, develop and refine my proposals for a bill to abolish the tolls on the Forth and Tay road bridges.

I have submitted a fuller paper that gives more detail about both phases of the reviews that were undertaken by the Executive. I hope that my arguments will find favour with the committee. I am grateful to members for listening to me and I am happy to answer any questions.

**The Convener:** First of all, if anyone wants any clarification from Bruce Crawford, they may ask for it now. If not, I am happy to open it up to members to give their views on the case that has been made. After that, I will give Bruce the opportunity to respond.

Are there any points for clarification?

**David McLetchie:** My memory is not good enough to recollect the chronology. How do the consultations that have been conducted fit with the information that came to light about the condition of the Forth road bridge and the possible requirement for the construction of a new crossing? In other words, were issues to do with a new bridge and how that might be funded considered in any of the reviews that you have referred to in your paper, or was the chronology such that that was not possible because the problem did not occur until afterwards?

**Bruce Crawford:** I think that you are right on the button. The chronology was such that there was no consideration of the potential impact of a new bridge or, indeed, of the current problems facing the existing bridge as part of the reviews. The first time those points were raised in Parliament was on 1 March, when the minister laid out substantially what he intends to do about the mechanical failings of the bridge.

**Paul Martin (Glasgow Springburn) (Lab):** Is there a timing issue? If you were to launch a consultation exercise, would the bill be passed before May 2007?

**Bruce Crawford:** The bill could still make it, but time would be tight. If I was required to consult—I hope I will not be—then time will allow for that. If I was asked to carry out a consultation exercise, what new evidence would it bring to bear that would make a difference given the scale of the review that was undertaken at phases 1 and 2? I cannot see where significant new material could

come from in any further consultation that I could carry out.

**Paul Martin:** So, for once the Executive has carried out what you see as a high standard of consultation.

**Bruce Crawford:** I confirm that the consultation was carried out to a high standard, which is why I do not think that any further consultation will be required.

**Paul Martin:** You are satisfied with the high standard of consultation on this occasion.

**Bruce Crawford:** On this occasion, yes. There might have been other consultations with which I have not been satisfied, but on this occasion, the material that we have before us is adequate for the purposes of introducing legislation through my bill proposals. There may be arguments about the consultation not being sufficient for deployment at other times for other reasons, but I think that the consultation was sufficient for the purposes of my bill.

14:45

**Paul Martin:** So you are satisfied with all the consultation's outcomes.

**Bruce Crawford:** The convener asked me not to—

**Paul Martin:** I appreciate that, but my point is—

**Bruce Crawford:** I am far from satisfied with the outcome, but that is a different matter.

**Paul Martin:** Yes, but the point that I am trying to make is that obviously points of view were extracted through the consultation process. Are you satisfied by the standards that were set out in the reporting?

**Bruce Crawford:** If you examine in detail the document "Tolled Bridges Review: Phase One Report", you will easily see where the removal of the tolls was discussed. The removal of tolls for both the Tay bridge and the Forth road bridge was certainly discussed with regard to traffic at section 5.3; it was discussed with regard to the environment at section 6.1; and it was discussed with regard to the economy at section 6.1.3. There has therefore been considerable examination of the impact of removing or not removing the tolls. In addition, section 6.4 is entitled, "Environmental, Economic and Accessibility Issues—Key Points". There has been robust discussion of whether the tolls should remain or whether they should increase, which is well laid out in the review report.

**The Convener:** I propose to move to members' comments on whether they are satisfied by Bruce Crawford's explanation of why he does not believe there is a need for consultation. Again, I encourage members to stick purely to the issue of whether further consultation would be appropriate or desirable. I hope that we can draw the discussion to a swift conclusion and decide whether Bruce Crawford's proposals have persuaded the committee.

**Michael McMahon:** I am a bit concerned about using information that was gathered in one consultation as evidence for another consultation. A decision was made following the initial review, so the ground has shifted. I am not sure whether organisations that might have contributed to the initial review would be of the same opinion now that the ground has shifted. I think that we must test whether there have been changes of attitude that would impact on Bruce Crawford's proposal. For that reason, I am not as comfortable with the lack of consultation for the bill as I might otherwise have been. I just think that the previous consultation was on apples and that this one is on oranges. I am not sure that you can extrapolate information from that other review and incorporate it in your proposal, Bruce.

**David McLetchie:** I think that it was more golden delicious against Cox's orange pippins. Bruce Crawford makes a good case about the amount of consultation that has taken place. I see where Michael McMahon is coming from, but there has been a thorough examination of the issue. Many bodies and individuals have been consulted, as can be seen in the schedule. My only reservation, which I highlighted in my question to Bruce Crawford, is that I think that the problems with the Forth road bridge and the possibility that a new crossing may have to be constructed, whether bridge or tunnel, will undoubtedly have a financial impact on whether there should be a tolling regime on the Forth road bridge. That will be the case unless we assume that tolls would be removed from the Forth road bridge and that there would be no tolling regime on any replacement tunnel or bridge.

There is a new dimension to the situation, but I think that it could be catered for. Given the nature of the issue and the history of the Forth road bridge in relation to the other tolled bridges, equity suggests that Parliament should have an opportunity to vote on the proposed bill. Much of the argument has previously been well rehearsed in the public arena, so I support Bruce Crawford's proposal.

**Dr Jackson:** My first point relates to what David McLetchie has said. I wonder whether the goalposts have moved somewhat, because the new crossing, if and when it is built, will open a new context in terms of the finances involved and whether tolls will be necessary. That is a big area that Bruce Crawford has not considered, for reasons that he has explained.

The second point that worries me a wee bit concerns the phase 1 review, which is discussed in annex C of the paper. The analysis of the implications of removing the tolls is only one aspect of that review. It might be that, as Bruce Crawford said, there has been a fair bit of discussion about the implications of removing or reducing the tolls, but the problem is that it was not the main purpose of phase 1 or phase 2 of the review, so it could be argued that the proposal has not been discussed in the necessary depth. Bruce Crawford might have helped by giving us a wee bit more evidence about what was discussed. He points to various paragraphs in the documents that discuss those points, but it is difficult to judge how detailed the discussions were, and it is only one part of the two phases.

**Paul Martin:** Members should be encouraged to develop members' bills; that is an important part of the mechanisms that are allowed in Parliament, but the quality of a member's bill is affected when the member does not consult. I have been consistent on that; I have raised that point with Tommy Sheridan and other members about their members' bills. In the past, I have raised concerns with various quangos that have not consulted and have been pointed to consultations that have been carried out earlier; I have been consistent in advising such quangos that that is not acceptable.

We need to be consistent about members' bills. There should be consultations that allow people to express their points of view on proposals. Consultation would provide an opportunity for Bruce Crawford to reflect on how he would progress his bill proposal, which is important. It would also provide an opportunity for members of the public to influence the proposal directly and for us to develop it with the added advantage of there having been a public consultation. Bruce Crawford would still be able to introduce his bill in time, so consultation would not put at risk his opportunities to develop his bill proposal but add to it.

I have always been consistent on that; it is not an issue with Bruce Crawford's bill proposal. If we are advocates of consultation, we need to be consistent about that when we propose members' bills.

**Tommy Sheridan (Glasgow) (SSP):** It is appropriate that Paul Martin mentioned me, as I will launch my fourth member's bill proposal tomorrow. I hope that all members who are present will support the return of railway services to public ownership but, if members do not support it, it will be the third bill proposal of mine out of four to have been consulted on and be unsuccessful. The only one that has been successful is the Abolition of Poindings and Warrant Sales Bill, which was not consulted on. I do not know whether that augurs well for Bruce Crawford.

Michael McMahon talked about comparing apples and oranges, but they are both fruits. The idea that the issues have not been thoroughly examined is not credible. They have been examined, and the process of the committee analysing the bill and taking evidence on it will bring out in more detail the issues that we want to hear about.

A positive decision today will be good for Parliament because it will show that the committee is not hamstrung by bureaucratic procedures that go against the will of the people of Scotland. The people of Scotland, especially those who live in the areas that would be most directly affected by the bill, want the issue to be discussed as soon as possible—of course, that will be up to Parliament—so it would be wrong to kick the bill into the long grass by insisting that consultation be carried out.

I apologise for not being present to hear all Bruce Crawford's comments. However, I have read his statement and have spoken to him outwith the committee. I certainly feel that the committee should give him the green light in order to allow Parliament to consider the matter as soon as possible.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I find it hard to think of anything that has been subject to as much consultation as the question whether the tolls on the bridges should be abolished. As the paper clearly illustrates, there has been extensive consultation on the matter.

The paper lists the consultees of the previous consultation, which, as Bruce Crawford made clear, took place in two phases and specifically considered the consequences of abolishing tolls. I must point out that the responses to any consultation relate to the merits of the argument, not to the identity of the bill's proposer, no matter whether they are MSPs or the Executive.

Given that the issue has been widely consulted on, it is preposterous to postulate that a further period of consultation will produce new arguments. It will simply result in a complete rehash of what we have already heard. To insist on a further period of consultation would delay the possible implementation of the measure and allow the tolls on the Forth and Tay bridges to continue.

Finally, I find it difficult to accept that the Executive members on the committee are acting on anything other than political considerations this afternoon.

**Bruce Crawford:** Convener—

**The Convener:** I want to respond to the arguments myself, Bruce.

**Bruce Crawford:** I might have misled the committee about an issue at the start of the discussion, and I wish to clear it up to ensure that there is no misunderstanding.

In response to Paul Martin, I ask Claire Menzies Smith to clarify whether I will be able to introduce the bill in time. I honestly thought that I would be able to, but I think that I have missed a key deadline.

**The Convener:** Okay. Perhaps Claire Menzies Smith can clarify that matter.

**Bruce Crawford:** I just want to ensure that members are properly informed.

**Claire Menzies Smith (Scottish Parliament Directorate of Clerking and Reporting):** Under standing orders, the last opportunity for members to introduce a bill this year is 30 September; however, the final proposal must be set out in the business bulletin for a month, which already takes the deadline back to August. Given that period, the 12-week consultation period and the mandatory three-week pre-introduction period, I cannot say categorically but I think that at the moment the timescale will be incredibly tight.

**Bruce Crawford:** I apologise, convener. I think that I said before that the timescale will be very tight.

**Paul Martin:** Would it be possible to introduce the bill in time? To say that the timescale "will be incredibly tight" is a bit vague.

**Claire Menzies Smith:** I have to work out what the 12-week consultation period will mean according to standing orders. After all, the consultation responses have to be analysed. The final proposal has to be published in the business bulletin for one month—of course, that has not happened yet. There are many variables to take into account but, basically, if half the parties in the Parliamentary Bureau support the bill and the Executive has said that it will not introduce legislation in this area, the bill can be introduced.

**The Convener:** I will allow further questions of clarification on this point.

**Tommy Sheridan:** I thought that three months was the preferred, not the statutory, length of the consultation period. Are you telling us that it must be three months?

**Claire Menzies Smith:** It must be 12 weeks. I am just trying to find the specific section in the standing orders—

**The Convener:** I believe that it was part of the new rules that Parliament passed.

**Tommy Sheridan:** I know what the new rules are: I just did not think that they were so strict.

**Claire Menzies Smith:** Rule 9.14.3 of standing orders says that the consultation has

"to last for a specified period of not less than 12 weeks".

**Tommy Sheridan:** Okay.

15:00

**The Convener:** I will make some comments before I give Bruce Crawford the opportunity to respond to the points that have been made by other members.

I am not persuaded that we should not consult on the proposals in the bill. My reasons for that are not party-political reasons—it was rather cheap of Fergus Ewing to throw that in. As Michael McMahon said, the earlier consultations were not set up with the expectation that tolls on the Forth and Tay bridges were going to be removed; in fact, many of the organisations that are now calling for the tolls to be removed either did not take part in that consultation or have changed their position since the consultation. We need to explore where each of the submissions is coming from. That includes not just external organisations, but parliamentarians whose position has changed since earlier discussions around future tolls on the bridges.

In questioning, David McLetchie drew out the fact that the character of the debate on the crossing over the Forth has changed dramatically because of the issues that we now face regarding the potential lifespan of the existing bridge. Therefore, I do not think that tolls can be considered without also thinking about the implications for any future crossing and the remaining life of the bridge, whatever that may be.

I also think that Paul Martin is right: Parliament should not make decisions quickly, but should make the right decisions. Without wishing to comment on the proposals in the bill, which I remain open-minded about, I think that it is important that we consider carefully the financial aspects of the bill and the implications for the Scottish roads network if we were to abolish the tolls, as the bill proposes.

I believe that there should be consultation, and I am open-minded about the proposals in the bill.

I will give Bruce Crawford the opportunity to respond to the issues that have been raised in the debate, and we will then try to move to a conclusion.

**Bruce Crawford:** I will deal with your last point first. I accept entirely that a full modelling exercise needs to be carried out on the impact of the removal of tolls on the Forth and Tay road bridges, but that was carried out as part of the review. Consultants were employed by the Executive; an

extensive document of many hundreds of pages was produced, which showed what the traffic impacts—negative and positive—of the removal and varying of the tolls would be. That work has been carried out to a considerable degree.

I appreciate that the lifespan of the bridge is an issue, as far as the crossing over the Forth is concerned. However, the bridge's condition was sufficient for the Minister for Transport and Telecommunications to come to Parliament on 1 March and make the decision that the Erskine bridge tolls would go at the same time as saying that the other tolls would not go. He stated:

"Removing the tolls would only exacerbate the situation, and the Government is not prepared to countenance taking such action."—[*Official Report*, 1 March 2006; c 23596.]

Yet, only a few weeks later, in announcing another review to examine the economic and social impacts of retaining or removing the tolls, the minister said that

"there have been calls to remove the tolls from the Tay and Forth Road Bridges. While remaining committed to the outcomes of the Review, Ministers have responded to these concerns by undertaking a further study."

We are being asked to make a decision about whether the consultation was robust enough. The minister thought that the information from those reviews was safe and robust enough to remove the tolls on the Erskine bridge and to make that statement about the Forth bridge at that stage. The minister could equally have said that he would remove the tolls on the Forth bridge, having seen all the information that was available—as much as existed—in regard to the Forth road bridge and its precarious state.

I argue that that is somewhat irrelevant to this particular exercise because of the scale of what we are talking about—we are talking about an income of £15 million from tolls as opposed to a £10 billion spend to build a new bridge. Because of that, those issues are pretty marginal.

**The Convener:** I do not think that it would be £10 billion.

**Bruce Crawford:** Spend of up to £10 billion has been predicted for the new Forth road bridge. You can go and look at all the information if you wish, but that is one of the figures that have been mentioned by the Forth Estuary Transport Authority.

On timing and on whether the consultation that was previously carried out is relevant, I draw the committee's attention to the Procedures Committee's sixth report in session 2, entitled "A New Procedure for Members' Bills", which changed the rules to allow for a process of no consultation—otherwise, that would not be built into the standing orders and laid out clearly at rule 9.14.6. To explain the spirit in which that rule was included, the Procedures Committee stated:

"We recognise, however, that there may be circumstances in which the information and feedback that could normally only be achieved through consultation on a Member's Bill proposal is already available in the public domain. This could be the results of a recent consultation exercise by others, or could consist of published academic research together with statements of stakeholder opinion or recommendations by legal reformers. Where enough such material exists that is up-to-date and directly relevant to the Member's Bill proposal, it might be unnecessary … to insist on a fresh round of consultation."

That is the spirit in which the standing orders were drafted, and I contend that I fully meet the spirit of what the Procedures Committee outlined in paragraph 69 of its report.

I repeat the sentence:

"This could be the results of a recent consultation exercise by others, or could consist of published academic research together with statements of stakeholder opinion".

Sixty-three stakeholders wrote back to the Executive, all expressing a view one way or the other on whether the tolls should exist or should be varied and so on. More than 104 consultation documents were sent out to stakeholders. I contend that that exercise has been completed. If I were involved in a tribunal process, I would have a good case based on the evidence that I have laid before the committee. I hope that the committee can take a decision in that spirit.

**The Convener:** Thank you for that response to the debate. We must decide either that the committee is satisfied with the statement of reasons provided, and that the proposed bill may proceed to a final proposal, or that the committee is not satisfied with the statement of reasons provided, and that a further consultation exercise must take place or the proposal will fall.

The question is, that the committee is satisfied with the statement of reasons provided. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
Sheridan, Tommy (Glasgow) (SSP)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

**The Convener:** The result of the division is: For 4, Against 5, Abstentions 0.

The committee is not satisfied with the statement of reasons provided and it agrees that further consultation must take place or the proposal will fall. I thank Bruce Crawford for his contribution to the meeting.

## Subordinate Legislation

### Gaming Act (Variation of Fees) (Scotland) Order 2006 (SSI 2006/249)

15:08

**The Convener:** The third item on our agenda is consideration of a statutory instrument. No members have raised any points in relation to the order, no motion to annul has been lodged and no points have been raised by the Subordinate Legislation Committee. Is it agreed that we have nothing to report on the order?

**Members** *indicated agreement*.

## Local Electoral Administration and Registration Services (Scotland) Bill: Stage 2

15:09

**The Convener:** The fourth item on our agenda is stage 2 consideration of the Local Electoral Administration and Registration Services (Scotland) Bill. While the minister and his team are settling down, I would like to check that all members have a copy of the bill, the marshalled list of amendments that was published on Thursday morning and the list of groupings of amendments.

I hope that we will consider all the amendments in one meeting. On that basis, I am prepared to continue the meeting beyond 5 o'clock, and possibly until 5.30 or 5.45. However, if it looks as though we will not conclude consideration of the amendments this evening, I will end the meeting earlier—probably at 5 o'clock. I intend to continue the meeting beyond 5 o'clock only if we are likely to reach the end of the marshalled list.

I welcome to the committee the Deputy Minister for Finance, Public Service Reform and Parliamentary Business, George Lyon. He is supported by Russell Bain, Shazia Razzaq and Matthew Lynch of the Scottish Executive.

#### Section 1—Setting of performance standards

**The Convener:** Amendment 67, in the name of Fergus Ewing, is grouped with amendments 68, 71, 69 and 70.

**Fergus Ewing:** Good afternoon to the minister and his colleagues. All the amendments in the group would achieve one thing only: they would require parliamentary scrutiny before performance standards for returning officers are determined and set. The amendments would require the Scottish ministers, when determining those standards, to lay a statutory instrument before Parliament, the primary purpose of which would be to allow parliamentary scrutiny of the standards.

When I raised the issue with the Electoral Commission at stage 1, it expressed the desire to involve MSPs in developing standards for parliamentary elections, which was welcome. However, I do not know how that will be done. There is certainly no formal process. A desire to involve MSPs is vague—I have no doubt that we will receive an e-mail, but we will have no parliamentary process for considering the standards.

The Scottish ministers and not the Electoral Commission will determine the performance

standards, so although the Electoral Commission's briefing says that the commission will

"include MSPs in the process of developing standards for parliamentary elections",

the commission does not explicitly acknowledge that it is not the commission but the Scottish ministers who will determine those standards. I have no doubt that the Electoral Commission will do the work in the engine room and will offer advice. I would be surprised if that advice were not strongly influential—that is not contentious. However, the briefing to MSPs implies that the commission will determine the performance standards for returning officers, which is not so—the Scottish ministers will determine those standards.

In principle, we should perform our scrutiny role and Parliament should be consulted. That is an important democratic check before any legislation is implemented. To depart from that principle is a serious matter. It is particularly serious when the matter relates to the conduct of elections, because the Scottish ministers should not have discretion to determine, without involving Parliament, the performance standards for returning officers in conducting elections. Returning officers should be completely independent and impartial. I am sure that they are so as individuals, but the bill will make them subject to political subordination because the Executive will determine performance standards. That is wrong in principle.

15:15

The Electoral Commission says in its briefing that it has sympathy with what I am trying to achieve. However, it argues that it would prefer regulations not to apply, because regulations might mean different performance standards for different elections. I beg to differ: there is no reason why the standards could not be the same. If standards were set in the normal way—by regulation, by statutory instrument—the standards could be either the same or different. The use of the normal process would not necessarily lead to the differing standards that the Electoral Commission postulates in its submission.

The Electoral Commission's evidence was illuminating and interesting, but when it was asked what the standards would be, we ended up none the wiser. We do not know. How will speed, accuracy, efficiency and cost be weighed up? That is important and we did not get a clear answer. That suggests to me that the Executive and, perhaps, the Electoral Commission have not yet worked it out. Too much legislation is going through Parliament in which issues have not been thought out. The process should be this: work out what the law should be and then introduce it to Parliament. It should not be this: introduce the law to Parliament and then work out later what it should be.

I am extremely grateful to the Electoral Commission for its help and guidance. I hope that we can play a part, in the normal way, and ensure that these matters are determined by statutory instrument and not by the Scottish ministers alone.

I move amendment 67.

**Ms Watt:** I am pleased at the commitment to introduce performance standards, because having such standards is important in terms of public perception. It will be a threat to our democratic process if the public do not perceive that elections are run fairly, openly and consistently across all local authority areas. There seems to be wide variation in the ability of returning officers in local authorities to conduct elections. We have often seen the truth of that when it comes to the count.

This Parliament has shown that, in this open, transparent and inclusive Scotland, there is a duty to consult. After a bill has been introduced, some things change and some new things crop up. The Parliament and ministers must therefore consult as widely as possible. I agree with Fergus Ewing: consultation should not be conducted just through the Electoral Commission. Although the commission might consult other bodies, we do not want it to act as a conduit for the information that comes before Parliament and ministers. It is helpful to consult bodies directly, for example disability groups.

After the debate on agenda item 2, we voted on going out for more consultation. It would therefore seem contradictory not to consult as widely as possible.

**Dr Jackson:** Maureen Watt mentioned the wide variations, and the Subordinate Legislation Committee has asked whether more parliamentary scrutiny is required, which is the issue that she is raising. I have the committee's report here. The Executive's reason for including certain provisions in the bill is to ensure consistency across the board—the very consistency that Maureen does not think is in the bill.

Fergus said that the Executive was not doing things in the normal way. However, when the Subordinate Legislation Committee asked for more clarification on why information on standards and guidance was just going to be laid before Parliament without being subject to the affirmative or negative procedures, we were told:

"Whilst this does not preclude any variation to take account of specific requirements in relation to local government elections"—

oh, sorry, I have read the wrong bit. I meant to read:

"The Executive is of the view that setting performance standards is akin to those set by Audit Scotland/Accounts Commission under the Local Government Act".

So when we raised this point, Fergus, we found that normal procedure was being followed.

**The Convener:** If no other members wish to speak to the amendments, I invite the minister to respond to the debate.

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** Good afternoon. Let me set out the position on the Electoral Commission's role in working with the Scottish ministers to ensure consistency on performance standards.

As the committee will be aware, the Electoral Commission has been given the role of drawing up the performance standards that will apply to the Scottish parliamentary elections, but its remit does not extend to local authority elections in Scotland. To facilitate and ensure consistency across the piece, the Scottish ministers will work with the commission to ensure that the same standards are put in place for both types of elections. It is important to state that at the beginning.

As I set out in my response to the committee's stage 1 report, I welcome the committee's recognition that a degree of flexibility is important for the new arrangements. I fully understand the Parliament's wish to engage with the process of developing the standards, but I believe that its reservations about the level of parliamentary scrutiny are unfounded. As I have confirmed on several occasions, the committee and the Parliament will be involved in developing the standards. Indeed, Sir Neil McIntosh has also offered to report back to the committee on developments and it is open to the committee to ask him to speak personally to the committee.

For a number of reasons, we wish to retain the current provisions in section 1. First, the parallel provisions in the United Kingdom Electoral Administration Bill are not subject to parliamentary scrutiny. Secondly, our overall intention is to ensure consistency of performance in electoral administration across all elections by means of UK-wide standards and guidance. Thirdly, performance standards set administrative standards and their character is analogous to that of a best practice guide. As the standards will be developed in consultation with administrators in the form of a best practice guide over a period of time, the process should be flexible so that we can cope with differing demands on electoral services.

Given that requirement for flexibility in the process, it was decided that compliance with the standards should be voluntary rather than a statutory duty. Although that means that the standards will not be subject to parliamentary scrutiny, we have agreed to involve Parliament in the process of developing the standards. I am happy to confirm once again that the guidance will be published and that the committee and Parliament will be offered the opportunity for on-going discussion and comment.

From the assurances that I have given both during stage 1 and today, I hope that committee members will be satisfied that they will have an input in drawing up the standards. Therefore, I ask Mr Ewing to withdraw amendment 67.

On amendment 71, I fully understand the reasoning behind the proposed change and I agree that a wide-ranging consultation should form part of the development of the performance standards. As I advised at stage 1, the performance standards for local government elections in Scotland will be compatible with those produced for the Scottish Parliament and Westminster elections. We will work with the Electoral Commission to achieve that. As Sir Neil McIntosh also advised at stage 1, the commission will consult widely in asking for views on the content of the standards that are drawn up for parliamentary elections and for local government elections in England and Wales. We expect that the process for drawing up those standards will include consulting groups representing disabled people. If we are not satisfied that such consultation has taken place, we will ensure that the appropriate groups are consulted.

The findings of the consultation will inform the subsequent development of standards both for local government elections in Scotland and for elections elsewhere in the UK. Clearly, it will be open to us to consult further as necessary on the standards that are to be adopted for local government elections. Therefore, I ask Maureen Watt not to move amendment 71, in light of the assurances that I have given today.

**The Convener:** I ask Fergus Ewing to wind up the debate.

**Fergus Ewing:** Let me first address Sylvia Jackson's point. She said that the response that the Subordinate Legislation Committee received from the Executive stated that similar standards are already set by, I think, Audit Scotland. Is that right?

**Dr Jackson:** Yes, under the Local Government Act 1992, Audit Scotland and the Accounts Commission set standards for which there is no parliamentary scrutiny.

**Fergus Ewing:** First, we are dealing with a matter not of audit but of elections. The process of elections is supposed to be entirely independent, particularly of Governments, which have an interest in the outcome of elections. A clear

distinction can be drawn between an audit function and the function of the conduct of elections.

Secondly, the minister said that the standards will be published and laid before the committee—no doubt that will occur. He said that that would provide an opportunity for on-going discussion. We have plenty of opportunity for on-going discussion. That is not what Parliaments are for; they are for passing laws. We can discuss until we are blue in the face but we cannot make a whit of difference about it. That is why it is essential that we have proper parliamentary scrutiny.

I am happy to support amendment 71. I note that Capability Scotland recommends it for approval, particularly because it focuses on the needs of people with a disability. I am sure that all members sympathise with that aim, but as amendment 71 carries the support of that important body, it should be supported by the committee.

**The Convener:** The question is, that amendment 67 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)

**The Convener:** The result of the division is: For 2, Against 5, Abstentions 0.

*Amendment 67 disagreed to.*

*Amendments 68, 71 and 69 not moved.*

*Sections 1 and 2 agreed to.*

**After section 2**

**The Convener:** Amendment 1, in the name of the minister, is in a group on its own.

**George Lyon:** Before we move on to the amendment, I wish to give a brief overview of the purpose behind the changes that we are proposing for part 1. As you know, a similar bill is before Westminster and it is slightly ahead of us in the parliamentary process. A number of amendments have been made to that bill, some of which deal with the conduct of elections. As I indicated in my response to the committee's stage 1 report, we have introduced amendments to reflect those changes, which are being replicated to maintain our policy aim of introducing common electoral procedures for Scottish elections.

Some of the amendments make technical and administrative changes, while others introduce changes that improve access to the electoral process. Amendment 1 introduces a new section to give ministers powers to direct returning officers to provide information on expenditure at local government elections. The terms of the direction are set out in subsection (3) of the proposed new section, and specify which elections the information is to cover and the form in which and the date by which the information is to be provided. It is a straightforward amendment, designed to give us information about how much local government elections cost.

The United Kingdom bill requires local authorities to produce that information in respect of parliamentary elections, and it seems sensible to us to have the equivalent level of information in respect of local government elections. Having a greater amount of such information will help in planning future changes. In its stage 1 report, the committee raised concerns expressed by the Association of Electoral Administrators about the cost of elections. Providing details of such costs will help the Executive and electoral administrators and give a common understanding on which to base future discussions on the costs of local government elections. I make it clear that we would normally request that information in relation only to full council elections.

I move amendment 1.

**Fergus Ewing:** The minister said that one of the reasons why amendment 1 should be supported is that it would enable the Executive to obtain information from councils about the cost of elections. Do you not already get that information?

**George Lyon:** Currently, we do not receive information on the cost of elections. As you are probably aware, local government is responsible for providing the funding for local authority elections, for which an element, or line, of grant-aided expenditure is allocated to authorities. That arrangement developed on an historical basis. The new information will help engage with local authorities on any extra costs that might be incurred as a result of the transition to the new system.

15:30

**Fergus Ewing:** I am just surprised that local authorities do not already provide such information. Surely you have the powers to obtain it under the existing law?

**The Convener:** Rather than getting into a dialogue, I ask Fergus Ewing to make his contribution on this group, and the minister will be able to respond to it in the debate.

**Fergus Ewing:** I just want to ask for some points of clarification, convener. I thought that that was part of the process.

**The Convener:** I do not want the minister's contribution to be followed by a series of questions before we have the debate. If you have points to raise, I would prefer you to raise them, and the minister can respond to them at the end of the debate on the group.

**Fergus Ewing:** I must be labouring under a misapprehension. In previous sessions of this nature, we have been able to ask the minister for clarification of the amendments that he has proposed, which we are debating for the first time. I thought that that was part of the process. Is that not the case?

**The Convener:** I ask you to address me rather than the minister when asking that. I do not want to prolong the debate by having the minister make a contribution, to be followed by a question-and-answer session, with the debate coming after that. I ask you to make your points in your contribution. The minister has the opportunity to respond to them. Then you will be able to make your mind up about whether his response is good enough for you. Do you wish to make a contribution on this group?

**Fergus Ewing:** Yes. When the minister replies, I ask him to explain how it is that the Executive does not already possess the power contained in amendment 1. I would be flabbergasted if that were the case. I would be amazed to learn that the Executive does not have the power to obtain the information that is detailed. One can see that such information is necessary for the purpose of budgeting and assessing how much financial provision the local authority requires to carry out each of its various functions. I raise this point because I am surprised at the implication behind the argument that you have advanced, minister, namely that the powers in amendment 1 do not already exist. I would have thought that that cannot be true. I wonder whether you or your officials could answer that specific point in summing up.

**George Lyon:** I am happy to clarify that for Mr Ewing. In taking the new powers, we seek to clarify the position. We can request such information from local authorities, but the provisions in amendment 1 give us a clear power to make it a requirement for authorities to provide the information to us.

*Amendment 1 agreed to.*

*Section 3 agreed to.*

**Section 4—Access to election documents**

**The Convener:** Amendment 72, in the name of Bruce Crawford, is grouped with amendments 73, 3, 65 and 66.

**Bruce Crawford:** Amendments 72 and 73, like all the amendments that I will be moving today, have one simple objective: to make the job of political parties easier by removing unnecessary burdens, allowing them to concentrate much more on what they should be focusing on, which is campaigning, engaging with the electorate and doing what they can to increase concerningly low turnouts. I might not always have managed to hit the right technical note in my amendments, but I hope that the minister and the committee will accept the spirit of what I intend.

Amendment 72 seeks to ensure that registered political parties and candidates have the right to access not only a

"copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list relating to the election",

but the register of electors. The register of electors is an essential tool for any political party. It forms the very basis of a political party's vote management system, ensuring that a party can talk to as many people and deliver as high a turnout as possible. As a starting point, parties need to know who is eligible to vote. I hope that colleagues will agree that a right of access to that information, in addition to the information that is outlined in section 4(3)—marked copies of the register, the postal voters list and so on—should be enshrined in legislation.

Amendment 73 seeks to ensure that political parties and any individuals who may stand in council elections are able to obtain at least one copy of the documents to which I have referred free of charge. That is a reasonable proposal because we should be trying to make the political process operate as easily as possible by avoiding the imposition of administrative or financial burdens that get in the way of that. There must obviously be a limit on the extent to which financial burdens can be avoided, because we cannot expect parties to get an unlimited number of copies of the documents for nothing.

It would be wise for members to agree to amendments 72 and 73, unless there are technical reasons for not doing so—for example, if such provision already exists—of which I am not aware. I will be interested to hear what the minister has to say.

I move amendment 72.

**George Lyon:** It is not clear to me why Bruce Crawford lodged amendment 72 because, under the Representation of the People (Scotland)

(Amendment) Regulations 2002, a copy of the full register will be provided on request both to registered parties and to candidates.

I know that Bruce Crawford raised the issue that amendment 73 deals with during evidence taking at stage 1. At that time, it was explained that the fees would not be detailed in the bill but would be set out in regulations that would be drafted at a later date, and that we would listen to people who had an interest in those regulations.

There are a number of reasons for opting to set out the details of the fees in regulations. First, that reflects the format that was adopted for access to the full register in the Representation of the People (Scotland) (Amendment) Regulations 2002. Secondly, such an approach allows for simpler updating of the fee structure—it means that we will not need to introduce primary legislation to amend the fee levels in future. Thirdly, the regime that we introduce for access to Scottish local government election documents will need to be in line with the regimes governing such access in other elections, especially as Scottish parliamentary and local government elections are combined. For those reasons, I ask Bruce Crawford to withdraw amendment 72 and not to move amendment 73.

I turn to amendments 3 and 65. During its scrutiny of the bill, the Subordinate Legislation Committee commented that the drafting of section 6(10) would benefit from clarification because there was some confusion about whether the power to make election rules in section 3 of the Local Governance (Scotland) Act 2004 was being modified or whether that power was simply being referred to. We advised the Subordinate Legislation Committee that we would re-examine the provisions and produce any amendments as necessary. Amendment 3 addresses the lack of clarity of section 6(10) of the bill. The proposed change makes it clear that the purpose of subsection (10) is to create a stand-alone power to define the lists that are mentioned in subsections (6) to (9).

Amendment 65 is purely a drafting amendment. We have lodged amendments 3 and 65 to address the issue that the Subordinate Legislation Committee raised, so I hope that members will support them.

**The Convener:** Before I bring in other members, I have a specific question for the minister. You said that the Representation of the People (Scotland) (Amendment) Regulations 2002 deal with the issue that Mr Crawford raises. When you sum up, will you confirm whether those regulations apply to local authority elections, which are the Executive's responsibility, unlike UK general elections and Scottish parliamentary elections, which are the responsibility of the UK Government?

**Paul Martin:** I have some sympathy with Bruce Crawford's point about access. Has the Executive explored the possibility of information such as the marked copy of the register being provided online? Under the freedom of information regime, MSPs' expenses can be provided online. Given that a great deal of information is now provided online, is there an opportunity to provide electoral information online?

The charges that parties are expected to pay are excessive. As far as I can remember, in my constituency a marked copy of the register cost well over £100 the last time that I checked. There is a charge for each sheet of paper.

It seems to me that the concern about the cost can be dealt with by providing information online. I have sympathy with the idea that the regime is out of date. I understand that providing information on paper is an administrative burden that has to be paid for but, if the information were provided online, everyone would have access to it and the administrative cost would be small. I ask the minister to respond to that.

**Ms Watt:** I ask the minister to explain why marked-up registers for the Scottish Parliament elections cost so much more than those for Westminster elections. My understanding is that marked-up registers for Westminster elections are left with local authorities but, for some reason, the registers for Scottish Parliament elections go to the sheriff of the area. Getting the register from the sheriff costs an awful lot more. Perhaps the minister could explain why.

**David McLetchie:** My point is on the minister's argument against amendment 73. As I understood it, the minister said that a fee structure should be incorporated in a statutory instrument rather than in the bill because that would allow the fee structure to be modified at a later date in accordance with changes in cost and so on. I agree with that, but amendment 73 is not about the scale of fees. It is about the principle that the information should be provided free of charge to one particular class of applicant—that is, registered political parties.

Accepting amendment 73 and establishing that principle would not do any violence to the more general principle that any other category of applicant should pay an appropriate fee for the information. The principle that Bruce Crawford is trying to establish is a sound one in terms of the democratic process. Other people apply for copies of registers for commercial or other purposes and they should pay the appropriate fee to meet the costs that are associated with providing that information, whether it is provided electronically or

on paper. I do not see that including in the bill an exemption for registered political parties would do any violence to the minister's argument.

**Fergus Ewing:** I ask the minister to state whether the Executive will provide free of charge the copies of the register that Mr Crawford seeks. The minister is asking us for flexibility—for reasons that I can understand—but can he assure us that the Executive is planning that there should be no charge for copies of the marked-up register? The minister's response to that point is needed to answer Mr Crawford's arguments and the point that Mr McLetchie made.

**George Lyon:** First, I will deal with the convener's point. I confirm that the register for parliamentary elections and the register for local authority elections are one and the same document with the same list of names. I confirm that that is correct under the Representation of the People Act 2000.

I hear the committee's concerns about the cost. I cannot give Mr Ewing a categorical assurance about what the charges will be. Far be it from me to commit the Executive without consulting my colleagues. However, I give an undertaking that the points that the committee made will be addressed as part of the consultation and that we will engage with the Scotland Office on the matter. When we draw up the regulations on the fee structure, we will have an opportunity to bring forward proposals in that area. I hope that members will accept my assurance that we will take their concerns away and reflect on them. We will also reflect on the responses to the consultation on fee setting. When we have done that, we will be in a position to come to a view.

15:45

**Paul Martin:** I asked about the provision of the information online.

**George Lyon:** I am sorry, Mr Martin. I am happy to consider the issue. That seems to be an eminently sensible proposal and one that we must consider seriously. I will undertake to discuss the issue with Scotland Office colleagues.

**Bruce Crawford:** We are starting to stray on to the matter addressed in amendment 74, which is another amendment in my name. Paul Martin has probably just made a good argument for that amendment.

As far as amendment 72 is concerned, I am grateful for the minister's clarification with regard to the Representation of the People Act 2000. I was aware that the electoral register was available through that process but, unless we agreed to amendment 72, political parties would not be able to get a free copy in the way that I provide for in amendment 73. We need to agree to amendment 72 to enable political parties to have access at a local government election to at least one free copy of the electoral register.

David McLetchie made a fine argument for why amendment 73 might be necessary to oil the wheels of the political process. There is a good argument that it would be much better if political parties had free access to the electoral register. I hoped that the minister would be in a position today to commit himself to bringing forward regulations that would allow access to the register to be free, or even to say that he would consider that, but he continued to talk about a fee being required. I do not think that in today's democracy we should put barriers in the way of political parties that are trying to do their job, engage with the electorate and increase the all-important number of electors who vote. The amendments in my name aim to achieve that.

Perhaps when we get to stage 3 the minister might introduce amendments that allow a different process to prevail. I suggest that in the meantime the committee adopts my position. That would ensure that the issue is addressed and leave it open for the Executive to lodge another amendment at stage 3.

**The Convener:** The question is, that amendment 72 be agreed. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

**The Convener:** The result of the division is: For 3, Against 5, Abstentions 0.

*Amendment 72 disagreed to.*

*Amendment 73 moved—[Bruce Crawford].*

**The Convener:** The question is, that amendment 73 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

**The Convener:** The result of the division is: For 3, Against 5, Abstentions 0.

*Amendment 73 disagreed to.*

*Section 4 agreed to.*

*Section 5 agreed to.*

### Section 6—Access to election documents: supplementary

**The Convener:** Amendment 2 is grouped with amendments 23, 23A and 24 to 27.

**George Lyon:** In my response to the committee's stage 1 report, I included details of the changes that were being made to the UK bill in relation to personal identifiers. The UK bill has now been amended to remove the provisions dealing with personal identifiers and replace them with provisions restricting their use to absent voting only—both postal and proxy—at all parliamentary elections, including elections to the Scottish Parliament and local government elections in England and Wales.

Amendment 2 is a technical amendment, which removes section 6(3)(d) and is consequential on the removal of the original personal identifier provisions in the UK bill. It removes the reference to a list of personal identifier information to be kept under subsection (8) of new section 13E(8), which the UK bill inserts into the Representation of the People Act 1983, as the personal identifier provisions of the UK bill have now been removed.

Executive amendments 23 to 27 insert new sections into the bill to replicate changes in the UK bill to allow the collection and use of personal identifiers for absent voting at local government elections in Scotland without the requirement to carry out a pilot. Amendment 23 inserts a new section to introduce provisions for the collection of identifiers—the date of birth and signature—at the point of application for absent voting, both postal and proxy.

Amendment 24 inserts a new section to deal with the provision of new signatures by absent voters who have previously provided a signature. That covers provision either at the request of the registration officer or voluntarily by the voter, for example, where there has been a change of name since the supply of the original signature.

Amendment 25 inserts a new section to deal with the disclosure of personal identifiers. The registration officer must supply the returning officer for local government elections with a copy of the information that is held on personal identifiers in relation to electors at those elections. If it assists them in their duties, the registration officer may also disclose the information to other registration officers and to anyone preparing or conducting legal proceedings relating to the conduct of elections or to other persons as prescribed in regulations that are made by Scottish ministers for that purpose.

The last category may include candidates and agents where they are present at the opening of postal votes. It is at that point that a returning officer examines the postal voting statements for personal identifiers. If the officer decides that a postal voting statement is to be rejected because the personal identifiers do not match, candidates and agents will be unable to make an informed decision to object unless they can check the information that is held on record.

Amendment 26 inserts a new section to set out the provisions for collecting personal identifier information from existing absent voters. It also contains powers for Scottish ministers to make regulations to that effect.

Amendment 27 repeals section 19, which deals with the earlier piloting provisions. When it was introduced, the UK bill included clauses that dealt with the collection and use of identifiers for all voters and required those procedures to be piloted before full roll-out. Section 19 of this bill allows similar pilots relating to the use of personal identifiers to be held at local government elections in Scotland. The change has been introduced as a result of the concern that was expressed during the scrutiny of the UK bill that the main risk of fraud involved postal voting whereas the measures would extend to all voters and not just postal voters. The change is supported by the Electoral Commission.

We have agreed to replicate those measures for Scottish local government elections to ensure that the anti-fraud measures that have been introduced for other elections also apply to local government elections in Scotland. I know that the committee had pointed up Electoral Commission concerns about the original intended use of personal identifiers. I hope that the committee agrees that those concerns have now been met by the revised provision in both bills. The committee will want to be aware that detailed procedures on the use of the identifiers at elections will be covered in secondary legislation.

Amendment 23 provides that a registration officer may dispense with the need for a signature from an applicant if they cannot provide it due to disability, illiteracy or an inability to sign their name in a consistent manner. I understand the reasoning behind amendment 23A, but it would

remove the discretion of the registration officer to make that choice. If that discretion is taken away, the registration officer will have to dispense with the requirement for a signature and that could inhibit checks on cases of potential postal voting fraud.

The wording of amendment 23 follows that of the UK bill. The change that is proposed in amendment 23A has the potential to introduce different procedures for local government elections in Scotland. As applications for postal votes normally cover voting at both Scottish Parliament and local government elections, that divergence in procedures could present difficulties for registration officers, given that they may have to apply different criteria to the decision whether to require the applicant to provide a signature.

I ask Maureen Watt, having heard that explanation, not to move amendment 23A.

I move amendment 2.

**Ms Watt:** I will be brief. I welcome the Scottish ministers' recognition that some disabled people may not be able to satisfy the personal identifier requirements and the need for discretion in terms of signatures.

I lodged amendment 23A to achieve consistency and to simplify the bill. The other sections say "must", "must", "must", but the new section in amendment 23 says "may", which allows local discretion, as the minister said. I would like the word "may" to be replaced with "must", because a disability can be misunderstood and mistaken for something else. Some disabilities manifest themselves in a way that might make someone think that the person with a disability was drunk or was just a stroppy individual.

The word "may" leaves discretion to the local registration officer, which will place an undue burden on them. The word "must" would give them a duty to make the dispensation and would remove leeway. I will move my amendment, but I agree with most of the minister's amendments.

**Fergus Ewing:** Will the minister say whether the measures will eliminate the possibility of postal vote fraud, as discussed at stage 1 at some length? In some elections in the midlands—I do not remember the exact geographical location—multiple applications were made and the postal vote process was misused. I do not think that the measures will address that. Should you not produce something more substantial?

**The Convener:** Perhaps Fergus Ewing is suggesting identity cards—I do not know.

I will speak about the amendment in Maureen Watt's name. I appreciate where she is coming from—nobody wants any disabled voter to be disfranchised because of an inability to write a consistent signature or another factor. However, amendment 23A deals to a degree with a matter of semantics in relation to the Executive's amendment. If amendment 23A changed the word "may" into "must" in the first line of subsection (5), the subsection would say that an officer must give dispensation if they are satisfied that the applicant cannot provide a signature, so the officer would still have discretion in deciding whether all the factors applied.

The Executive's position that it has lodged an amendment that is consistent with the UK legislation that will apply to Scottish parliamentary elections is persuasive. We want registration officers to make the same judgments about votes, whether they were cast in the Scottish parliamentary elections or in the local government elections, if they take place on the same day. I am persuaded by the minister's position.

**George Lyon:** My response to Mr Ewing's observation is that the introduction of the new measures will go a substantial way towards eliminating fraud and that they therefore deserve the committee's support. As for amendment 23A, as I tried to say before, it is important to allow scope to ensure that registration officers have the right balance in dealing with those who genuinely cannot sign and those who are trying to defraud. We need to leave officers with some discretion to investigate claims that they believe are potentially fraudulent rather than the result of genuine disabilities. We have the right balance in amendment 23, so I ask Maureen Watt to consider not moving amendment 23A.

*Amendment 2 agreed to.*

*Amendment 3 moved—[George Lyon]—and agreed to.*

*Section 6, as amended, agreed to.*

**After section 6**

**The Convener:** Amendment 74, in the name of Bruce Crawford, is grouped with amendment 82.

16:00

**Bruce Crawford:** If there is one thing that drives party officials mad during elections, it is the inconsistent formatting of registers of electors. I suspect that the formatting of registers of electors that various people have held for 18 local government by-elections and four Scottish Parliament by-elections has been completely different in each different place. Because of the lack of a uniform process, political parties have had difficulties with compiling letters and sending out materials to voters, which has pushed up their costs during elections. In this day and age, I do

not think that uniformity would be difficult for officials to achieve.

The Electoral Commission recognises that there is a problem. It states in its briefing:

"The Commission is aware of concerns held by political parties and candidates about obtaining electoral registers in a consistent electronic format."

That is a bit of an understatement, but what the commission says is nevertheless true. It also says:

"The Scotland Office is currently engaged with the Department for Constitutional Affairs in a project to create a Coordinated Online Record of Electors (CORE)".

The CORE group is actively considering an online electoral register, but such a register must have as a core aim the restoration of public confidence in democracy. It is essential that the CORE system stands alone and that the database is entirely separate from other databases if it is to raise rather than lower public confidence in the voter registration process.

While I have the chance, I must say that the funding of the current electoral systems is a major concern to electoral administrators throughout Scotland, and the Executive must consider the funding process. However, the intent of amendment 74 is to ensure that there are consistent and uniform electoral registers that are available in electronic format. If we cannot produce such registers in 2006 in the way that Paul Martin suggested earlier and ensure that the rudiments and basics are right, goodness knows what we can do.

On the face of it, my amendments look reasonable. Perhaps the minister is about to tell me that they are not reasonable, or that they are okay. Amendment 82 is consequential to amendment 74.

I move amendment 74.

**The Convener:** On the face of it, Bruce Crawford's aim is perfectly reasonable, although, obviously, I want to hear the minister's views on the amendment. I have witnessed by-elections in different parts of Scotland and I recognise the problem that Bruce Crawford has identified with returning officers' inconsistent approaches. I appreciate that cost issues could be involved in changing returning officers' information technology systems, but in principle I do not think that there is anything wrong with moving towards a consistent system. I am interested in the minister's views on what Mr Crawford has suggested and in what alternative proposals he has for making progress if there are any practical difficulties with moving in that direction.

**Paul Martin:** Clarity is required in the debate. Earlier, I referred to the marked-up register, but I think that Bruce Crawford is talking about parties interrogating the system so that they can use information in their own IT systems. I know that parties have had difficulties with extracting information. Providing a picture of the marked-up register on the internet cannot be difficult.

I take on board what the convener said about formats. There is no way that we can expect to have a system that would be identifiable for every party. However, there has to be consistency throughout Scotland in the way in which the systems are formatted. Also, if we could provide an online picture of the information in the marked-up registers, we would not need to ask the parties to pay a fee because they could just access that information freely. That is why I did not support Bruce Crawford's earlier amendment. However, if there is an issue about how the information is provided for the interrogation of IT systems, that is much more complex. I know that from personal experience, having looked into it.

**George Lyon:** Bruce Crawford raised the subject of amendment 74 during the stage 1 debate and I do not think that there is anyone across the parties who does not have sympathy with what he proposes.

The electoral register, and its format and appearance, are reserved matters that we cannot deal with in the Scottish Parliament. However, the Scotland Office has advised that, as part of the consultation on the co-ordinated online record of electors—to which Mr Crawford referred—the UK Government has asked for opinions on the format of the registers that are supplied by the electoral registration officers. The format and appearance of the electoral register are therefore being addressed through that mechanism. I am certainly happy to feed in to the Scotland Office the views that have been expressed at the committee.

**Bruce Crawford:** On a technical matter, may I just ask—

**The Convener:** I will allow you one brief point of clarification.

**Bruce Crawford:** The minister might well be right that these matters are reserved, but I am talking about local government elections, which I understand are not a reserved matter.

**George Lyon:** Registration is.

**Bruce Crawford:** Voters still need to register, but amendment 74 is about the register that will be available for local government elections. My amendment was accepted by the clerks—should it not have been accepted?

**The Convener:** The clerks certainly try to interrogate whether an amendment is acceptable in relation to the bill. However, whether an issue is reserved or devolved can be a matter of

contention on which people can take different views.

The minister seems to be saying that because the Representation of the People Act 2000 underpins the register, the issue is reserved. On that basis, I ask Bruce Crawford to respond to the debate.

**Bruce Crawford:** That is useful, convener.

In response to Paul Martin, I accept entirely that the political parties have to deal with whatever system is in place and make their systems fit to it. We cannot have a system that is better for one political party. However, we must have a level of consistency in either the written, electronic or web format. If the web format is not consistent, we will get into the same mess that we are in with the electronic format and its inconsistencies.

The committee has to decide whether we, as the tail, want to ensure that the dog gets a bit of a shaking from our wagging. There is an argument that we could say, quite rightly, that we want this to happen in Scotland. Who could argue with the idea of consistency? We want it to happen at the local government elections, so it is incumbent on the CORE group to come up with a system that fits the Scottish Parliament's policy position as envisaged by my amendments.

**The Convener:** The question is, that amendment 74 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

**The Convener:** The result of the division is: For 2, Against 6, Abstentions 0.

*Amendment 74 disagreed to.*

### Section 7—Observers: individuals

**The Convener:** Amendment 4, in the name of the minister, is grouped with amendments 5 to 10, 75 and 11 to 13.

**George Lyon:** This group of amendments proposes changes to the sections in the bill that deal with observers at elections. Sections 7, 8 and 9 set out provisions for allowing observers access to various stages of the electoral process. That follows recommendations that were made by the Electoral Commission in the "Securing the vote" and "Voting for change" reports. Currently, admission to polling stations and attendance at the counting of votes is regulated by the Scottish local government election rules and there is no provision for official observers to attend various stages of the electoral process.

Amendments 4 to 7 remove the requirement for observers to specify in their applications to observe which election proceedings they wish to attend: poll or count. Amendments 8 and 9 give powers to returning officers and other election officials to limit the number of observers who may attend and to cancel entitlement to observe in the event of misconduct. Amendments 10 to 12 provide for limiting the numbers of observers and cancellation of entitlement to be based on the criteria that are set out in the code of practice and existing legislation on the conduct of persons attending elections. Amendment 13 is consequential on the changes that are made by earlier amendments.

The amendments reflect a number of changes that are being made to the equivalent observer provisions in the UK bill to meet concerns, which were expressed in the House of Commons, that the previous requirement on observers to state in advance which election proceedings were to be observed was too restrictive and not in line with other countries' practice on election observers.

The changes will allow official observers to turn up and observe any part of the election process without prior notification. However, to avoid observers hampering electoral administrators' ability to conduct proceedings effectively, the additional changes in amendments 8 to 13 allow returning officers and other officers, such as presiding officers at polling stations, to limit the number of observers for practical reasons and to take away their entitlement to observe in the event of misconduct.

The criteria to be used for limiting the number of observers and their removal will reflect existing legislation on the conduct of people attending elections and will be set out in the code of practice on observers. The committee indicated its support for the introduction of observers at elections at stage 1 and I hope that that support will be extended to the amendments.

Amendment 75 returns to an issue that was raised during the stage 1 debate. It touches on two important principles associated with elections: first, the secrecy of the ballot, as set out in article 3 of the first protocol to the European convention on human rights; and secondly, the ability of candidates, agents and others to assure themselves that the electoral process is being conducted in a fair and transparent manner.

Amendment 75 seeks to ensure that the code of practice for observers must contain specific provisions on the degree of access to which observers are entitled, particularly in relation to circumstances in which they are entitled to observe the counting of individual papers. It seeks to include in the code of practice steps that returning officers would have to take to ensure that the use of electronic counting did not reduce the entitlement to observe.

I argue that that change is not necessary. Section 9(2)(e) provides that the code must give guidance to returning officers on how the rights of observation are to be exercised, and it should properly include guidance on the issues that amendment 75 seeks to specify. Furthermore, the code will apply to observers, and not to candidates or agents, whose access to the proceedings is governed by the election rules.

Through the rules, returning officers already have a duty to

"give the counting agents … all such information … as the returning officer can give them consistently with the orderly conduct of the proceedings".

I have made it clear that there will be no reduction in the level of information that is available to candidates and agents during proceedings, whether they are manually or electronically counted. That is consistent with our intention that candidates, agents and others will be able to assure themselves that the electoral process is being conducted in a fair and transparent manner.

We will ensure that guidance on that point is included in the guide for returning officers that will be produced before the election and we will continue to work closely with our preferred suppliers, DRS Data Services Ltd, to ensure that, if we decide to proceed with e-counting, all necessary steps are taken to assure candidates and agents of the accuracy and reliability of the counting system.

I understand clearly the concerns that prompted amendment 75. I assure the committee that the Executive wants to achieve the same goal of a transparent electoral process that voters can be confident is secure and which protects their right to a secret ballot. The bill already allows us to address those concerns in the code of practice, so I ask Mr Crawford not to move his amendment.

I move amendment 4.

16:15

**Bruce Crawford:** I was aware of section 9, but my purpose with amendment 75 was to get on the record some of the commitments that the minister has given us, which I am pleased to hear. However, I would like the minister to go a bit further on consistency because what drives political parties mad more than anything is the different practice on observing counts in different parts of the country. For example, in Livingston and Dunfermline West, observers were able to observe the count and do ballot-box sampling as they do in all such situations. However, in Moray, observers were not allowed to do that. It seems to me daft that different practices exist on that point throughout Scotland. There should be a uniform process and I hope that, when the minister sums up on his amendments—which look pretty reasonable to me—he will commit to attempting to achieve that level of consistency as well as guaranteeing access.

**George Lyon:** One approach to trying to ensure consistency across the piece is to use the performance standards. We will ensure that guidance on the matter is included in the guide for returning officers that will be produced before the election. That is another mechanism for trying to address the point that Mr Crawford makes. It is a fair point and I am sure that it has support across the committee. I hope that, with those assurances, Mr Crawford will be happy not to move amendment 75.

*Amendment 4 agreed to.*

*Amendment 5 moved—[George Lyon]—and agreed to.*

*Section 7, as amended, agreed to.*

**Section 8—Observers: organisations**

*Amendments 6 to 8 moved—[George Lyon]—and agreed to.*

*Section 8, as amended, agreed to.*

**After section 8**

*Amendment 9 moved—[George Lyon]—and agreed to.*

**Section 9—Code of practice on attendance of observers at elections etc**

*Amendment 10 moved—[George Lyon]—and agreed to.*

*Amendment 75 not moved.*

*Amendments 11 to 13 moved—[George Lyon]—and agreed to.*

*Section 9, as amended, agreed to.*

*Section 10 agreed to.*

**Section 11—False information in nomination papers etc**

**The Convener:** Amendment 14, in the name of the minister, is in a group on its own.

**George Lyon:** Current provisions in section 65A of the Representation of the People Act 1983 specify that a person is guilty of an offence if he includes certain false statements in nomination papers. Section 11 of the bill expands the categories of false information that can give rise to such an offence. Amendment 14 removes the provision that a candidate is guilty of an offence if he or she makes a statement, which they know to be false, to the effect that he or she is standing as an independent and has not been selected or authorised to stand in the name of or on behalf of any registered party, organisation or other person. Amendment 14 is consequential on the removal from the UK bill of the proposed change to the description of independent candidates on nomination papers, which we would have reflected in secondary legislation for Scottish local government elections.

I move amendment 14.

*Amendment 14 agreed to.*

*Section 11, as amended, agreed to.*

*Sections 12 and 13 agreed to.*

**Section 14—Prohibition of expenses not authorised by election agent**

**The Convener:** Amendment 15, in the name of the minister, is grouped with amendments 16 and 17 and 19 to 22.

**George Lyon:** Sections 14 to 16 deal with matters relating to candidates' election expenses. Subsection (12) of new section 75A of the 1983 act, which is inserted by section 14(2), would set a fixed four-month period before a poll during which candidates' election expenses would be calculated. The change was introduced following a recommendation by the Electoral Commission in 2003 that the legislation that controls candidates' election expenses should be amended so that the cost of campaigning activity that takes place within a specified regulated period in advance of an election counts towards a candidate's election expenses limit, regardless of when the person is declared to be a candidate. The current period is calculated from the date when a person becomes a candidate until the date of the poll.

The purpose of the amendments in the group is to remove the references in sections 14, 15 and 16 to the four-month fixed period—"the relevant period"—during which election expenses would be calculated. During discussions about the UK bill at Westminster, concerns were expressed that the four-month period would be unworkable for candidates and agents and would cause unwarranted practical difficulties to do with the regulation of expenses some months before an election was called. A particular concern was that, as a general election could be called at any time, candidates might not be aware that they were operating in the regulated period. The UK Government therefore tabled an amendment to the UK bill to remove the provision and retain the status quo, with the intention of consulting further on the issue. The removal of references to the four-month period will therefore maintain the status quo, so that the period for the calculation of expenses will continue to be the period between the date when a person becomes a candidate and the date of the poll.

Although the difficulties in relation to the four-month period would not affect local government elections in Scotland, because they are conducted on a four-year cycle, the change has been replicated in our bill on the grounds of consistency of practice across elections. The question will be revisited following the findings of the consultation on the expenses period, which we understand will be conducted as part of the overall review of party funding that is under way.

I move amendment 15.

*Amendment 15 agreed to.*

*Amendments 16 and 17 moved—[George Lyon]—and agreed to.*

*Section 14, as amended, agreed to.*

**Section 15—Meaning of election expenses for the purposes of the 1983 Act**

**The Convener:** Amendment 18, in the name of the minister, is grouped with amendments 29 and 30.

**George Lyon:** Amendment 18 is a drafting amendment, which will remove a superfluous reference to section 90(1) of the Representation of the People Act 1983.

Amendment 29 is a technical amendment to section 20, which provides for tendered votes in certain circumstances. The amendment takes account of the change in numbering of the subparagraph that section 20(2)(b) will insert into paragraph 7 of schedule 4 to the Representation of the People Act 2000, as a result of amendments made to that paragraph by the UK bill.

Section 21(2) applies to local government elections in Scotland a number of provisions in schedule 18 to the Political Parties, Elections and Referendums Act 2000—the PPERA—that update provisions in the 1983 act or omit those that are out of date and no longer serve a useful purpose. Certain repeals to the Representation of the People Act 1983 that are set out in schedule 22 to the PPERA also need to be applied to Scottish local government elections.

We therefore propose to extend to Scottish local government elections, by means of amendment

30, various provisions in the PPERA that deal with election campaigns and proceedings but which do not currently apply. Amendment 30 amends section 158(3) to extend the appropriate repeals to the Representation of the People Act 1983 that are set out in schedule 22 to the PPERA. The amendment will repeal section 72; parts of section 73, section 79, section 81 and section 82, which is on the person before whom declaration of election expenses may be made; and sections 101 to 105 and 108, together with the form of expenses return and parts of the form on expenses declarations in schedule 3. Those repeals have already been introduced for other elections, including Scottish Parliament elections, and the changes will put local government elections in Scotland on the same footing.

I move amendment 18.

*Amendment 18 agreed to.*

*Amendments 19 and 20 moved—[George Lyon]—and agreed to.*

*Section 15, as amended, agreed to.*

*Schedule agreed to.*

**Section 16—Financial limits applying to candidates' election expenses**

*Amendments 21 and 22 moved—[George Lyon]—and agreed to.*

*Section 16, as amended, agreed to.*

*Sections 17 and 18 agreed to.*

**Before section 19**

*Amendment 23 moved—[George Lyon].*

*Amendment 23A moved—[Ms Maureen Watt].*

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

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)

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

*Amendment 23A disagreed to.*

*Amendment 23 agreed to.*

*Amendments 24 to 26 moved—[George Lyon]—and agreed to.*

**Section 19—Personal identifiers: piloting etc**

*Amendment 27 moved—[George Lyon]—and agreed to.*

**After section 19**

16:30

**The Convener:** Amendment 28, in the name of the minister, is the only amendment in the group.

**George Lyon:** Amendment 28 will insert a new section that will enable local authorities to pilot the use of photos on ballot papers and allow for their roll-out if the pilots are successful. It will do that by extending in the Scottish Local Government (Elections) Act 2002 the categories of election pilots, which councils may apply to run. The aim of including photographs of candidates on ballot papers is to increase voter engagement in elections and to assist electors by making ballot papers user-friendly. In particular, it is expected that adding photographs to ballot papers may increase the level of recognition of candidates and may help voters who have literacy and learning difficulties to vote, as well as increasing the engagement of the electorate.

The principle of including photographs of candidates on ballot papers was endorsed in the Electoral Commission's proposals in its June 2003 reports entitled "Ballot paper design" and "Voting for change". During debate at Westminster on the UK bill, there was a call for further discussion on allowing photographs of candidates to be printed on the front of ballot papers alongside their names, party emblems and descriptions. It was agreed to take the debate forward through full consultation of all political parties, the Electoral Commission and electoral stakeholders. The UK Government has indicated that, if the outcome of that consultation is positive, it will pilot the use of candidate photographs on ballot papers before making provision to roll out that policy to all local elections in England and Wales and to parliamentary elections.

The purpose of consultation would be to find out whether electoral stakeholders agree that, in principle, the inclusion of photographs on ballot papers would be beneficial to the electoral process. The purpose of piloting will then be to explore and evaluate the perceived benefits in practice and to determine which would be the most appropriate method for achieving the policy objectives on roll-out. It was therefore agreed that the necessary facilitative changes to primary legislation would be made in the UK bill in advance of the consultation exercise. We have said that we wish to follow suit with those changes.

I realise that a number of changes are already being made to the form of the ballot paper as a result of the introduction of the single transferable vote, and that some people may think that this is a change too far and one that causes unnecessary complications for 2007. However, the provisions are purely facilitative and will simply allow local authorities to apply to pilot the change at a future date. There will be no compulsion on them to do so; frankly, I think it highly unlikely that any local authority would choose to run a pilot in May 2007. We would, in any case, want to have seen and digested the findings of the UK Government consultation before we would approve any pilots in Scotland.

I move amendment 28.

**David McLetchie:** I think that we have reached the desperate candidate stage if we are turning the election into a beauty contest. I do not think that the policies of any party will be any more attractive to the electorate as a result of having pictures of the candidates on the ballot paper—although I note that amendment 28 does not limit the photograph to head and shoulders only. It will be interesting to see what the more imaginative candidates might come up with on the ballot papers.

We have been in the process of doctoring the ballot paper for some time. Those of us of elephantine memory can recall a time when even the party name was not included on the ballot paper. When that was introduced, the turnouts fell. We then had the introduction of the party logo on the ballot paper, and the turnouts fell again. Quite why the introduction of pictures of candidates is going to boost voter participation is beyond me. I think that this is an absurdity too far. There is no need for us to engage in such pilot projects; this is one instance in which we could "Drop the Pilot".

**Ms Watt:** Who is going to pay for the photographs? I am concerned about the extra financial burden not only on political parties, but on others who may wish to stand as candidates in elections. As David McLetchie has perhaps implied, we would need to ensure that the photograph was a true likeness of the candidate.

**The Convener:** Fergus—that means that you cannot use your 20-year-old photographs.

**Ms Watt:** He is not the only one. The minister's hair is grey, but he still uses a photograph in which it is not.

**David McLetchie:** Yes—there is no grey hair on the Argyll literature.

**Fergus Ewing:** I was going to say that I have a rather fetching photograph of myself; unfortunately, it was taken 27 years ago. However, there is nothing in amendment 28 to prohibit the use of non-recent photographs; therefore, I presume that candidates could choose their best one. Those of us who are living proof that politics is just show-business for ugly people may not be filled with unconstrained enthusiasm for such a measure.

The idea has a slight whiff of the "Big Brother" house entering political elections. I await with interest the proposals that will come forward in due course. I hope that people will be allowed to use 25-year-old photographs. If not, will they be able to nominate their pet Labrador to appear on the ballot paper as an alternative to their phizog, because that might be more vote catching?

**The Convener:** Although the point that David McLetchie made about voter numbers falling was accurate, I suspect that it is not at all related to the issue that he raised about the additional information that is now on the ballot paper. Each of the political parties needs to look to itself to work out the reasons for the drop in the turnout. It is for the political classes to react to the electorate's decision not to participate in elections. It would be worth trialling the proposal to see whether it will help voters to identify the correct candidate. Some voters may have poor eyesight and may be unable to see the candidate for whom they wish to vote, although they are clear about wanting to vote for that candidate. A photograph is a suitable aid to ensuring that, when people make their way to the ballot box, they are casting their vote for the candidate for whom they intend to cast their vote. The proposal is perfectly reasonable and would be worthy of trial at a future stage.

**George Lyon:** I will not comment on the issue of the age of photographs and the various other points that were made. As I stated in my opening remarks, there will be a full consultation of all political parties. I am sure that they will make clear their views on the absurdity or otherwise of the measure. The United Kingdom Government has stated clearly that it will pilot the use of candidate photographs on ballot papers only if the outcome of the consultation is positive. There is a process of engagement. All the political parties that are represented on the committee will undoubtedly make their views known in response to the consultation, before a pilot project is considered here in Scotland. The point of introducing the provision is to ensure that we have the power to trial the use of photographs, if at some stage in the future it is determined that we wish to go down that road.

*Amendment 28 agreed to.*

**The Convener:** Amendment 76, in the name of Maureen Watt, is in a group on its own.

**Ms Watt:** My main concern in lodging the amendment is that returning officers and local

authorities should encourage turnout at, and participation in, elections as much as possible. The bill offers a chance to put us at the forefront of engaging the electorate. In this great wee country of ours—or whatever we call it—we can lead efforts to promote participation. That is especially important because of the change in the voting system that has been introduced. Members may recall that much was done in 1999 to promote the new voting system for the Scottish Parliament elections. There was continual emphasis on our having two votes, when in fact we had three votes. That omission was as confusing as anything else. I do not think that people were confused about the first two votes—they understood those—but some were flummoxed when they faced the third vote. It is especially important that returning officers have the power to encourage not a particular way of voting, but participation in the vote, by showing how easy it will be to vote 1, 2 and 3.

I move amendment 76.

**The Convener:** Maureen Watt raises some valid issues in amendment 76. Every person who believes in a democratic society would like the numbers of people who vote at all levels of election to be higher than they are. That is a perfectly laudable aim. The measures that Maureen Watt talked about in relation to the elections next year are also valid. It is important that voters be educated about what they will see on their ballot papers so that the possibility of confusion is minimised. I expect that the Executive will embark on some voter education before the day, but it is appropriate for local authorities also to undertake that work.

I still think that the bigger questions about participation are challenges that the political parties face, but returning officers can certainly contribute to improving turnout in future elections.

**George Lyon:** I support some of the convener's remarks, especially his comment that the bigger challenge is the one that the political parties face in engaging voters and encouraging them to turn out and vote. Encouragement of electoral participation is something that the Executive firmly supports. Returning officers can already undertake such activity as part of their electoral duties, although I appreciate that they have expressed reservations about the extent of their powers to do so. For that reason, the Executive is content to clarify the position.

We considered including the matter in the bill but, having considered the views that the parliamentary authorities expressed before the bill was introduced, we thought that the proposed policy change was not sufficiently related to the main topic of part 1 of the bill—the conduct of elections—to be included. However, it appears that that is no longer the case, so I am happy to accept amendment 76 as it will clarify exactly what returning officers can do.

**Ms Watt:** I am happy with the minister's comments and hope that the amendment will get unanimous support.

*Amendment 76 agreed to.*

**The Convener:** Amendment 77, in the name of Maureen Watt, is in a group on its own.

**Ms Watt:** I understand that amendment 77 has been welcomed by the Electoral Commission. Local authorities try to review designated polling places and keep them up to date. However, I do not think that that is universal. Studies by Capability Scotland and others show that access to polling places was better in 2003 than it was in 2005. It is clear that, in some cases, access to polling places is getting worse instead of better. We should ensure that there is continual improvement. That is why I lodged the amendment.

I move amendment 77.

**George Lyon:** The UK Electoral Administration Bill already establishes a framework under which local authorities must regularly, over a four-year cycle, review the polling places that are used at parliamentary elections to ensure that they offer proper access for individuals.

The current designation of polling places for local government elections is set out in section 31 of the Representation of the People Act 1983, which provides that, in the absence of special circumstances, the polling places that are used for local government elections should be those that were most recently designated for parliamentary elections. Although I am sympathetic to Maureen Watt's reasons for lodging amendment 77, we think that there is little justification for replicating the provisions for local government elections in Scotland because the polling places are essentially the same for both sets of elections.

I therefore ask Maureen Watt to seek to withdraw her amendment.

**Ms Watt:** I think that the minister will agree that polling places change from time to time because schools close and things move on. There are cases in which different classrooms are used and people therefore have to go much further within the building to reach the polling place, so it is important that polling places be kept under review constantly.

**The Convener:** I take it that you wish to press your amendment.

**Ms Watt:** Yes.

16:45

**The Convener:** The question is, that amendment 77 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

**The Convener:** The result of the division is: For 2, Against 5, Abstentions 0.

*Amendment 77 disagreed to.*

### Section 20—Tendered votes in certain circumstances

*Amendment 29 moved—[George Lyon]—and agreed to.*

*Section 20, as amended, agreed to.*

### Section 21—Election campaigns and proceedings: miscellaneous amendments

*Amendment 30 moved—[George Lyon]—and agreed to.*

*Section 21, as amended, agreed to.*

*Sections 22 and 23 agreed to.*

### Section 24—Translations etc of certain documents

**The Convener:** Amendment 31, in the name of the minister, is grouped with amendments 32 to 38, 78 and 79.

**George Lyon:** Section 24 of the bill replicates provisions in the United Kingdom bill and will allow returning officers and their staff to make election documents that are displayed or given to voters available in languages other than English and Braille, and in graphical format.

The UK bill also contains provisions to allow returning officers to issue translations of the guidance for postal voters in languages other than English and Braille, and in graphical format. The provisions for the translation of guidance will be introduced for Scottish local government elections in secondary legislation. All the changes follow recommendations that were made by the Electoral Commission with the aim of making access to the voting process more user friendly.

Amendments to the equivalent clauses in the UK bill have been made following representations by the Disability Rights Commission to the effect that greater onus should be put on returning officers to provide guidance and information to voters in alternative languages and formats.

The overall purpose of the Executive amendments to section 24 of the Local Electoral Administration and Registration Services (Scotland) Bill is to replicate those further changes and to retain some discretion for the returning officer in relation to provision of guidance and information.

Amendments 32 to 36 will make changes to section 24(2) to require returning officers or other authorised persons to provide the material in election documents in the formats that are listed, if they think it appropriate to do so. Amendment 37 will insert a new subsection in subsection (2) that will allow material to be provided in forms other than Braille and written or graphical formats. It will also insert new subsection (2A), which will require returning officers or other authorised persons to provide material in election documents in audio format, when that is considered appropriate.

Amendments 31 and 38 contain consequential drafting changes that will follow the insertion of new subsection (2A).

The wording of the amendments achieves the purpose of underlining the power to provide guidance and information while giving returning officers the ability to exercise discretion in providing such material if there is, for example, a clear demand by voters for that to be done.

I will deal briefly with amendments 78 and 79. Some of the provisions in the UK Electoral Administration Bill cover changes to the Parliamentary election rules on the conduct of elections. In Scotland, equivalent changes for local government elections can be dealt with in secondary legislation rather than in the bill. The provision of a hand-held copy of a large print ballot paper and assistance for postal voters, which are covered in amendments 78 and 79, fall in that category and will be included in revised elections rules and regulations. As we will cover those matters in legislation elsewhere, I ask Maureen Watt not to move amendments 78 and 79.

I move amendment 31.

**Ms Watt:** I welcome what the minister has said. If it is his intention to make provisions to deal with the issues that my amendments 78 and 79 raise, I will not move them. I am content with what the minister has said in relation to the other amendments to section 24.

*Amendment 31 agreed to.*

*Amendments 32 to 38 moved—[George Lyon]—and agreed to.*

*Amendments 78 and 79 not moved.*

*Section 24, as amended, agreed to.*

**After section 24**

**The Convener:** Amendment 39, in the name of the minister, is in a group on its own.

**George Lyon:** Amendment 39 will insert into paragraph 2 of schedule 4 to the Representation of the People Act 2000 a provision to deal with absent voting. Its purpose is to extend to people detained under the Mental Health (Care and Treatment) (Scotland) Act 2003 the right to vote in person, rather than by post or proxy, in local government elections in Scotland. Currently, patients who are detained under the Mental Health Act 1983 or the Mental Health (Scotland) Act 2003 can vote only by post or by proxy; they cannot vote in person. An amendment to the UK bill that removed that restriction was recently agreed at Westminster following representations to the UK Government from the Mental Health Act Commission and the Disability Rights Commission to the effect that patients who are allowed to go into the community for everyday purposes as part of their treatment should be allowed to vote in person at a polling station. Both the Mental Health Act Commission and the Disability Rights Commission have argued that the restriction should be repealed.

The change that is to be introduced by the UK bill will automatically put Scottish patients in the same position as English patients as far as national elections are concerned. An equivalent amendment is needed in the Local Electoral Administration and Registration Services (Scotland) Bill to extend the change to take effect in respect of local government elections in Scotland.

I move amendment 39.

*Amendment 39 agreed to.*

**The Convener:** Amendment 80, in the name of Bruce Crawford, is grouped with amendment 83.

**Bruce Crawford:** Among the issues that have been raised during debates about the timing of the Scottish council elections next year is the question whether they should be held on the same day as the Scottish Parliament elections. I recall hearing assurances that everything would be hunky-dory, that all the administrative details would be sorted out in due course and that no difficulties were foreseen. However, I can tell you that there are difficulties about the formulation and final positioning of the boundaries and about the documentation that will be required to ensure that the elections in May 2007 are carried out properly, efficiently and with due regard to the democratic process.

The intention of amendment 80 is to ensure that, by December 2006 at the latest, assessors will have provided a register that will identify the new ward boundaries. If that does not happen, it will be detrimental to the political process. It will cause difficulties for the electors and the parties if that particular goal cannot be reached. I wish that it could be done before December, but I recognise the problems that would exist in that regard.

Amendment 80 would ensure that, if registers for 2007 do not say accurately who resides in each ward by that date, there will have been a failure to comply with provisions relating to access to information. I accept that my amendment might not address the issue in a way that is technically correct, but the issue is serious and it needs to be dealt with seriously by the Executive. If assessors have to reissue registers at a vital time, that would be a nightmare for political parties and the electors. I hope that the minister can assure us that everything will be okay. Whether his assurances will be enough to persuade me to withdraw my amendment is another issue.

Let us ensure that, by 1 December, everything is bolted down and working. To aim to do so any later than that date would be too late.

Amendment 83 is a consequential amendment.

I move amendment 80.

**Michael McMahon:** Bruce Crawford is probably right to identify those concerns. My fear about amendment 80 is that it could provide the get-out clause that some people might want for not doing what is required of them prior to an election. If the date of 1 December is stipulated but is not met, there goes the election. We have to avoid giving that sort of indication. People have a challenging job to do in preparing for the elections, and they should work towards it, but if we suggest that if things are not done by a certain time the elections will be null and void and we will go without them, we will be encouraging people to slow down rather than to press ahead with the preparatory work that is required of them. We would give out the wrong signal if we set an arbitrary date, which would offer a get-out clause.

**Ms Watt:** I might be mistaken, but I thought that Bruce Crawford's amendment 80 asked the Local Government Boundary Commission for Scotland to ensure that everything was in place so that local authorities could get on with the work. It is important that we hurry the process along. Due to local government reorganisation, several senior officials in Aberdeen have now left, including the one who was most au fait with election procedure. The new people do not have a clue what they are doing. The older official will probably have to be

brought back on a consultancy basis. Such states of affairs are putting severe pressure on local authorities, which will not be able to get ahead with organising the elections. I support what Bruce Crawford said.

**The Convener:** I would make similar comments to those of Michael McMahon. In considering the Local Governance (Scotland) Bill, Parliament debated whether or not the local elections should continue to be held on the same day as the Scottish parliamentary elections. Parliament concluded that the current procedures should continue. Some people disagree with that—they are entitled to that alternative view, but I would be concerned that Bruce Crawford's proposal might be viewed as a way of achieving that aim by other means, rather than by a straightforward consideration of the issue and voting on whether or not we want the elections to be on the same day.

Perhaps Bruce Crawford could address a further issue in his closing remarks. I have not examined the Local Governance (Scotland) Act 2004 in detail with respect to the automatic consequence of amendment 80, so I ask him to advise us whether there is some sort of hook in the 2004 act that defines when local government elections would take place should the condition that is contained in the amendment not be met. The minister might also wish to address that point when he speaks. I am concerned about passing an amendment whose consequences are not clear.

**George Lyon:** Amendment 80 seeks to impose a deadline on the completion of the boundary review process that is currently being carried out by the Local Government Boundary Commission for Scotland. It is important that the review and the subsequent orders that will define the new ward boundaries be completed as soon as possible. As Mr Crawford noted in his speech in the stage 1 debate, the later the new wards are defined,

"the more difficult it will be for the electoral process."—[*Official Report*, 4 May 2006; c 25316.]

I fully accept that, which is why I share Mr Crawford's enthusiasm for having that task completed at an early juncture. I also recognise the positive impact that early completion of the review would have in compiling the electoral register.

I said at the stage 1 debate that we intended to complete the boundary review programme by October or November. I remain confident that that will be the case and that the new boundaries and wards will be in place in good time, far enough in advance of next year's elections for all parties and candidates to plan effectively.

However, I emphasise the importance of getting the orders absolutely right without imposing unnecessary deadlines. The orders will, for the first time, introduce multi-member wards. Also for the first time, the mapping data will be presented on DVD-ROMs, rather than on the paper maps that were used previously. We are proceeding carefully in the drafting of the orders.

That is not to say, however, that other parts of the process are not proceeding quickly. The Local Government Boundary Commission has published final proposals for 19 of the 32 local authority areas. After publication, a six-week period must elapse before ministers can make decisions on the proposals. Ministers have accepted proposals for the 13 local authority areas that have reached the end of that six-week period, which means that as soon as the first order is ready ministers will be in a position to lay orders before Parliament for the 13 local authority areas. The remaining orders will be laid before Parliament as and when they are agreed by ministers, as part of a rolling programme.

I hope that Mr Crawford will be reassured that it is our intention to complete the process by October or November and that he feels able to withdraw amendment 80

17:00

**Bruce Crawford:** Oh so cynical are the folks in here. I genuinely want to ensure that we get this right. I accept the will of Parliament and that the elections are going to be held on that day; however, I do not accept that the political parties should be denied the opportunity to start campaigning as soon as we can. If we were denied that opportunity after 1 December next year—with six months to go—that would be harmful to the democratic process. The minister is giving me a quizzical look. It is pretty difficult for people to start campaigning if they do not know what the defined boundaries will be. It might be that people can campaign at party level, but individual council candidates might find it difficult to do so if there is nothing in place by 1 December.

I accept the minister's assurance that the Executive hopes that the process will be completed by October or November. If that is the case, what does the Executive have to fear from setting the date at 1 December? Having a whip that we can use to ensure that the process is completed on time is the right approach and does not send out the wrong signal. I cannot imagine that any party will come back after that date and say that the elections must be stopped. Yes, we will have to try to get it right; however, that is not the intention of amendment 80. The intention of amendment 80 is to ensure that we get everything

in place by that date, so that democracy can take place and campaigning can be done. We must be able to engage with the populace without having to look over our shoulders to ensure that everything is finished.

Although I accept the minister's assurances and hope that the Executive can deliver on them, I do not accept that amendment 80 would send out the wrong signal in any way, shape or form. If the minister is right, we have nothing to lose. I will press amendment 80.

**The Convener:** The question is, that amendment 80 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

McLetchie, David (Edinburgh Pentlands) (Con)
Watt, Ms Maureen (North East Scotland) (SNP)

**AGAINST**

Jackson, Dr Sylvia (Stirling) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)

**The Convener:** The result of the division is: For 2, Against 3, Abstentions 0.

*Amendment 80 disagreed to.*

### Section 25—Miscellaneous amendments

**The Convener:** Amendment 40, in the name of the minister, is in a group on its own.

**George Lyon:** Amendment 40 is a technical amendment to ensure that the disqualification provisions in section 160 of the Representation of the People Act 1983 are triggered for the office of councillor in Scotland by a conviction of a corrupt or illegal practice at a reserved election.

The purpose of the amendment is to ensure that a person who has been found guilty of a corrupt or illegal practice in relation to reserved elections—parliamentary and local government elections in England and Wales—is disqualified from standing as a candidate at local government elections in Scotland. The amendment is required to deal with the reserved/devolved split of functions—in other words, although the offence is committed at a reserved election, its effects are to apply to a devolved election. The UK bill contains provisions that cover the reserved side of the split; amendment 40 covers the devolved side.

I move amendment 40.

*Amendment 40 agreed to.*

**The Convener:** Amendment 41, in the name of the minister, is in a group on its own.

**George Lyon:** Amendment 41 removes the restriction of the extent of the changes made by the UK Electoral Administration Bill to paragraph 3(3)(b) of schedule 4 to the Representation of the People Act 2000, which deals with absent voting. The UK bill removes the words "physical incapacity" and replaces them with the term "disability" to ensure that the link between mental capacity and legal capacity is removed in relation to a person who applies to vote by proxy.

I hope that the committee is willing to support the amendment.

I move amendment 41.

*Amendment 41 agreed to.*

*Section 25, as amended, agreed to.*

### Before section 26

**The Convener:** Amendment 42, in the name of the minister, is grouped with amendment 43.

**George Lyon:** Amendments 42 and 43 are straightforward. Amendment 42 refers to schedule 1, which sets out minor and consequential amendments made to existing legislation on the conduct of elections as a result of the provisions that the bill introduces. Amendment 43 inserts the schedule itself.

I move amendment 42.

*Amendment 42 agreed to.*

### After schedule

*Amendment 43 moved—[George Lyon]—and agreed to.*

*Section 26 agreed to.*

**The Convener:** That ends consideration of part 1 of the bill, so the ministerial support team will now change. Coming to the table will be the officials who were responsible for drafting the registration aspects of the bill. I thank the officials who supported the minister during our consideration of part 1.

*Sections 27 to 32 agreed to.*

### Section 33—Registers kept by district registrars

**The Convener:** Amendment 44, in the name of the minister, is grouped with amendment 45.

**George Lyon:** Amendments 44 and 45 clarify the position of the register of corrections etc in practice. They provide that copies of entries sent to the district registrar need not be transmitted back to the registrar general. That maintains and better reflects the position in present practice. The amendments are technical and clarify the drafting of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 in relation to the register.

I move amendment 44.

*Amendment 44 agreed to.*

*Amendment 45 moved—[George Lyon]—and agreed to.*

*Section 33, as amended, agreed to.*

### Section 34—Indexing of registers and provision of registration information

**The Convener:** In the next group of amendments, amendment 46, in the name of the minister, is grouped with amendments 81 and 47 to 52.

**George Lyon:** Amendments 46, 47 and 51 restructure sections of the bill that provide for the main registers to be held and shared with district registrars electronically. They ensure that the current statutory restrictions on access to the register of stillbirths are retained in the 1965 act. They also ensure the adequacy of the feeing powers of district registrars under the bill when issuing extract certificates of register entries that have not yet been transmitted back to the registrar general.

Amendment 46 also reinstates a consequential repeal omitted by error from the bill as introduced.

Mr McLetchie's amendment 81 seeks to remove the provisions that would allow third parties to be notified of events electronically, at the request of the customer, as an alternative to paper extracts. Mr McLetchie takes the view that the provisions would serve no purpose because the executors would still have to correspond with the insurance company. However, the executor is not always the family solicitor and the provisions apply not only to the insured. We should remember that the less well-off who have to deal with family bereavement and winding up a small estate are likely to benefit from the provisions. In such circumstances, they might provide a more convenient option, and the cost of notification is expected to be significantly less than the cost of a death extract. We should not deny people the option of such a service. Therefore, I invite Mr McLetchie to think again about his amendment.

Amendments 48, 50 and 52 are technical amendments that make changes to the 1965 act to reflect the current position, which is that copies of entries in the register of corrections etc that are sent to the district registrar are not sold as certificates. Instead, the corrections are included in the principal certificates issued. All of that maintains and better reflects the current position in practice.

Amendment 49 ensures that register entries made prior to the 1965 act are covered by the new power to arrange for district registrars to have access to the main registers.

I move amendment 46.

**David McLetchie:** Members will recall my scepticism when the bill was being examined at stage 1 about the value of the third-party notification provision and my exchanges with the minister and officials on the subject. Since then, we have had the stage 1 debate and the Executive's response to the committee's stage 1 report. I must say that I am no more content with the provision now than I was when I raised my concerns about its value in the first instance.

The problem is that the minister and the Executive have utterly confused the key distinction between notification and entitlement. When dealing with an estate, whether ingathering bank account credits or the proceeds of an insurance policy, we must do two things: first, we must notify that the person is dead; secondly, we must establish who is entitled to the proceeds of the deceased's account. Therefore, it is a two-stage process that is commonly dealt with as a oner by the submission of the death certificate and a request to the bank or insurance company concerned to supply the appropriate forms, which are then completed by the executors or the next of kin to establish entitlement.

A bank or an insurance company will not distribute the proceeds of a policy or a bank account to anyone simply on production of a death certificate or on notification that the death has been registered. That is simply not the case. I speak with the experience of some 30 years in the administration of estates and I can categorically guarantee that that is the legal position.

There is complete confusion on the Executive's part about the distinction between notification and the establishment of entitlement. It matters not whether a solicitor administers the estate or whether—the minister alluded to this in his opening remarks—it is a small estate in which the next of kin is involved in the process. Any next of kin who has asked the registrar to notify a death electronically will still have to notify the bank or the insurance company and obtain the appropriate form for completion either as part and parcel of the process of obtaining confirmation to their entitlement to the deceased's estate or on a free-standing basis certifying the relationship to the deceased and their entitlement.

Under what is proposed in the bill, someone will register a death, pay a fee and the death will be electronically notified to the appropriate bank or insurance company, as the informant may request. However, that will not be the end of the matter and it will not in itself lead to the release of funds, whether from the account or the insurance policy. Therefore, we will have a situation in which people are asked to pay a fee for a service that is of next-to-no value to them.

Members will also recall that it was suggested that the provisions under section 34 would reduce the incidence of fraud or forgery involving death certificates and that our stage 1 report commented on that. The committee asked the Executive to produce any evidence that fraud relating to the false production or forgery of death certificates was a significant issue in Scotland, but no evidence to that effect was produced in the Executive's response to the stage 1 report. Indeed, all that we are told in that connection is:

"The electronic system would also guard against fraud (for instance, by reducing the chance of documents being lost in the post)".

A document being lost in the post would not give rise to an incidence of fraud, forgery or false claim. At best, someone with ill intent might find a document that had been lost by the Royal Mail, take what would be a true document and endeavour to impersonate and falsify a series of other documents before they could possibly gain access to the money in a bank account or insurance policy. It is illogical to cite such a scenario as evidence that the provision is in some way a protection against fraud. It confusingly affirms the idea that somehow or other mere possession of a death certificate establishes entitlement, when possession of a death certificate establishes that no more than notification of a death does.

17:15

I am sorry to say that the Executive's argument is not in the least convincing. It is thoroughly confusing and demonstrates a failure to understand entitlement as distinct from notification.

We are told in the first paragraph of the Executive's response to the committee's report that the provision

"paves the way for efficiency gains for the body",

by which it means the bank or insurance company. No, it will not: having received electronic notification, the bank or insurance company will still have to match it up with the claimant's form submitted by the deceased's next of kin or executor. Again, notification in itself does not achieve a result.

There will be no greater convenience for the citizen, as the response claims, because they will still have to approach all the bodies whether or not those bodies have received prior electronic notification. Whether the provision will lead to lower costs is highly debatable. Although we know that a death certificate extract, which can be used on several occasions, currently costs £8.50, we have no idea how much each electronic notification will cost.

There is absolutely no evidence in the Executive's response that in any way justifies the incorporation of provisions in the bill for a service of dubious value to the people of Scotland. Until such time as the Executive comes up with a far more convincing justification for that than it has produced to date, the committee should agree to my amendment. It will give the minister and his team an opportunity to come up with far more convincing explanations at stage 3.

**Fergus Ewing:** I was unclear about the purpose of the provisions at stage 1 and I do not know what the benefits would be. I was persuaded by David McLetchie's extensive arguments at that point and indeed today. I read the memorandum to the bill, which says that the

"provisions improve existing arrangements and offer new facilities for providing publicly available information."

In the light of Mr McLetchie's arguments, what are those improvements?

The memorandum further states:

"Notification of deaths to third parties by the Registrar General makes the existing process … more automatic."

To what benefit? To what end? What will be the improvement? I have an open mind on the matter. If the minister can persuade me that there is a purpose to and benefit from the provisions, we will take that on board. However, as one would expect from a lawyer who practised in executry work for several decades, I found Mr McLetchie's case persuasive.

**George Lyon:** We recognise that the amendments are to do with notification and not entitlement. Mr McLetchie is correct about that. However, I take issue with his objection to the notification service moving from a paper to an electronic version—it reminds me of King Canute in some ways. One would expect that the benefits of moving to a system based on electronic communication would have support from all parties. Transmitting the information electronically will benefit insurance companies and individuals. If we were to accept Mr McLetchie's arguments and remove the provisions, it would affect all notifications, not just for the death certificate.

If we want to have a modernised, up-to-date registration service, the electronic version should be made available to individual customers. It will be for them to judge whether such a service is of benefit to them. We believe that it will benefit them but, ultimately, that can be judged only by those who are presented with the option of using either the paper-based or the electronic system.

In the interests of modernising the system and making it more responsive to the individual, our provisions are a substantial step forward—we

should not close our minds to change or look back to the old ways of doing things.

*Amendment 46 agreed to.*

*Amendment 81 moved—[David McLetchie].*

**The Convener:** The question is, that amendment 81 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

McLetchie, David (Edinburgh Pentlands) (Con)

**AGAINST**

Martin, Paul (Glasgow Springburn) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

**ABSTENTIONS**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Watt, Ms Maureen (North East Scotland) (SNP)

**The Convener:** The result of the division is: For 1, Against 4, Abstentions 2.

*Amendment 81 disagreed to.*

*Amendments 47 to 52 moved—[George Lyon]—and agreed to.*

**The Convener:** Amendment 53, in the name of the minister, is grouped with amendments 54 and 55.

**George Lyon:** Amendments 53 to 55 seek to give district registrars the same access to and ability to issue extracts from the register of dissolutions of civil partnership as they have with the register of divorces. They also seek to make a consequential amendment to ensure that those extracts have the same evidential status in law as other extracts. Section 48 already allows district registrars to access the register of dissolutions, but amendments 54 and 55 clarify that for the reader by ensuring that all of the provisions on the register of dissolutions appear together.

I move amendment 53.

*Amendment 53 agreed to.*

*Section 34, as amended, agreed to.*

*Sections 35 to 41 agreed to.*

### Section 42—Civil partnership procedure: miscellaneous amendments

*Amendments 54 and 55 moved—[George Lyon]—and agreed to.*

*Section 42, as amended, agreed to.*

*Sections 43 to 46 agreed to.*

### Section 47—Keeping of central register for health and local authority purposes

**The Convener:** Amendment 56, in the name of the minister, is grouped with amendments 57 and 58.

**George Lyon:** Amendment 56 seeks to provide for the fact that the national health service central register for England and Wales is currently operated by the Office of National Statistics on behalf of the Department of Health agency NHS Connecting for Health, rather than by the Registrar General for England and Wales. Amendment 58 seeks to spell out the detail of the references to the correct health authority and previous health authority for each patient on the register.

Amendment 57 seeks to allow the Registrar General for Scotland to prescribe in regulations to be made under section 47 a class of persons from whom information will be obtained to be held on the NHSCR for Scotland. As the explanatory notes make clear, the regulations will allow a code to be obtained from medical researchers with regard to an approved research project only where the individual patient has consented to the release of information. The amendment also seeks to continue current practice and to allow the Registrar General for Scotland to approve such research projects on a case-by-case basis.

I move amendment 56.

*Amendment 56 agreed to.*

*Amendments 57 and 58 moved—[George Lyon]—and agreed to.*

*Section 47, as amended, agreed to.*

### Section 48—Issuing of other material kept or held by Registrar General

**The Convener:** Amendment 59, in the name of the minister, is grouped with amendments 60 to 64.

**George Lyon:** Amendments 59 to 64 amend the powers to share records—principally census records—in section 48 to ensure that the Registrar General for Scotland can undertake preparatory indexing prior to releasing decennial census data once they are no longer confidential after 100 years. The amendments also clarify precisely which documents are covered by the power to share residual documents in section 48, and ensure that different regimes for sharing are set out separately and clearly so that registrars and those accessing the registers know under which powers they are acting.

I move amendment 59.

*Amendment 59 agreed to.*

*Amendments 60 to 64 moved—[George Lyon]—and agreed to.*

*Section 48, as amended, agreed to.*

*Sections 49 and 50 agreed to.*

**Section 51—Orders and regulations**

*Amendment 65 moved—[George Lyon]—and agreed to.*

*Amendments 70 and 82 not moved.*

*Amendment 66 moved—[George Lyon]—and agreed to.*

*Section 51, as amended, agreed to.*

*Section 52 agreed to.*

**Section 53—Short title and commencement**

*Amendment 83 not moved.*

*Section 53 agreed to.*

*Long title agreed to.*

**The Convener:** That ends stage 2 consideration of the bill. I thank committee members for their stamina in reaching the end of stage 2 in one go. I look forward to members' participation in stage 3 consideration of the bill.

*Meeting closed at 17:27.*

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