

PROCEDURES COMMITTEE

Tuesday 7 September 1999
(*Morning*)

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PROCEDURES COMMITTEE

3rd Meeting

CONVENER :

*Mr Murray Tosh (South of Scotland) (Con)

COMMITTEE MEMBERS :

Donald Gorrie (Central Scotland) (LD)

*Janis Hughes (Glasgow Rutherglen) (Lab)

*Gordon Jackson (Glasgow Govan) (Lab)

*Mr Andy Kerr (East Kilbride) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

*Michael Russell (South of Scotland) (SNP)

*attended

THE FOLLOWING MEMBERS ALSO ATTENDED :

Iain Smith (North-East Fife) (LD)

Robin Harper (Lothians) (Green)

COMMITTEE CLERK :

John Patterson

SENIOR ASSISTANT CLERK :

William Venters

ASSISTANT CLERK :

Jim Johnston

Scottish Parliament

Procedures Committee

Tuesday 7 September 1999

(Morning)

[THE CONVENER *opened the meeting at 09:30*]

The Convener (Mr Murray Tosh): Welcome to the third meeting of the Procedures Committee. We have an apology for absence from Donald Gorrie, who is engaged in other business.

I introduce Barry Winetrobe, who has produced a couple of papers that are further down the agenda. He will deal with any questions on them. Members know everybody else, except the vast array of people sitting around the wall, who outnumber members of the committee by about three to one. It is nice that our work attracts such interest.

With the committee's agreement, I will vary the order of business. We have had a paper from Robin Harper, Tommy Sheridan and Dennis Canavan. I invited one of the three to come this morning. It will be courteous to invite Robin to speak briefly about his paper and let him leave when we have dispatched that piece of business. If he annoys us, we will make him sit through the whole three hours.

Debating Time

Robin Harper (Lothians) (Green): Will I read through the paper?

The Convener: Take it for granted that members have read it.

Robin Harper: We are not asking the Conservative party or the SNP to give up any of their share of parliamentary half-days. We acknowledge that they have a minimum amount of time. We feel that Parliament might find time for a day and a half—or some allocation of time—for us. This is an important principle. The five-member group qualification for a half-day is artificial and it works against the principle of the Scottish Parliament, which is to encourage individuals and smaller parties to stand and gain seats. We plead that the committee give the proposal careful consideration, as at the moment we do not get parliamentary half-days and have no prospect of getting one over the next four years.

The Convener: The appropriate response is to ask members of the Procedures Committee team to produce a paper on that for consideration at a subsequent meeting. That will give them the

opportunity to examine the thinking in the consultative steering group report that led to the rule setting a minimum of five members that is laid down in the standing orders. It will also give them an opportunity to consult the Parliamentary Bureau on its views, as it has to timetable the Parliament's business. The paper that they produce will enable us to address the issue properly at a subsequent meeting. Are all members happy with that arrangement?

Michael Russell (South of Scotland) (SNP): I am happy with that. I have spoken to Robin, Dennis Canavan and a representative on earth of Tommy Sheridan—not to the great man himself—about the matter.

We must be careful about one of the points in the paper. A distinction should be drawn between the parties in the Parliament—the Green party and the Scottish Socialist party—and the independents. We do not want to allocate half-days to members by name, so we must allocate time to parties and any independents in the Parliament. The paper indicates that Dennis Canavan might get a half-day because he is Dennis Canavan. We have to be clear about what we are asking the clerks to do in drawing up a paper.

Robin Harper: I should be happy for that to be amended.

The Convener: Are members happy to proceed on that basis?

Members indicated agreement.

The Convener: Thank you, Robin. Robin will have finished his correspondence by lunchtime, when we will still be sitting here.

Priority Issues

The Convener: The officers have done a lot of work during the summer. Other aspects of matters that were raised arose during the summer and have been taken into consideration where possible. There is an understanding that matters will continue to arise. There is time for us to examine them without expanding the remit of the paper too much.

We have a reasonably strict timetable to meet, as we intend to discuss the matter today and take evidence in a fortnight—we expect that the party business managers will wish to give evidence. That will allow us—having explored the issues—to meet a fortnight after that to take decisions and draw up a paper, which will go to Parliament. That will have to be after the recess, given the periods of notification that now obtain. We aim to get the paper to Parliament before the end of October, so that we are able to adopt the interim standing orders incorporating the amendments that result

from the process.

This morning we will go over the issues, make additional points and agree that we take evidence at the next meeting and take decisions at the meeting after that. We can ask an officer to speak on each issue if members wish, but I am inclined to take it as read that we understand the issues and will discuss points that are raised.

Issues 1 and 2 are about decision time. The two options—in addition to the status quo—are a half-day decision time and decisions at the end of each debate. Are members happy that those are the options that we will consider?

Members indicated agreement.

The Convener: I anticipate that the Executive will be anxious not to have a scattering of decisions throughout the day because of the need to manage ministerial time, so that option might not be realistic. We should examine the merits of having a morning vote on morning debates. Evidence will have to be sought on practical matters.

Mr Andy Kerr (East Kilbride) (Lab): I would like the status quo to be option 3. The paper does not give it any credence, yet it is an option.

The Convener: It is understood that we do not need to change the status quo if we feel that that is the best way to continue.

Issues 3 and 4 deal with retaking a division and with points of order during divisions.

Michael Russell: We should not spend an enormous amount of time on that. It is a technical matter connected with the electronic voting system, which many of us are beginning to regret is used in the Parliament. It should be an easy matter to resolve.

The Convener: The development of the electronic voting system to give members feedback will remove the uncertainties that caused the incident.

Michael Russell: Is there a role for the committee—without making a decision—to make a recommendation to the Scottish Parliamentary Corporate Body that it should consider carefully the specification for the voting system at the Holyrood building? That will ensure that the points that we make and members' feelings are reflected to the corporate body as the team responsible for the new building. We must avoid a repeat of the problems that we have had with this voting system.

The Convener: I take that specific point. Generally, issues arise in our meetings that must go to the bureau, the corporate body and the conveners' meetings. Our work overlaps substantially with that of those other groups; the

only way to proceed is to exchange views and pass on information and recommendations. We must not be too territorial, and we should encourage other bodies not to be too territorial.

Michael Russell: In the same way as the bureau sends matters to the Procedures Committee, we should develop a procedure whereby we pass issues to others. This is one issue that we should consider passing to the corporate body. The clerk might advise us on that.

John Patterson (Committee Clerk): There is no problem in principle.

The Convener: The bureau is working on issues 6, 7 and 8, which deal with the electronic voting system, so we will move on unless anyone has a comment to make.

Members indicated agreement.

The Convener: Issue 9, about better notification of which motions have been selected, is also under further examination.

Michael Russell: The paper indicates that that is not about the standing orders; it concerns management of business and is for the bureau. It might be wiser to make representations to the bureau. The bulletin has not remained static—it has changed and developed. The bureau is conscious that it might have to be further refined. We should not spend much time on the issue as the bureau is already working on it. We should just keep an eye on it.

Iain Smith (North-East Fife) (LD): The situation will sort itself out, because as we get into the normal business of the Parliament, business will be clearer in advance and there will not be the same problems about being clear as to what is coming up the following week.

The Convener: Is it appropriate for the clerks to pass the issue to the bureau?

Iain Smith: Yes. We should perhaps keep it under review.

The Convener: A similar point arises on issues 10, 13 and 20 to 22. They deal with notification and publication of lists of speakers, which are being discussed by the bureau. It has been requested that we make recommendations to the bureau. We should keep that in our remit so that we make specific recommendations.

Issue 11 is about meetings elsewhere. The conveners group is discussing that and we should leave it.

Michael Russell: The matter is also being discussed by the bureau and by the corporate body. It relates to implementing established practice, so I think that the clerks should find a legal solution.

This is not a matter for the Procedures Committee as it requires a legal solution. That solution might be for the corporate body to devolve authority over parts of its budget to the bureau on specified occasions for this purpose.

Mr Kerr: The conveners group is examining the way in which the matter should be handled, so it is valid for it to be involved in the discussion.

The Convener: We will drop that issue and remit it in both directions.

Issues 12, 14 and 15 are about the lack of adequate notice of motions and amendments. That is being dealt with elsewhere. We should consider what is being done and make recommendations and representations as appropriate. Is everybody happy with that?

Members indicated agreement.

The Convener: Issue 16 is significant. It has been flagged up—not least by Donald Gorrie, whose paper is further down the agenda—and discussed in other arenas. We still do not know how time for parliamentary or committee business should be expanded. If the business managers or the Parliament wish to expand time available for meeting, the standing orders must make that possible.

We should dissociate the two issues. We should consider the principle of moving the hours of debate. It is not for us to say when Parliament will meet. It is for us to consider allowing that to happen if the Parliament decides, in the light of experience during the winter, that it has to make more time available for committees or meetings of the Parliament.

09:45

That is the direction in which the clerks should be pointing us. It is not strictly our business to say when Parliament will meet, but our role will be to make further changes possible. We recognise that the business managers will probably consider working hours to be a moving target in the months ahead.

Iain Smith: A paper on meeting times for the Parliament is being sent by Tom McCabe to the Presiding Officer, for the attention of the bureau. That paper suggests that there ought to be a meeting of the Parliament on Wednesday mornings and that committees should take place on Monday afternoons, as the standing orders allow.

The Procedures Committee might have to address the paper's implication that there should be a change to the rule that forbids committees meeting at the same time as the Parliament. Such a change would allow a limited number of

committees to meet in conjunction with the Wednesday morning meeting of the Parliament. If the bureau agrees that that is the way forward, that issue will have to come back to the committee. The Executive is anxious to ensure that additional plenary time is available and is asking the bureau to consider an additional meeting of the Parliament each week.

The Convener: Later we will consider a suggested further trawl of members' opinions; perhaps we should ask for their opinions on the principle of moving meetings and on allowing committees to sit simultaneously with the Parliament. The latter would be a fairly important departure from one of the central objectives of the consultative steering group and would involve issues that we ought to explore before we step in that direction. It would be appropriate to flag up to all members the fact that that is under consideration and that an early decision could be taken. Members might wish to have an input to the decision and get a debate going.

Michael Russell: There certainly has to be a debate; we have to hear members' opinions. The paper to the bureau, which we have seen just this morning, raises many issues. Meeting on Wednesday mornings is not the only solution; it would be possible to extend Wednesday and Thursday meetings of the Parliament by an hour or an hour and a half. That would have a cost implication but would be attractive to some members. Such extended meetings would not have an enormous impact on people, but would perhaps be more effective in terms of the use of people's time. We should narrow our consideration to what the standing orders permit. There is a wider debate about appropriate hours to be had among members, staff and others in the Parliament.

At the same time, there has not been an enormous pressure on parliamentary business in meetings of the Parliament so far. Given the anodyne motions that we have been asked to consider during the past week, one would have thought that the Executive might have found something more constructive to talk about. I am a little cynical about the way in which the Executive is approaching the matter, but I will wait to find out whether the bureau discussion reassures me at all.

The Convener: I assume that that is in your press release.

Michael Russell: Not yet, but I assure the convener that it will be.

Janis Hughes (Glasgow Rutherglen) (Lab): I take Michael's point. We should await the outcome of the bureau's discussions before we discuss consulting individual members. Once people have

heard what the bureau has to say, they will be in a better position to make informed decisions.

The Convener: If we are to get members' views within our timetable, we will have to be reasonably prompt. I assume that what you are saying, Janis, is that we want opinions on the bureau's paper.

Janis Hughes: Yes. I understand that the paper will be with the bureau at its next meeting and will be responded to fairly quickly.

Michael Russell: Yes, but the issue for us is whether the standing orders are flexible enough to allow us to meet at almost any time. Tom McCabe's paper makes a valid point in that we cannot have a meeting of the Parliament at the same time as committee meetings, which is a restriction on our time. As I understand it, we can meet at almost any time of the day or night, but there are certain things that we cannot do. That is the issue on which we should take evidence.

The exact meeting hours are an issue on which the bureau should consult widely in the Parliament to discover what best suits the working practices of all members and staff.

The Convener: I am persuaded by the discussion that it is for the bureau to carry out that consultation. Our role is not to lead but to respond to what the bureau, after consultation, wishes to do and to ensure that the standing orders reflect the decision that is reached by the parliamentary body as a whole.

I take it that the discussion on issue 16 wraps up Donald Gorrie's paper as well, although if Donald wishes to return to that at a subsequent meeting—as I am sure he will—we will give him the right to do so.

Issue 17 tries to clear up the confusion about ministerial statements and questions. The paper overlaps with the bureau's consideration and with notices that have appeared in the business bulletin. We have identified two ways in which to proceed. One is simply to have ministerial statements followed by questions; the second is to have ministerial statements followed by questions and debate. We chatted about that yesterday before the meeting and thought that we might also flag up the possibility of ministerial statements being followed by questions and then an interval before the debate.

One of the papers that we received during the summer suggested that the debate should be separated from the questions by a period of time, to allow for reflection and research. That could be a third option—I do not know what its implications are, but we should consider it as a further possibility. Again, we are considering matters that are not just for us, but on which we might have to define the standing orders.

Issue 18 concerns the summing-up of debates. Having cleared it with Tom McCabe that I was free to do so, I tabled a letter that he sent to me during the recess to address the issue, which was raised previously by Michael Russell. I do not want to discuss that this morning; I simply want to make the letter available to members. The question is straightforward: should the Opposition party that moves the motion sum up the debate or should the Executive, in all circumstances, sum up the debate? Mike made his position known at an earlier meeting and Tom has given us a paper. The way for us to proceed is to take any evidence that members wish to give at the next meeting. At the meeting after that, we would discuss and decide on the recommendation, if any, that the committee would make. Members' positions are well enough known and I do not think that anyone needs to add to them this morning. Is that okay?

Members indicated agreement.

The Convener: Thank you. That takes us to issue 19, the vexed question of how we stop for lunch. This issue is included against the day when Lord James is not present in the chamber immediately before lunchtime and there is no one to move the motion from the floor, according to the standing orders.

Michael Russell: So we would not have lunch?

The Convener: Yes. In the interests of a smooth transition to lunchtime, therefore, it seems more reasonable for the Presiding Officer to have the ability to initiate the motion without having to involve a member. Other issues might arise, but that is the background to the item.

Iain Smith: There appears to be a little confusion. The business motion states clearly that the Parliament will meet until a certain time and then meet again in the afternoon. I have never quite worked out why we have to move a motion, given that the business motion says that we will adjourn for lunch. Where did the requirement to move a motion come from?

The Convener: The standing orders have been interpreted such that the Presiding Officer has not understood him or herself to have the power automatically to implement the terms of the business motion. A degree of clarification might be sufficient to resolve the matter, but the analysis of the issue is weighty and involved—I recommend that all insomniacs take it to bed with them every night.

Michael Russell: Iain has a good point. All that would be required would be a small addition to the business motion to say that the Parliament would adjourn for lunch at a certain time. When Parliament passed the business motion, it would also decide to adjourn for lunch.

That solution would not answer the more general question of what the Presiding Officer can do, but adding a few words to the business motion would resolve the issue.

The Convener: Will the clerk address the specific point about the lunch break, but have an eye to the broader implications?

John Patterson: Yes.

The Convener: If possible, we will simply lose the issue, but if there are wider implications, we might need to take them on board.

Mr Gil Paterson (Central Scotland) (SNP): That does not answer the second point about what would happen if we all dried up. That would be remarkable and I do not think that it would ever happen; nevertheless it is possible.

The Convener: If we imagine that a flu bug struck down selected members, the Parliament might be left gasping to—

Mr Paterson: I think that it would have to strike them all down.

The Convener: Yes, that is a fair point. We might be able to resolve the lunchtime question quite easily, but other issues are involved.

That takes us to issues 23 and 24. Question time has been the subject of much concern, from members and in the media. It is clear that everyone who is involved in the process is anxious to loosen it up and make it more interesting. The issue paper includes the option of a First Minister's question time. We have discussed that option informally with Mr McCabe, and Mr Dewar wrote a letter on the subject to the Presiding Officer earlier in the summer. The issue is moving on and is a matter of negotiation and agreement; we will be able to change the standing orders to reflect what arises from the discussion over the next couple of weeks. The paper deals with the discussions that are under way and we do not consider it to be a problematic issue.

The paper does not address the request for questions to specific ministers and I have asked for more thought to be given to that for the next meeting. It remains a difficulty that in the first half-hour of questions we have a peppering of questions to a range of ministers rather than an opportunity to get a good questioning session under way. It may be that we do not require that opportunity, because the committees will be able to undertake such questioning, but it raises the point of how members who do not sit on committees that are attached to ministers can properly raise questions with ministers. On issue 24, there are points that require a bit more thought and the presentation of further options. Are there any other thoughts on the paper?

Michael Russell: I raised the issue on behalf of the leader of the SNP, and I would like that fact to be noted in the paragraph headed "raised by". The key players are people who have opinions, and they might like to give evidence on the issue.

The Convener: We had assumed that business managers would give the evidence, but we are not restricted to that. Any member can give evidence and if the leader of the Scottish National party wished to do so directly, that would be entirely appropriate. Are we happy with the paper on issues 23 and 24?

Members indicated agreement.

The Convener: That takes us on to issue 25, which is on a small point that seems to be answered in the paper. Are we happy with that?

Members indicated agreement.

The Convener: Issue 26 is more important. Members might feel that they have asked questions that require fairly speedy answers, yet there is no effective procedure in place. It has been suggested that we consider a priority classification system, including implementation criteria, for written questions.

Such a classification system is difficult to imagine in precise terms, although in operational terms it might be relatively straightforward, in that we tend to know what is urgent and what is not.

Mr Kerr: If we go along that route, we will have to exercise responsibility. Unless we let members know that the system is there by grace and favour, they will undoubtedly abuse it by saying that the issue is of importance and urgency to them, although it might not be to others. I am worried about starting to delineate questions—we could get ourselves into difficulties.

Michael Russell: That issue needs to be addressed during the debate. There is a possibility, which has been discussed in a number of other places, of certification of questions whereby the clerks would have to accept that a question has priority just as they have to accept the terms of the question.

The issue of the particular bottleneck during the recess is missing from the paper and needs to be addressed. There have been complaints from the Executive that, because of civil servants' holidays and so on, it is difficult to meet the two-week time scale. An idea that has been aired in discussion and that might be included in the paper is that there should be a slightly longer period—say, three weeks—during the recess, but that there would be an opportunity for urgent questions to be answered within a much shorter period. That will also require certification. We should include those issues in the paper and we should take evidence on them.

10:00

The Convener: That is a fair point. I am anxious not to rush into a judgment on the procession of questions during our first recess. We all understand that that might make things different. We must see how things go in the long run; however, we must recognise that there was a burden of work imposed by members during the summer and that we must deal with that.

I would like to expand the issue.

John Patterson: That features in the eighth paper in paragraph 2 as work to be done, Michael. We will integrate that.

The Convener: That takes us to issue 27, which is whether there can be a shorter period of notice for oral questions. Is not this a matter of balance and judgment? The paper states the difficulties and the issues. People can be invited to give evidence on that and we will take it from there. It is quite straightforward.

Issue 28 is about oral questions that have been withdrawn, but which still appear in the business bulletin.

Michael Russell: This is clearly a small technical matter. I think the current practice of the bulletin is correct because it becomes confusing if numbers are missed.

Janis Hughes: I agree.

Mr Paterson: Changed numbers on the bulletin can become a nightmare, especially at my age.

The Convener: Will we drop this issue? All right.

We are invited to continue investigating issue 29—simplification of the dates on which Parliament and the office of the clerk are open—until parliamentary officials have given us the information mentioned in the paper.

Issue 30 is on emergency bills. When the Mental Health (Public Safety and Appeals) (Scotland) Bill has been through Parliament in a few days, we will know better what to do.

Michael Russell: Because we have had to suspend standing orders to deal with this emergency bill, there is now some knowledge about what does and does not work technically in relation to the standing orders. This paper is very helpful on that.

It is not a matter of opinion, but one of fact that the standing orders are deficient in this regard. I do not think that it is necessary to take much evidence on the issue. Might it not be possible, therefore, to have alterations to the standing orders drafted now, and for us to see those as part of our final consideration?

The Convener: Do any other members have thoughts on that?

Janis Hughes: We all acknowledge that there are deficiencies in the current system and that the passage of the current emergency bill shows that. It will take more than one bill to illustrate all the deficiencies and we cannot decide everything that we must examine from the passage of one bill. We must monitor the current emergency bill. There are changes that we must make.

Michael Russell: There are some changes that must be made, or we will otherwise need to suspend standing orders repeatedly, and I suggest that those be redrafted and changed urgently. Those changes are obviously required.

The Convener: The issue here is about the taking of the emergency bill over two meetings of the Parliament rather than its being dealt with in a single day, as was envisaged. We may have to examine the possibility of providing different processes for different situations. It is not clear in my mind why ministers wanted the Mental Health (Public Safety and Appeals) (Scotland) Bill dealt with over two meetings of Parliament. It may be that there are aspects of the management of that procedure that we would want to tease out. We will leave that paper.

We understand, Janis, that the changes that we make to the standing orders are not in any sense final or definitive. Procedures and standing orders will go on evolving in the light of experience for all time. Your point that one case does not necessarily make law is well made.

Michael Russell: Are we, then, simply asking for redrafts to be shown to us, rather than the committee taking detailed evidence? It is a complicated matter.

The Convener: Does the committee feel that a redraft would allow full consideration of all the points?

Mr Kerr: I think that discussion of the redraft will determine whether we need further discussion, so we should go for a redraft and then see what comes out of that process.

The Convener: Are we all happy with that? All right.

We thought that the issue of members' bills was one on which we should provide information. There has been some discussion of procedure in relation to such bills because of the interest that there is in the members' bills that are coming before Parliament. The paper is largely for information, and I do not think that there are any other issues that members' bills give rise to. The points at the end of the paper have been flagged up as practical difficulties that are beyond the scope of standing orders to deal with.

I do not know if any further discussion is necessary on members' bills unless, having read the paper, members feel that there are standing orders issues that they would like to explore.

Michael Russell: The paper on members' bills says at the end of page 2 and at the start of page 3 that

"no proceedings on the Bill, or the amendment, may be taken at any Stage after Stage 1 unless the Parliament has by resolution agreed the expenditure."

Does that mean that a member's bill that has financial implications could go to stage 1, but would thereafter stop automatically? Would it go to stage 1, or would it just be stopped before it reaches that stage?

The Convener: It seems to be envisaged that the Executive could allow a bill to wither on the vine.

Michael Russell: An emergency bill must be certified as such by the Parliament or by the Presiding Officer before it enters the legislative process. It does not, however, look as if a member's bill must be certified as such before it enters the process, even although it cannot succeed if it has financial implications. Am I making that clear? There seems to be some difficulty in that matter.

The Convener: It allows a bill that a number of members want to be promoted to get on to the agenda and to be discussed, even although it is going nowhere. If it is killed off beforehand, there will be no opportunity to ventilate the issue.

Michael Russell: Certification is required for an emergency bill. If a member's bill goes further than the motion that was used to introduce it, it cannot then be introduced. There is a way in which an issue cannot be ventilated by means of a bill, but can be ventilated by means of going to stage 1, even although that bill cannot succeed. Is there an issue relating to members' bills in that that we should think about?

Iain Smith: The procedure is not different. The emergency bill has gone through stage 1. The financial resolution comes before stage 2. The procedure is the same in terms of when the financial resolution comes into the process.

The Convener: Is the difference, then, that we know that the financial resolution is coming in the case of an emergency bill?

Iain Smith: It is by definition an Executive bill and the Executive is likely to move the relevant financial resolution.

Michael Russell: There is a difference. An emergency bill would not go to stage 1 unless the Presiding Officer was told by his clerks that it was an emergency bill and was, as in the case of the

current emergency bill, consistent with the European convention on human rights. Would it otherwise have been certified?

Iain Smith: All bills must be certified under the convention on human rights.

Michael Russell: So, if it is not thus certified, it will go no further.

Iain Smith: Only the financial implications are different.

Michael Russell: We should perhaps consider that there is a danger that members' bills might become gesture bills in terms of parliamentary time. Members might see that a bill has financial implications, but try to get it to stage 1 anyway. That is an issue that we should discuss.

The Convener: The clerks are muttering to me that last week we had a look at what papers must be lodged with a bill, and evidence must be provided of the financial arrangements and implications of a bill as part of that.

We should look at the issue that Michael Russell has raised and we should express more clearly whether there is a procedural implication in that point.

Michael Russell: That question is on my mind. We will reflect more on that.

The Convener: That takes us to the end of the annexes and to the end of the item on the agenda on priority issues. Well done.

Working Hours

The Convener: We move to the next paper from Donald Gorrie. We have discussed some of the timing implications and Donald can obviously come back to discuss this if he wishes to make further points. We will pick up on most of what is in the paper in the ongoing work of examining Parliament's hours. Does anyone wish to make any points about this paper? No.

Summing-up Speeches (Interventions)

The Convener: That takes us to paper PR/99/3/3, which is on interventions. There was a bit of to-ing and fro-ing about interventions just before the recess. It appears to me, even from the limited amount of business last week, that this issue is beginning to settle down a wee bit. It seems to be understood that interventions are possible during closing speeches, but that the Presiding Officer is attempting to protect all members—not only concluding speakers—from interventions when they are clearly winding up their speeches.

I think that that is sensible practice, but not something that we would necessarily want written into the standing orders. I thought that things seemed to be working better last week.

Michael Russell: I disagree entirely. There is no normal precedent for protecting members during the last minutes of speeches. Members can refuse to take interventions. Members can effectively cut off interventions if they are in their peroration.

It pains me to say it, but Phil Gallie made a very reasonable point last week. He and Rhona Brankin both intervened but the Presiding Officer refused to allow the interventions, saying that the minister was in the last minute of a speech, which then went on for another two and a half minutes. The clock is not being observed as had been assumed it would be and the protection has been applied to ministers—it could be applied to others, although it happened to be to ministers that time—for much longer than the Presiding Officer intended.

There should be no such convention and members should be entitled to take or to refuse interventions at any stage during a speech. That is a normal part of the cut and thrust of debate.

Mr Kerr: I do not agree with Mike. Some of the gesture politics that have gone on the chamber show that people are intervening deliberately to upset summing up. Summing up is a crucial part of any debate and must therefore be protected by the system. It was handled better last week, but there is difficulty with whether a speaker is in the last minute of a speech or not. Members never know because they do not have the speech in front of them and so do not know at what stage of the speech the speaker is. I would not like, as Michael suggests, to throw the baby out with the bath water. We need recognition that summing up is different.

Mr Paterson: Surely that protection is within the speaker. The entirety of what the speaker is trying to put over can be judged—its beginning, its middle and its end. Why should people be protected? I do not understand.

Mr Kerr: They should because speakers say that they are in their summing up and that they do not want interventions, but members continually try to intervene.

Michael Russell: That can make those members look stupid. On a number of occasions last week people getting up on their feet did not work.

Mr Kerr: Speak for yourself.

Michael Russell: I am speaking for some of your colleagues as well as for some of mine.

The Convener: Let us not wrangle about that.

Mr Kerr: Come on, let's. [*Laughter*]

The Convener: One should be able to take an intervention at any time. A member should be allowed to offer that at any time. However, a member saying that he or she will take no further interventions because they are summing up matters less than the issue about whether they will speak for a further one or two minutes. If the member has signalled that he or she is summing up, it is no longer appropriate that interventions be made—at any stage or from any member.

If it is felt that interjections are being bawled out at the close of a speech it is for the Presiding Officer to then come in with tackety boots. It is a matter about which members should learn and in which the Presiding Officer should exercise his authority. Concluding speakers should not deliberately make a ten-minute summation without taking interventions. We must feel our way through this. What matters—and I feel strongly about this—is that we do not accept the previous ruling that members should not intervene in a concluding speech. That is wrong. People are entitled to intervene in a concluding speech and ministers, or whoever is making the speech, should be allowed to take interventions. We have got away from that.

Beyond that, I do not know whether we want to have a rule on interventions in standing orders. It would be very artificial to have people pinging bells or sounding buzzers to tell members that they have passed the point at which they can intervene.

10:15

Mr Paterson: Everything that you have said is a matter for common courtesy. The member who continually stands up when a speaker has made it perfectly clear that they do not intend to take interventions is the person who suffers. The atmosphere in the chamber will turn against such a person, particularly if they do it repeatedly. The situation should be left exactly as it is.

Mr Kerr: I disagree.

Janis Hughes: I think that you are right, convener; things have been going better. If we leave it, as Gil says, to members to have the courtesy not to intervene when a speaker has said that they are summing up and are in the last minute of their speech, we must then prevent people abusing the system by raising points of order. There are a lot of people in the chamber who do not know the difference between a point of order and an intervention.

Michael Russell: That is a matter of chairmanship.

Janis Hughes: People are undoubtedly abusing the system in that way. You know that, Mike.

Michael Russell: You and I know that politics is about trying to get one's point across.

Janis Hughes: But Gil talked about using common courtesy.

Michael Russell: One can do both with charm and eloquence, as both you and I do.

The Convener: Please speak through the convener.

Andy, you said that you disagreed. Do you wish us to make some formal statement in standing orders to regulate this?

Mr Kerr: No, I disagreed with Gil's point about common courtesy. On some occasions courtesy is not proffered as it should be.

The Convener: There has been a lack of courtesy on occasion. That is part of the interplay of political life.

Mr Kerr: Indeed.

The Convener: It is also part of the learning process in which we are all involved. I am disinclined to move any further on this, unless we find that we have to revisit it. We should encourage an open and accessible form of debate—a debate involving interchange. We should relay some of our thoughts to the Presiding Officer for his guidance and interpretation. That is all that we need to do at this stage.

The Chair (Form of Address)

The Convener: I took the opportunity of speaking about forms of address to Sir David Steel, who wrote to me in the summer on the matter, because he was receiving correspondence and representations on it. The Presiding Officer and deputies feel that we should stick with the present titles, and that, if we do not want to say "Presiding Officer", we should say "Sir David", "Mr Reid", or "Ms Ferguson", and should not insert any other convenient title. They are anxious to get away from members saying "Madam Deputy Presiding Officer", which is a cumbersome form of address; you will see from the representations that that is exactly what George Reid has said. Ms Ferguson is happy to be addressed as "Presiding Officer"—presumably leaving out "Deputy"—and is willing to be identified as "Speaker". It is understandable that a number of members use the term Speaker as it is used in many Parliaments.

It is appropriate that we should recommend what title should be used. Thereafter the Presiding Officer, through nudges and gentle reminders rather than by being too heavy, will wish to get members to use the proper term. We cannot have a proliferation of titles.

Do members have any views on the matter?

Janis Hughes: I think that you are right. One of the criticisms of the title Presiding Officer was that it was a cumbersome term, but it is only cumbersome if it is prefixed by "Madam" or "Mr". The Presiding Officer and the two deputies have accepted the term Presiding Officer, so I can see no reason for changing it.

The Convener: Is it appropriate for a Deputy Presiding Officer who is in the chair to be addressed as Presiding Officer, because while they are there in the chair they are the Presiding Officer?

Janis Hughes: Absolutely. I do not see the need to use the term Deputy.

Mr Kerr: Yes.

The Convener: Let us strip away the prefixes, but also agree that is perfectly acceptable for members to say "Sir David", "Mr Reid", or "Ms Ferguson". We should not dabble with moderators, conveners, preses, and other elaborate titles from the past. There will be some people who are sorry that we do not have a president, but that is perhaps in a different context.

We have dealt with that remarkably smoothly.

Standing Orders Comparators

The Convener: Barry Winetrobe has produced a paper on parliamentary comparators, which explains where people should look to find examples from other Parliaments. It is simply a matter to be noted. Are we happy with the paper, and with the list of comparators on the second page?

Michael Russell: I will certainly use the hypertext links in the on-line version. The purpose of having the resources that Barry has very helpfully produced is to consider from time to time what other Parliaments do in the same circumstances.

I had a fascinating discussion with a couple of the American representatives who were here last week. I know that the bible—the book of precedents for the House of Representatives—is on the table in front of the convener. The representatives said that they were bogged down in precedent and spent the first half of every meeting deciding what they could do before they did anything, but some interesting little points came out of the conversation that could give us ideas and reasons for doing or not doing things. We should not refrain from asking Barry and his colleagues to tell us what others are doing, or from looking ourselves, and considering how that influences our thinking. Possibly research—referring to academic sources in other countries—would be useful to find out the thinking behind standing orders, in terms of precedent or activity.

The Convener: Are we all agreed on that? All right.

House of Commons Procedure Committee

The Convener: We have an invitation to meet with the Westminster Procedure Committee. Again, we have a paper from Barry. In this paper, Barry has flagged up issues that we might explore with that committee.

Michael Russell: I did not receive paper PR/99/3/6.

The Convener: I do beg your pardon. We will get that sorted.

We will not go through this in any detail now. It is a very full paper, which indicates the sort of matters that we might profitably discuss with the House of Commons Procedure Committee and the Modernisation of the House of Commons Committee, which appear to overlap to a degree. The paper is here for noting this morning. When they have looked at it in greater detail, members will have the opportunity to flag up other issues that they might wish to explore. I am sure that our meeting with the House of Commons committees will not be the last one that we will have.

Given that you, Mike, have not had the opportunity to read the paper, we will put this on the agenda for the next meeting, in case there are issues that you would like to raise.

Michael Russell: Will we set a date for such a meeting?

The Convener: The next meeting will be in a fortnight.

Michael Russell: I mean the date for a meeting with the House of Commons committee.

The Convener: We intend to negotiate a date for that meeting as soon as possible.

Bureau Relationship

The Convener: Paper PR/99/3/7 is a briefing from the clerks on the respective roles of the Procedures Committee and the Parliamentary Bureau. It was requested at the first meeting and is just for your information. Do members wish to raise any points about it? No.

Future Work

The Convener: We will move on to PR/99/3/8, which is a note of some issues that have been forwarded to us from other areas, and which we will discuss soon. The matter of the participation of non-MSPs in the work of committees is back with the conveners. We have a paper by Elizabeth

Watson that says that there is not a lot we can do, as involving non-MSPs in committee work on a standing basis would require a change to the Scotland Act 1998. Committees should therefore use their right to draw in advisers and to invite people to take part in discussions without formally co-opting them to committees. I do not recommend that we take that matter further. We will receive reports on the other matters in due course.

Notes for Information

The Convener: We have received a letter from the Federation of Small Businesses, a copy of which is attached to paper PR/99/3/9 for your information.

We paid a courtesy call to the president of the Convention of Scottish Local Authorities a couple of weeks ago, at his invitation, to discuss a number of matters. The meeting showed COSLA's desire to work with all committees of the Parliament. It was a very constructive and agreeable meeting; if we need to meet them again, we will do so.

We have discussed PR/99/3/10 already. There is no provision on the agenda for any other matters to be raised, but I will take any matters that members may wish to give notice of for discussion at the next meeting. As there are none, I declare this meeting closed.

Meeting closed at 10:26.

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