

PROCEDURES COMMITTEE

Tuesday 5 October 1999
(Morning)

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PROCEDURES COMMITTEE

5th 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 MEMBER ALSO ATTENDED :

Iain Smith (Deputy Minister for Parliament)

COMMITTEE CLERK :

John Patterson

SENIOR ASSISTANT CLERK :

William Venters

ASSISTANT CLERK :

Jim Johnston

Scottish Parliament

Procedures Committee

Tuesday 5 October 1999

(Morning)

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

The Convener (Mr Murray Tosh): During our fifth meeting, we will have to take decisions on a variety of proposed changes to the standing orders. The thrust of the evidence that we heard at our previous meeting was that we should adopt a minimalist approach—let the thing run and see how it works. I therefore suggest that today we should attempt to identify issues that are genuine problems and set in motion the necessary changes to the standing orders, but that on other issues we should simply apply a touch to the tiller. In one or two cases, I might suggest that we merely offer opinions to the Presiding Officer. From some of the announcements that he has made in the chamber recently, it seems that he is receptive to taking guidance from the committee.

That is how I would like the meeting to proceed, although what we do on any of the specific agenda items is entirely up to the committee.

Emergency Business

The Convener: Let us move to agenda item 1.

I have received a letter from Margo MacDonald. I do not want to go into specifics but, essentially, Margo has asked that we look at the way in which announcements are made in Parliament and the way in which questions and motions revolve round ministerial statements. That is an area of some concern. Iain Smith, who is here today, was part of a brief discussion last week in the chamber about the concordats.

The committee, the Executive and the Parliamentary Bureau might have to look at the issue over time. The way in which to do that is to move cautiously and to ask for a report from the clerks; we should also engage in discussions on a broader front, to see whether we can all agree on the correct practice.

Michael Russell (South of Scotland) (SNP): That ties in with agenda item 4, which is a letter from the Presiding Officer that arose out of the request last week for a statement and the fact that there was no procedure allowing the Presiding Officer to accept the request. The words “sufficiently urgent” are in rule 13.8 of the standing orders, but those words can be interpreted in different ways. Can we bring the two issues

together, and have a paper from the clerks on the range of issues surrounding urgent and topical questions, emergency motions and ministerial statements?

The Convener: That is a fair suggestion. From time to time, matters arise that are of pressing interest, but the Parliament does not respond to them timeously. That can be because the matter does not arise on an Opposition day or because the Opposition does not want to raise it, or because it is not part of the Executive’s business. We do not seem to have the opportunity to discuss issues as they arise. Perhaps the clerks could consider all those points together.

Michael Russell: Could that go on our list of priority issues? As the Presiding Officer says, that area is creating some difficulty for him.

The Convener: The problem with accepting it as a priority issue, and considering changes to the standing orders, is fitting all that into our timetable, because we are on the point of making some changes on other matters.

This is a big issue, on which all the political groups would be best advised to reflect. We should give the Executive the opportunity to consider the problem and to give its own analysis. Although I agree that the issue is important, I do not think that we should try to bounce in, because it is late in the process. However, we are in the process of firefighting some of the little bits and pieces that have come up in the past few months and we are considering making more substantial changes to the standing orders by May. Many recent problems could be resolved by practice, rather than by trying to write standing orders for every eventuality. That is why I have always been reluctant to be over-prescriptive in the standing orders—there will always be new circumstances.

Michael Russell: I do not like to disagree with you, because we have been running on consensus. However, rule 13.8 is very important to the Parliament. Emergency questions are likely to arise from time to time; they will certainly arise between now and next May. If the Presiding Officer himself writes to the Procedures Committee to say that the rule is not adequate or sufficient, and if he uses the word “vital” in his letter, we should treat the matter with some urgency and put it on our list of priorities. If we do not do so, we will run into the problem again, perhaps several times before next May. When the opportunity exists, we should try to do something about it.

I am not suggesting that we should try to steer the Presiding Officer to interpret rule 13.8 in a way that would overcome the difficulty—that would not be enough. However, something needs to be done.

The Convener: I do not especially disagree with the suggestion that we should look quickly at the point raised by the Presiding Officer; and Margo MacDonald raises an important issue. I added a third angle. Mike added a second angle by combining Sir David Steel's point with Margo's point. Looking at the big picture will be a longer-term project. If you wanted a quick response to Sir David's point, we would have to do that while the bigger picture was the subject of further investigations.

Michael Russell: I am happy to accept that. If we agree that we need to take urgent action on Sir David Steel's letter, a paper from the clerks on both issues would be helpful. However, at the next meeting, we should separate the two issues again and start to act.

The Convener: For the next meeting, I will ask the clerks to produce a paper on those points, which will allow us to act on Sir David's letter.

John Patterson (Committee Clerk): We can cope with that.

The Convener: Is the committee content to commission such a report?

Members indicated agreement.

Priority Issues

The Convener: We have a number of decisions to take, based on paper PR/99/5/2 on priority issues. The intention is to take those decisions today; at the next meeting, we will review the changes required to the standing orders. Depending on how quickly we can do the work, we might require to use the meeting after that as well. After we take the decisions today, we will ask the legal people and the clerks to work on the wording, and the committee will then, I hope, approve reasonably quickly the necessary changes so that we can report to the Parliament.

At our previous meeting, we pruned the list of priorities quite a bit. However, as quickly as some issues have been lost, various other little bits and pieces have emerged and have been added to the list.

I want to go through quickly some of the more straightforward issues. Issues 1 and 2 were about decision time. We were considering several options. If I have got this wrong, please interrupt me. The first option is not practical. We have agreed that it would not be good practice to try to have a vote after every debate, as that would unduly disrupt the day's business and make it difficult for members to get to the chamber. The second option is possible, as is the third, which was suggested by the clerks.

We have had a fairly strong plea from the

Executive that it is not reasonable to haul ministers in on every Thursday morning, or on Wednesday mornings if we have meetings on Wednesday mornings. We have also had a plea from some members who have said that occasionally morning debates have lost a bit of their fizz because the matter was not decided by a full chamber, as it could and should have been. The example that springs to mind is the debate on the Holyrood building, the drama of which was sacrificed by not moving to a vote immediately.

The clerks say that it is up to the Presiding Officer to decide, on a debate-by-debate basis, whether there should be a vote after the debate, or whether to stick rigidly to 5 o'clock. I am sure that in the vast majority of cases it will be appropriate to have decision time at 5 o'clock; but from time to time a debate timetabled for a morning might well command considerable interest and be likely to be fully attended, and for such a debate it would be appropriate to have an immediate vote. With hindsight, that might have been a better way to handle the Holyrood debate—as a result, the issue might not have been identified as a priority.

If we choose that option, we will not have to change the standing orders—we will simply have to draw the matter to Sir David Steel's attention. I see nodding heads—does everyone think that that is the best way to proceed?

Donald Gorrie (Central Scotland) (LD): As long as the notice given is adequate.

The Convener: That is a critical point.

Mr Andy Kerr (East Kilbride) (Lab): Does the text of that option make it clear that having a vote after a debate and not at decision time should be the exception rather than the rule, as you said?

The Convener: It is appropriate for that point to be on the record; I will incorporate it into the letter that I will prepare with the clerks. Many letters will come out of this process, and we should make them all fully available. We will e-mail them to all members.

Michael Russell: I wanted to raise that point. Many issues have arisen as a result of members' comments, and we should ensure that they are fully informed of our decisions and why we have reached them.

The Convener: Do we all agree that we should go for the third option in the clerks' report? A morning vote will be possible but will not be normal. It will happen only in unusual or exceptional circumstances.

Members indicated agreement.

The Convener: Issues 3 and 4 are about the calling of a vote again because of error. That might seem a relatively minor matter, but any

changes to procedure will require changes in the standing orders. The evidence that we took revealed a conflict: the Executive did not favour changing the procedures, whereas the Scottish National party suggested that there ought to be a procedure to deal with error.

My view is that errors are likely to occur less and less often as we become more practised, but that it is sensible to give the Presiding Officer the power to call a vote again in the circumstances that are outlined in the clerks' report. That is not the same as saying that we would automatically rerun votes, but if the Presiding Officer does not have the power to do so, and a difficulty such as an electronic failure or a disturbance arises, the situation becomes more difficult to handle.

Janis Hughes (Glasgow Rutherglen) (Lab): I accept what you are saying, but I do not think that we have gone far enough down the road yet. I agree that many of those issues are being resolved as we go along and that problems will diminish with time. Proposals have already been made for changes to the voting system, and they will be further refined when we go to our new home. Would it be in order to delay a decision and to maintain the status quo in the meantime, but to have an option to review in due course if difficulties persist?

The Convener: That would certainly be in order and is a perfectly reasonable proposition.

Donald Gorrie: If an error arises because of human error, tough—I would not have a re-vote for that. If the error is a genuine electronic error, there should be an opportunity for a re-vote. There should also be such an opportunity if there is a riot, although so far we do not seem to be a very riotous assembly.

There is an argument that the same electronic system will produce the same electronic error in a re-vote. I am not qualified in electronics, but that does not seem to me necessarily to follow. It would be worth trying to hold the vote again quickly, and if it did not work, we could vote by a show of hands. There should be a provision to deal with the problem, but it is not a big deal.

09:45

The Convener: Iain, can you offer us any guidance? The Executive did not want any changes in voting procedures. Does the Executive feel strongly about that?

The Deputy Minister for Parliament (Iain Smith): I do not think that the Executive feels particularly strongly. The view was that standing orders do not at present allow for re-votes, even though they have happened. If there is to be a re-vote, however, the circumstances must be those in

which the Presiding Officer has evidence that there has been a fault in the system. A re-vote cannot be called simply because a business manager thinks that his party has voted the wrong way and wants it recast. As Donald said, if the mistake is made by an individual member, that is tough.

Mr Gil Paterson (Central Scotland) (SNP): On one occasion there was a vote in which a mass abstention was not recorded. The electronic devices that we are using are, to say the least, unreliable. We need a mechanism to correct that. I am an electrician by trade—going back a long time—and I agree with Donald that if the system fails once, it is bound to fail twice. There should be a procedure for a roll-call vote.

Gordon Jackson (Glasgow Govan) (Lab): To have no discretion to re-vote if there was a machine error would bring the Parliament into disrepute. Imagine a situation in which we passed a measure that became the law of the nation, and the press said that it was not the law of the nation because a machine broke down and the Parliament had no way of correcting that. We would be a laughing stock.

The Convener: There is a method of correction. It is possible to have a time-consuming and cumbersome roll-call vote, or possibly a show of hands. There are other mechanisms.

Michael Russell: All that we are asking is that the Presiding Officer is given the power to say, "Oops, clearly there has been a mistake, let's run that again." That is a reasonable power to give to the Presiding Officer, and I am surprised that it is not in the original standing orders. If he does not have that power, Gordon is absolutely right: for whatever reason, we could put ourselves in incredibly stupid situations. This is a reasonable change to the standing orders, and it should be made. I support making it now, rather than delaying it.

The Convener: I agree. The important thing is to ensure that the Presiding Officer is aware—I am sure that he is—that no one is suggesting that we have re-votes willy-nilly. If we agree to make the change in the standing orders, we will expect Sir David Steel and his deputies to be strict in allowing re-votes. Is that a fair compromise? We will make the changes, but we understand that the use of the power is to be limited.

Gordon Jackson: That is common sense rather than a political issue.

Members: Oh.

Michael Russell: There was a little bit of Conservatism in there, Gordon.

Gordon Jackson: What I meant was—

The Convener: I could swear that you are blushing, Gordon. We will assume that you have not read this morning's newspapers.

Gordon Jackson: No, I have not. [*Laughter.*]

Janis Hughes: We will explain later.

The Convener: The next item is priority issues 10, 13 and 20 to 22, about the deadlines for speakers in debates. The decision points are identified for the committee.

The suggestion is that, the day before a debate, members are asked to put their names forward so that a list of intended speakers is produced. We would not, however, change the standing orders. We simply suggest that the Presiding Officer sets some practices in motion that do not require anything to be set in tablets of stone. That will allow for the possibility that someone who desperately wanted to contribute to a debate but did not submit their name the day before could still press their button and be picked at the Presiding Officer's discretion. The arrangement will give members better advance knowledge.

Michael Russell: The clerks have summarised that exceptionally well in the paper, which describes exactly how it should be done, with the addition of a reassurance to members that they will still have the opportunity to speak should they wish to. The paper summarises well the long debate that we have had in the bureau and elsewhere.

The Convener: Are we all agreed?

Donald Gorrie: There is one point that I would like to raise, albeit with some diffidence as the Deputy Minister for Parliament is sitting beside me. One of the better aspects of Westminster is that dissidents usually get a fair shout. There was a fairly major issue on which I disagreed with my worthy colleagues. I tried to speak in three debates in order to set out my stall and I was not called. I am not suggesting that anything naughty happened, but the Presiding Officer should have some sort of guidance that if someone wants to make a conscience statement, they should be enabled to do that.

The Convener: The suggested arrangement would allow that. You would be able to register your desire to speak the day before. Sir David has indicated that he has an open door if people wish to speak to him on appropriate matters. I would have thought that, in those circumstances, you could have let the Presiding Officer know that you had a desire to express a particular point of view. It might be that handling it that way would enhance your chances, rather than relying on a simple nomination from the party business manager.

Donald Gorrie: I was anxious to avoid that.

The Convener: In that case, we accept that recommendation.

We move to priority issues 12, 14 and 15, on the lodging of motions and amendments. We have two choices. Either we amend standing orders to incorporate the announcement by the Presiding Officer on Tuesday 31 August, or we agree that the Presiding Officer's announcement has already covered the matter and that we should assess its effect and not change the standing orders until we have seen how the procedure works. The Presiding Officer's recommendation was that motions should be lodged at least two sitting days in advance of a debate and amendments one sitting day in advance. That seems to have been running smoothly, and it might be that we can agree to let that arrangement continue. I see that everyone is agreed.

Priority issue 16 deals with the thorny matter of the amount of time for meetings of the Parliament. The summary of evidence incorporates the various proposals, which have implications for standing orders. The proposals are, first, that we should let the Parliament meet on Wednesday mornings if that is necessary; secondly, that we draw attention to the fact that committees can meet on a Monday; and thirdly, that we consider extending the Wednesday meeting until 7 pm. The third option would impact on the timing of decision time on Wednesdays. Does the committee wish to give effect to any or all of those proposals?

Michael Russell: Donald asked for a survey of members to be done, which is germane to that.

John Patterson: It is not yet complete, but William will give you the up-to-date picture.

William Venters (Senior Assistant Clerk): We consulted all 129 members on the question, "Do you stay in Edinburgh on Tuesday and Wednesday evenings during periods when Parliament is meeting?" So far, we have had 79 responses: 32 members said yes, 33 said no, three said that they stayed on Wednesdays only, and 11 said they stayed on Tuesdays or Wednesdays occasionally—which means that about 46 members stay in Edinburgh either permanently or occasionally during meeting periods.

Michael Russell: The point of the survey is to show that a substantial number of people will be here anyway. If the meeting finishes at 7 pm, I cannot imagine that anyone within commuting distance of the Parliament will be precluded from going home. We will need more time for meetings of the Parliament, although unfortunately we do not yet know how much. Therefore, we should probably assent to all three suggestions and say that all three options would be available to the bureau to decide upon. It would then be up to the

bureau to timetable business appropriately.

The Convener: It is proposed that Wednesday business stop at 6.30 pm, other than members' business, and attendance at members' business is optional. That is not a huge variation, but it allows an additional debate.

Michael Russell: Yes.

Janis Hughes: It is difficult, even in a small group, to reach consensus, because people have different views—usually depending on their domestic circumstances. Perhaps it is an option to leave everything open and on the table, so that the bureau can consider making proposals. I do not know whether that is passing the buck, but it is difficult at this stage to make hard and fast decisions.

From the point of view of what will be more beneficial to business, meeting all day on Wednesday rather than meeting for an extra hour and a half on Wednesday evenings would be better. Staffing arrangements for Wednesday night and the financial implications remain. It is difficult to say that one is better than the other. Different people have different views.

The Convener: John, could you clarify which of the three options would require a change in standing orders?

John Patterson: The first and the third would require changes.

The Convener: But the second is a reaffirmation of practice.

Mr Kerr: This is a difficult issue. I indicated my preference for Wednesday evenings at the previous meeting, but since then several members have said that that does not suit them because of their constituency work loads or family commitments. What Mike says is technically correct, but my response to leaving this place at 6.30 pm or 7 pm is that the kids are in bed by the time one gets home.

I would like to see how we get on with the first two suggestions, allowing for some further consideration. I acknowledge that we need to resolve the issue of time required in the chamber, but to move to a decision too quickly might cause some difficulties.

Donald Gorrie: Any proposal has a bad and a good side. The bad side of Wednesday evening business is the domestic upset that has been mentioned. The bad side of committees meeting on Mondays is that members who could be doing good things in their constituency must come here—so there is loss and upset there, too. All three options should be available. Perhaps we should do a more systematic trawl of members' opinions, asking whether the third option is

preferable to the first two.

The Convener: The question for us is not what is done, but what the standing orders allow. It is sensible, in amending the standing orders to allow for meeting on Wednesday mornings, also to look at changing them to allow for an extension of time on Wednesday evenings. Changing the standing orders does not mean that the changes will be used. At the moment, it is not clear that there would be the business to use either option. If it should prove necessary later in the session to give ourselves more time, we would look pretty wretched if we had had the opportunity to expand the business day but had not taken it.

Michael Russell: That is exactly the point. If we make all the options available, the decision must be made elsewhere—the bureau will have to make it.

I understand Andy's point of view. Without sounding slightly sour, I would love the opportunity to be at home to see my child to bed every night. I never get that opportunity on Tuesdays, Wednesdays or Thursdays, and sometimes not even on Mondays. I understand that people want to be able to do that—very much, with all my heart—but in terms of the good management of parliamentary time, one night a week is not too great a sacrifice.

This is a debate that we will have to conduct, but we should facilitate the ability of the bureau to schedule in all those times. The first option included the possibility of allowing the Parliament to meet at the same time as committees, and we said that we would not proceed with that, because it is undesirable and it has clear cost implications as well as implications for the work of the Parliament.

10:00

The Convener: That is not incorporated in the recommendation—we set our faces against it.

Mr Kerr: Do not get me wrong: I am an advocate of Wednesday evening meetings, but in order to make them more acceptable we should have further consultation. I do not disagree with altering the rules here and allowing the bureau to make decisions. I just want to make my position clear.

Mr Paterson: Convener, you have already made the strongest point. I am fairly square that I want to be out visiting people. However, it would be remiss of us not to take this opportunity to make room in the schedule if we need it.

Janis Hughes: Another issue that has arisen from discussions with colleagues is the assumption that if we decide to have Wednesday morning parliamentary sessions, committees that

meet on a Wednesday morning will be moved to Monday afternoon. Affected members will therefore be disfranchised by having to spend Mondays out of their constituencies. It was suggested that, if such a decision were made, committees should be rotated so that not everyone who met on Wednesday would have to meet on Monday instead. Perhaps we could include that in our suggestions to the bureau.

The Convener: It is a moot point whether that decision is for the committee of conveners or the bureau or for both, but Janis's point is perfectly valid and should be remitted on. As members who have to come to Edinburgh on Monday will probably feel like the victims of this change, all committees should have to meet on a Monday at some point.

Are we agreed that we will implement the three recommendations, with the first and third requiring changes to standing orders; that we will make that remit to other bodies that have been identified; and that we will record in our deliberations that simply to extend this time is not an invitation to meet for all that time? The bureau does not require to fill those hours, but the hours are there should parliamentary business require them. It is agreed. Jolly good.

Let us move on to issue 17. I suspect that the problem posed by issue 17 could probably be resolved if the business motion and the business bulletin specified that a statement would be heard without debate or would be debated. As the issue then becomes a matter of words, we do not need to change standing orders. That is agreed.

Item 18 concerns the summing-up of debates. The issues raised are outlined at the foot of the second page of the report on this item. At the moment, the Executive sums up debates and wants to continue to do so. Opposition parties have indicated a desire to conclude Opposition debates. The clerks have suggested a third option, which arose after the preparation of this paper and which I shall now suggest as a compromise for committee members to throw out if they so wish.

The Executive has argued that a point might be raised in an Opposition member's concluding speech to which ministers might want to respond, because either the point is wrong or it misrepresents policy. Furthermore, an entirely new issue might be raised in a concluding speech, which is always possible, though is not good debating practice. Would it be possible to build in a facility that both allows an Opposition member to conclude a debate on an Opposition motion and gives the Presiding Officer the discretion to let the minister who had summed up for the Executive respond after the final speech to a point that had been factually wrong or that had touched on an entirely new issue? That would give the

Opposition the right to conclude the debate and ministers the right to challenge a point that had been sprung on them in the final speech.

I look round and see quizzical faces. I am not sure that my olive branch has been grasped as enthusiastically as it was proffered.

Donald Gorrie: That sounds like a good concept. The Executive has a point; however, in the proverbial real world, a minister in any debate will reply to more convenient and easier points and will ignore the more difficult issues. The situation is worse at Westminster, so I am not getting at any individual MSPs. In most organisations the people who instigate the debate should have the right to reply; however, Murray's suggestion is a good way of meeting the Executive's specific point that it has the right to rebut any erroneous points made in final speeches, as long as that does not involve another very long speech.

Michael Russell: Although Murray's suggestion is an elegant compromise, I do not think that it is workable. It is the nature of politics that any member who sums up in a debate will make political points dressed up as facts, which exposes the bogus quality of Tom McCabe's argument at the previous meeting. In such circumstances, the Executive will find something to which to object in any Opposition winding-up speech. Equally, we objected in political terms to certain points that were raised in the minister's winding-up speech in last week's Opposition day debate on education.

The simpler issue is that, for the bulk of the time in Parliament, the Executive controls business; it proposes and sums up. On the 15 half days—there are not many of them—when non-Executive parties have the chance to propose motions and to put forward business, they should be accorded the Executive's privilege to sum up their case. I have no doubt that ministers will object to something in those summing-up speeches; if so, they can attempt to intervene in the same way that members of non-Executive parties attempt to intervene in ministers' closing speeches. The same rules should apply. I am strongly in favour of an amendment to standing orders that gives non-Executive parties the right to sum up on non-Executive days.

Janis Hughes: Members will not be surprised to learn that I disagree with Mike. As we heard all the evidence at the previous meeting, I am just going over what we already know. However, I feel strongly that, as the whole point of non-Executive debates is to probe the Executive, the Executive has the right to answer questions. Anyone who has sat through a non-Executive debate in the chamber will have seen ministers taking notes to respond to points that have been raised. That is the whole point of the Executive's summing-up speech and is why we should continue to do that.

Michael Russell: That was not a precedent.

Gordon Jackson: I had some initial sympathy with the anti-Executive position on this issue and thought that MSPs who propose a motion should sum up. However, I have come to think that this is not a debating society; this is Parliament. All parliamentary debates must probe whether the Executive is doing its job correctly. It does not matter whether it is the Government lodging the motion that it is doing a good job or the Opposition lodging a motion that the Government is doing a bad job. As a result, the Executive should be able to answer any criticisms that have been made. I strongly agree with Janis's view.

The Convener: Now that we have explored all the arguments, I want to put two questions to the committee. My first question is whether there is a market for the compromise that I suggested. I got the feeling that there was one member against my suggestion and one member for it. I am not sure about the others. Is my compromise viable?

Michael Russell: No.

Mr Paterson: I do not think that the compromise would work. The Executive would use the option all the time to block Opposition summing-up speeches.

The Convener: That is clearly the mood of the committee.

We now come to the substantive issue of whether to allow Sir David's interpretation of the matter to become established as a precedent—which he has so far stressed that it is not—and let the Executive sum up; or to change standing orders to allow Opposition parties to close on an Opposition motion. I ask Mike to move the point to which he has spoken.

Michael Russell: I move,

That, on 15 half-sitting days, non-Executive parties be accorded right of reply.

Mr Paterson: I second that.

The Convener: I think that we will just take motions. Motions on standing orders do not seem to require seconders, and, given that I am a single member of the committee, I would not want to establish the precedent of seconding such motions. It is sufficient for Mike to move the motion. Presumably, Janis will move the counter-motion that we will simply continue with existing practice.

Janis Hughes: I move,

That we continue with existing practice that the Executive sums up in all debates.

Mr Paterson: We cannot continue with existing practice; there is no continuing practice.

Michael Russell: No, the Presiding Officer has

observed a practice without setting a precedent, which is that the Executive sum up.

The Convener: If we decide today not to seek a change to standing orders, the Presiding Officer will think that we have come to the conclusion that what has been done without a precedent could become a precedent and the established practice.

Mr Paterson: I understand.

Donald Gorrie: Will any proposed change to standing orders go to the full Parliament for a vote in due course?

The Convener: If the committee decides today to change standing orders after a vote, that decision will be incorporated in the report and consequent motion that would go before Parliament. It is possible that members might then seek to amend the committee's report and recommendations. However, we cannot prejudge what others might think. The point is that we are only making recommendations.

John, can you outline to the committee how the vote will be taken? I think that this might be the first committee vote.

John Patterson: In the event of a division, only committee members can vote. Members can only vote in person and can only vote once on any question. The member may vote, although he or she did not hear the question put. Members do not have to vote and may register an abstention. The convener may vote and must also exercise a casting vote in the event of a tie. Committee members must vote by show of hands, unless otherwise directed or a member requests a roll call vote.

The Convener: Is there a difference here? Can a member either register an abstention or simply not vote and not register anything?

John Patterson: It seems so.

The Convener: As there are seven of us, I hope that we will not need a casting vote. Can I take a show of hands for Mike Russell's proposal?

Committee members voted by show of hands: For 4, Against 3, Abstentions 0.

Motion agreed to.

The Convener: I hope that that will be the last vote. We shall see.

Item 19 concerns the issue of suspension and adjournment. As this is a very straightforward point, can we simply accept the suggested amendments to standing orders to allow suspension of business? That is agreed.

Items 23, 24 and 27 concern the issue of question time. There are six options to decide on at the end of this substantial report. The first

suggestion is that standing orders be changed to convert open question time to First Minister's question time. It is understood that the First Minister will normally, but not always, deal with those questions. Is that agreed?

Members indicated agreement.

10:15

The second point for us to agree is that questions to the First Minister be submitted at the latest by 2.30 pm on the Monday before question time, and that the standing orders be changed to allow that. If we agree to that change to standing orders, we must decide whether we want to specify how questions should be chosen. Can we disaggregate those two issues and ask first, are we content to amend the standing orders to allow questions to be lodged up to 2.30 pm on the Monday for First Minister's questions only?

Members indicated agreement.

The Convener: How should those questions be selected? Should they be selected randomly, as is the case with the 30 questions currently selected, or should they be selected at the discretion of the Presiding Officer? The Presiding Officer certainly selects the third question on the basis of what he thinks is balanced and what would make for a good exchange of views.

Michael Russell: The question really is whether it is acceptable, as I presume it must be, that there be a question from the leader of the Scottish National party and a question from the leader of the Conservatives.

What else should be done? We cannot throw all the questions into a ballot because the SNP or the Conservatives might never come up first in that ballot in a year. What do we do with the third question? Do we allow the Presiding Officer to choose it or do we allow it to be balloted with all the other questions? I think that there is something quite attractive about allowing that ballot because more people will submit questions for specific categories.

Mr Kerr: I am in two minds about that because the chance might be lost of the third question being topical, hard-hitting and on the ball. Members might submit locally related questions that might be good for their constituencies but which would have no significance for the rest of the nation.

I have been fairly content with the third questions that have been asked, and which have been chosen by the Presiding Officer. I would hate to see—and I say this with due respect to all members—low-level and unimportant questions being asked. The follow-up to those questions would become the issues as opposed to the

questions.

My initial reaction is that we should leave the choice to the Presiding Officer.

The Convener: Are there any other views?

Michael Russell: We could do that until we see how it works out.

Janis Hughes: There would be an issue of fairness because the Presiding Officer would have to decide what questions are included week to week on the basis of fairness and equity.

The Convener: It seems that there is consensus that we go with changes to standing orders, but that we leave the Presiding Officer to continue to exercise his judgment.

The third proposal is that the standing orders be changed to permit supplementaries from MSPs at the discretion of the Presiding Officer during question time.

Michael Russell: It should be made clear that that means MSPs other than the MSP who has asked the original question, so that the change will allow supplementaries to come from other people.

The Convener: That will also have the effect of reducing the total number of questions that will get through under the existing time allocation. Are we agreed on that?

Members indicated agreement.

Donald Gorrie: I suppose that it is impossible to impose discipline or self-discipline on members, but it might be possible to instruct the Presiding Officer to rule that a supplementary that is clearly irrelevant to the original question should not be answered.

Michael Russell: He has already done that to Phil Gallie and Jack McConnell. If he is going to do that anyway, we need not instruct him to do it.

Donald Gorrie: That will be fine if it is understood.

My other point is that this ruling might mean that we would need more time for question time so that we do not lose questions.

The Convener: That is the sixth question that we will come to in this section. When I made the point I realised that there would be fewer questions, but I take your point.

The fourth suggestion is that I write to the Presiding Officer to get us out of having to change certain parts of the standing orders. Is that agreed to?

Members indicated agreement.

The Convener: The fifth suggestion is that we retain the eight-day rule, except for First Minister's

questions as dealt with in question 2 for decision in this section.

Members *indicated agreement.*

The Convener: The sixth question is whether we consider an extension to question time that would allow that there be more questions in the closed session, in the open session or in both.

There is no guidance provided for this as it is entirely a matter for this committee. At the moment there is three quarters of an hour for question time. It might be reasonable to go for an hour and to look at putting some of that extra time into either the closed or open session or into both. Members might, however, feel that three quarters of an hour is adequate time and that we must make do with fewer questions.

If we do look to extend the time, I do not think that it would be reasonable to extend it beyond an hour. The time would then begin to impact on other business.

Michael Russell: When we use the phrase medium term, we are, presumably, talking about the review of the standing orders that must be carried out before next May. Is that what we mean by medium term?

John Patterson: May 2000 is the end date. The process that this committee is engaged in fulfils the obligation for review, so medium term would mean up to the time when a motion to accept the standing orders is put before Parliament and agreed to.

Michael Russell: There needs to be an end point to our medium term, as opposed to a start point, which has just been indicated.

John Patterson: The end point to the immediate term would be to accept the standing orders at the end of this process.

Mr Paterson: You are cleverer than I am if you understood that question. [*Laughter.*]

Michael Russell: Let us discuss something philosophical: the end point to the medium term is what I am asking about. We know the end point of what we are doing now, but we have used the phrase medium term several times and I am concerned that the medium term might bleed off into the future.

Mr Paterson: It could become the long term.

The Convener: it is not intended that the medium term should become the long term.

Michael Russell: It could become, perhaps, the infinite.

Mr Paterson: We could all get a TARDIS.

The Convener: This is not the end—this is not

even the beginning of the end.

Janis Hughes: It might be the middle of the end.

The Convener: Yes, something like that.

Michael Russell: I am, despite the humour, trying to make a serious point. If we accept that we will learn from our experience of question time, we must know in our minds how long that experience will run before we make the changes that we might now regard as desirable, but which we could be persuaded not to make until we have tried things out for a little bit longer.

John Patterson: That is a matter for this committee; it can decide when medium term finishes.

Mr Kerr: What Mike is saying is that we want to revisit this before our submissions for changes in May. I concur with that.

Donald Gorrie: We should make the change to a one-hour question time as early as possible. I think that we should have more than an hour, but that is a start. If we are to have supplementaries, it seems rational that we should increase the time allocated at the same time as changing to allow supplementaries.

The Convener: That would preserve the balance between members putting questions and giving the First Minister the opportunity to take more questions. I do not think that that will impact materially on the rest of the afternoon's business. I agree with that and I move,

That question time be extended to an hour: 40 minutes for closed questions and 20 minutes for open questions.

If no members have another point of view, we will vote.

Mr Kerr: The issue is whether that will have a material impact on the rest of the day. I am trying to think through what the implications would be in terms of other announcements or debates and statements.

Michael Russell: In the normal pattern of business quite often the period from 3.15 pm until 3.45 pm has been used for statements and questions and 3.45 pm until 5 pm has been used for debate. We would need to reduce the debate to an hour, and the difference between a debate that lasts for an hour and one that lasts for an hour and a quarter is not significant. Debates at that time do not usually attract vast numbers of members.

Mr Kerr: There would be four fewer speakers.

Michael Russell: There might not even be that many fewer if we cut down on debate opening and closing times.

Iain Smith: The Executive's view is that the changes should be made and that we should see how those changes run. If there is a significant reduction in the number of questions that can be taken, the issue can be reviewed. We do not actually know whether changing standing orders to allow more MSPs to ask supplementaries will result in a significant reduction in the number of questions being asked. We must wait and see.

Michael Russell: The convener has moved and I am certainly minded to support his motion on the grounds that we are reducing the time available to ordinary members to ask questions and I do not think that we should do that. This is a minimalist change that will assist ordinary members.

Motion agreed to.

The Convener: Thank you. That takes us to issues 25 and 26.

Michael Russell: I would like to ask for clarification. Have we decided to recommend—regarding point 6 in the previous section—that question time has been extended to one hour, with 40 minutes for closed questions and 20 minutes for open questions?

The Convener: Closed question time would no longer be closed. There would be 40 minutes of open question time to the Executive and 20 minutes of questions to the First Minister.

Michael Russell: That might mean that four questions could be put to the First Minister.

The Convener: It conceivably could mean that, if we go with the broad five-minute timing. That might help the Presiding Officer, who has been trying to strike a party political balance.

Issues 25 and 26 relate to the thorny problems of questions during recess, urgent responses to questions and holding answers. There is a long paper attached to those issues with a number of decisions for us to make at its end.

I propose to examine the questions that have been placed before the committee. It is suggested that we should agree that the deadline for answers to written questions during recess should be extended to 21 days, but that it should be left at 14 days while Parliament is meeting.

That will give ministers and staff a break in the summer, when they are struggling to answer questions because of staff absence through holidays or other reasons. That will give them a greater degree of flexibility. Are we agreed on that?

Michael Russell: I think that that should apply in any recesses of more than five days' duration. We not going to ask people to leave their plum pudding at Christmas to come and answer a question from Gil or me or others. I was trying to

avoid the names of frequent questioners.

The Convener: That is a fair point, which relates to the second part of point 1 in the decisions for the committee.

Donald Gorrie: We all get quite a lot of flak—some deserved and some not—but the fact that written questions can be lodged during the recess is a huge advantage over the Westminster system. Whoever dreamed that up deserves great credit.

Mr Paterson: I would like to bring up a point about holding questions.

The Convener: We will come to that. Are we agreed that we will allow the extra seven days for answers during the summer recess and also in recesses of longer than five days?

Members indicated agreement.

The Convener: That will allow for greater breathing space and will allow staff to take their Christmas holidays as well.

The second point that we are asked to make a decision on is whether a detailed proposal for priority questions should be drawn up by the chamber desk for consideration and recommendation by the committee to Parliament once the Parliament has adopted its own standing orders. That involves the issue of designation of questions by business managers and/or the Presiding Officer as priority questions. Are we agreed to that?

Members indicated agreement.

Donald Gorrie: Is a question's priority decided on the basis of urgency in terms of time or whether it is deemed to be more important? If I lodge a trivial question and Gil lodges a much weightier question, will his get answered before mine?

The Convener: It is based on time. The issue arose from the problems during the summer at Continental Tyres when it was felt that it was reasonable to get a speedier answer than normal. We all accepted that in principle.

The third point on which we are asked to decide is whether holding answers should be allowed. They are not, strictly, allowed at the moment but it seems reasonable to allow them.

There has been a request that the answer should make it clear why the answer is a holding answer. I am not sure that that would cast much light because the standard response, presumably, will be pressure of work.

Michael Russell: By whom will that be monitored? This is becoming something of a scandal for the SNP group. The proportion of holding answers to other answers is growing all the time. Some of the holding answers seem to

last for ever and the quality of answers that come after holding answers is often poor.

There is the problem of who will monitor that. The Executive has made the point that it is monitoring questions about the cost of questions and about information that will be available from elsewhere. Is the Executive also prepared to issue a breakdown of questions that includes the number of holding answers that have been given and the length of time taken to provide answers?

The Convener: I suspect that many of those issues are bureau matters rather than standing orders matters. We should look at this again in the medium term rather than coming to a decision based on this report on issues such as those.

The report does not seek an improvement in the quality of answers. That is a debating point. I think that we are all capable of doing our own monitoring. The Executive is considering a number of aspects of questions, but we could ask the bureau also to monitor how questions are being handled for our report for May. We all agree that we want questions to be dealt with responsibly and constructively by all sides.

10:30

Mr Paterson: Would that cover my first point on a health warning on the time that is taken to get an answer once a holding answer has been given? Would not such a suggestion require a change to standing orders? At the moment, a holding answer appears and ministers can say that an answer will be given in three weeks, 10 days or whatever. The waiting can go on for ever and one has no idea when the answer will land on one's desk.

The Convener: Iain, could the Executive cope with such a reverse to the practice at Westminster? Instead of the member saying that they wanted a reply by a certain date, the Executive would have to say that it would respond within two weeks, three weeks or whatever.

Iain Smith: I do not think that that would require a change to standing orders. It is an issue of good practice, which should be raised with the Executive secretariat. When holding answers are given, members should ask for an indication of the likely time scale for receiving an answer. I have raised that issue in relation to correspondence from members, which is another problem. Guidance must be given not only on questions, but on when members can expect a reply to correspondence. I am certainly happy to ask the Executive secretariat to examine the issue.

The Convener: That would be extremely helpful. Are we agreed that we shall proceed on that basis?

Members: Yes.

The Convener: I will make that point also in our representation to the bureau.

We move to issue 29, on which the recommendation is that we take no further action, which is good. Are we agreed?

Members: Yes.

The Convener: Issue 30 deals with emergency bills. The options are either to consider redrafting rule 9 of the standing orders or to consider the matter over a longer time scale. A note is appended to the report on the issue. It makes the point that the procedure for the emergency legislation that we passed worked, although it required the suspension of standing orders. Nevertheless, the legislation appeared to be dealt with fairly promptly and, ultimately, satisfactorily. Do we want to re-examine the whole issue of emergency bills within the next two or three weeks, or over a longer period?

Donald Gorrie: Procedures for emergency legislation are a highly technical issue. It is important to get them right—we cannot rush into it. Time is not as important as getting it right. The issue should not be an urgent priority.

Michael Russell: It is an issue that needs to be dealt with in the medium term, if I may use that term again. It should be on the committee's work programme. The technicalities of emergency legislation could usefully form part of a discussion by or presentation to the committee. We need to get our minds round the technicalities.

The Convener: That seems fair enough.

Mr Kerr: Do we have the time to consider it as a medium-term issue? What is the work load and can we cope with it? Emergency legislation is a fairly substantial area. I do not believe that it is as urgent to deal with it in the medium term as it is to deal with the previous issue. I share Donald's view that it is something that can be considered in the longer term, after next May.

The Convener: The work of going over the standing orders will never be finished. It will go on for ever. Once we get past the immediate task of completing the first trawl of work, which will take us until next May, we will be able to take decisions on our priorities. Are we agreed?

Members: Yes.

The Convener: We will therefore deal with the issue of emergency legislation in the medium term.

We move now to the new issues. The first is the time available for members' bills, which was flagged up as an area that needed some thought. I suggest that the way to deal with the matter for now might be simply to indicate to the Presiding Officer that we have recommended that the

Parliament be given the opportunity to meet on Wednesday mornings and slightly later on Wednesday evenings, which will make more time available to the bureau to timetable the handling of members' bills in meetings of the Parliament. The advice to committees on the possibility of holding meetings on Mondays should also deal adequately with the issue of how to handle the committee stages of members' bills.

In other words, the time and the flexibility are already there to pass a member's bill if there is a will to do so. There is therefore no longer a need to do anything about the issue, although we might want to revisit it next year if experience shows that there is still a difficulty. We might have to consider allocating extra time then, but we cannot know what to do about it at the moment.

Michael Russell: We will know more once members' bills start to go through. The first one is about to be timetabled. I am therefore happy with your suggestion, convener.

Iain Smith: There is no reason why every single member's bill should require a full half day's debate. If the committee comes back with a clear recommendation to go ahead, an hour's debate might be adequate for stage 1 of a particular member's bill.

The Convener: That takes us on to issue 32, on parliamentary time for smaller parties and independents. We have got nowhere on that issue. Options have been suggested at the end of the report, although Opposition representatives are unlikely to favour the suggestion to give up their limited supply of half days to single-member parties.

It is clear that the Executive is not particularly anxious to deliver any more time for such members. However, a way out might be to consider that, calculating the time strictly proportionately—I have done the calculations—the three members together would be entitled to 0.8 of one half day, which may or may not be justified depending on how the position of the independent member was viewed. That translates into about one hour per member in a parliamentary year.

Therefore, it might be reasonable to suggest that smaller parties and independents have the opportunity—admittedly, the same opportunity as every other member—to make a political point or to debate a matter of importance to them within members' business at 5 o'clock, given that the Presiding Officer is interpreting members' business to cover not just constituency matters, but general issues, such as football and domestic violence. Perhaps we could recommend to the Presiding Officer that it would be reasonable to allow all those chaps a minimum of one opportunity for members' business a year.

Michael Russell: That is a possible solution, but in the interests of fairness to single-member parties and independents, I am much more attracted to options 2(a) and 2(b). It is not too much to ask that such members be allowed one half day of parliamentary time per year. That is fair and we would want the same thing if we were in their position.

Iain Smith: We look forward to those days, Mike.

Michael Russell: Indeed, but I was thinking more of the Liberal Democrats, who are likely to be in that position much more quickly than we are. Perhaps we could have a half day for the Hamilton Accies supporters.

We should accept options 2(a) and 2(b).

Iain Smith: Convener, you raised an important point in your introduction to the item: even if the three single-member party or independent members were grouped together, they would be barely entitled to one half day.

It is important to allocate non-Executive days on a proportional basis, rather than on the basis of every party or independent being entitled to one half day. We might have three single members at the moment, but after the next election there might be half a dozen or 20 single members—we do not know how it will work out under the proportional representation system.

We should not set a precedent that every person who represents a party is entitled to a half day's debate, or we could end up with the parliamentary timetable being dictated by the people who are elected to the Parliament, rather than by the proportion that each party has in the Parliament. I am not against the principle of single-member parties having a fair proportion of parliamentary time—it is right that they should—but I am against them getting more than their fair share of parliamentary time, which is what options 2(a) and 2(b) suggest.

We need to consider ways of accommodating single-member parties fairly and proportionately. That might mean their receiving one half day a year among the three of them or one half day each every three years. Whatever happens, we cannot afford to get into a situation where we keep giving individual members extra days, because it will eat into the time for meetings of the Parliament.

Janis Hughes: I agree with Iain. We will set a difficult precedent if we go down that road now. We have already discussed how to deal with the increase in parliamentary time and have passed the buck a bit by passing the matter back to the bureau. Option 2(a) would have to link into the decision on increasing parliamentary time, which has not yet been taken.

I still favour the Executive's suggestion that we should consider the idea of allocating some of the existing 15 half days for non-Executive business to single-member parties and independents. How that is done is open to debate, as it is obviously difficult to allocate each of the three members one half day. The matter must be examined more closely.

Mr Paterson: We are trying to do a couple of things at once. In the first instance, we must be clear that we are talking about legitimate political parties. The two parties concerned are doing relatively well in the country. The model that we set should give them space within the Parliament. If we do not allow them that, the public might think that we are trying to lock out their opinions, and the Parliament would suffer as a result. We can make changes in the future if a different configuration of political parties arrives in the Parliament.

At the same time, Scotland has a history of independents, which may be resurrected in the near future. That must be catered for. Given the composition of the Parliament now, the fairest model would be for single-member parties to be allocated one half day, and for independents in general—not Dennis Canavan specifically—to be allocated a half day.

Donald Gorrie: It is unreasonable to take away time from the Scottish National party and the Conservatives to give to other parties. The Parliament should allow the three individual members to have a reasonable say. Much as I have a high personal regard for Dennis Canavan, he is in a different situation from the other two members. I therefore support option 2(a), but am in favour of us advising the Presiding Officer to look favourably on giving Dennis time during members' business.

Another issue arises from the fact that the Green representative was not called on to speak in a debate on transport, which is a green issue. It is difficult to dictate to the Presiding Officer on such things, but the issue must be addressed.

My position is that I do not support option 1; I would support option 2(a), although I would not go to the wall for it; and I support giving independents a right to bring one motion each year under members' business.

Mr Kerr: The decision that we make now cannot be changed, as it would look negative to have to revisit the issue in the next Parliament if there was a change in political representation—it might look as if the committee was trying to overturn a previous decision. The committee's decision on the matter must last longer than the term of this Parliament.

The option whereby the three—or is it two?—

individual members get one half day per session is attractive. There is some merit in coming some way between the two proposals. The question is where we will find a half day for them to share. They will need to agree on an issue that they want jointly to promote or will have to agree that one of them will take the half day this year, and someone else the year after and the year after that. There is merit in that approach, which moves away from what I said, which is that they should have no time. On reflection, perhaps we can adopt a position whereby the three—or is it two?—members are given a half day per session.

We should talk with those members about the issue: whether they want to have half days in sequence or to share the time, depending on current issues. We should discuss with them how they want to deal with each other.

10:45

Michael Russell: But they made the request.

Mr Kerr: To be fair, yes, they did make the request, but if they were not willing to agree a position when we went back to them to discuss the matter, I would argue for the status quo, which is that they get nothing at all.

Mr Paterson: It would be grossly unfair if we were to suggest that three parties, or two parties, be thrown together to come up with a debate that suited them, which is the suggestion that Andy is making.

Mr Kerr: No.

The Convener: No. Perhaps Andy could clarify this, but I understood him to say that the three members would get an allocation of time. It would be an option for them to break that time up.

Mr Paterson: That is okay: I can agree with that—well, I do not agree with it, but I understand the point, so I withdraw my previous comment.

Iain Smith: We could have three one-hour debates, and they are happy, or we could have one full debate or two one-and-a-half-hour debates. It would be up to the members to allocate their time.

Michael Russell: Donald has suggested a sensible compromise. Differentiation—always a difficulty in our discussion—between the parties and the independent, no matter how much one respects the independent, is addressed by option 2(a), in the way that the parties have asked for it to be addressed. Donald was right to say that advice to the Presiding Officer on the treatment of an independent member—eventually there might be more than one—is fine. I would withdraw my proposal on options 2(a) and 2(b), and happily support Donald's proposal on option 2(a), with a

rider on 2(b).

The Convener: Can we then clarify option 2(a)? Andy has suggested that, essentially, option 2(a) would be acceptable if we were allocating a half day and then dividing it. Donald's proposal for option 2(a) means that we would give the small parties a half day each.

If we are to arrive at a consensus, we must be clear what we recommend. Will we recommend option 2(a), with a half day for the two small parties, or will we recommend a half day in which the two small parties get a quarter day each?

Michael Russell: The basic currency of the Parliament is a half day; one should deal in that basic currency and not sub-divide it.

Iain Smith: That would set a dangerous precedent.

Michael Russell: It is a choice between the two; I would be minded to support the half day.

The Convener: What is the precedent?

Iain Smith: The precedent is that every single-member party in this Parliament gets a half day. That is a dangerous precedent to set, because it is not based on proportions and the membership of parties.

Michael Russell: But neither are the 15 half days. You made the point about the 15 half days, Iain, as if it was set by the proportions in the Parliament. It is not. If we were to set time according to the proportions in the Parliament, it would be done very differently. While I understand the point that you are making, Iain, I do not think that there is any validity in it. We should be debating the rights of parties that are elected.

Iain Smith: I raised the point about proportion within the Opposition—the non-Executive members. If the entitlement of non-Executive members is 15 half days, the three members would, as the convener said, be entitled to 0.8 half days: it is about the proportion of non-Executive days. We can argue about whether the number of non-Executive days, as allocated in the draft standing orders, is correct.

Michael Russell: It is not.

Iain Smith: That is a separate point from the one that I am making. *[Laughter.]* My point is that the allocation should be in proportion to the size of the parties—among the non-Executive parties. No party should have more than that.

Michael Russell: I know that you are fond of proportionality, Iain, but there is a principle to be heard.

Iain Smith: That is the principle.

Michael Russell: The principle is that the time

cannot be sub-divided.

The Convener: I do not know whether this proves or disproves that the Executive can give a brief response to a summation speech by the Opposition spokesman—*[Laughter.]*

Gordon Jackson: I do not think that what Andy says takes away the half-day currency: we will still work in half-day blocks. The members will get a half-day between them. They can ballot it, or take it in turns, or take it in alphabetical order—whatever they want to do. It will still be a half day. The fair compromise would be to say that a half day is available to them; a half day each is too much, and would not be a fair compromise.

Donald Gorrie: I do not know whether this would be a consensus, but I could go along with Andy's proposal that the members should get one half day, and it is up to them how they divvy it up. If there is consensus on that, I would go with it.

The Convener: I think that we have broad agreement. Nobody is entirely happy with that suggestion, but everybody, I think, can live with it: that we seek an extra half day, make it available to the current single-member parties, allow them to rotate, to share or to split the time—it is up to them, as Donald says—and draw to the Presiding Officer's attention the way in which Dennis Canavan, as an independent, might be dealt with.

Michael Russell: I will not push my proposal to a vote, but I think that the Greens and Scottish Socialists are not being treated fairly by the proposals, and that they should have been allocated a half day each. However, as I will not win such a vote, I will not push it to one. It is unfortunate that we are not recognising the basic right of those parties to the smallest change that we can offer.

Mr Kerr: With due respect, I am not saying that I do not recognise that right. I am saying that we have limited time available. There is Executive time; there is Opposition time. Working within what is available, this is the best solution. There is no disrespect to the Greens, the SSP or indeed to Dennis Canavan as an individual. It is all about the management of time.

The Convener: Once we have had a couple of cracking debates on motions tabled by those members, and once we review the matter, we might decide that we want to give them more time. It is more important at this stage to establish that they are entitled to the opportunity—to a platform.

I think that we have an agreement.

Janis Hughes: Can I clarify this? Are we agreeing on option 2(a), amending "15 half days" to "16 half days"?

The Convener: Yes, on the understanding that

we know what the extra half day is for: for the allocation of appropriate time to single-member parties. We are not allocating the time to the independent. Our view on the independent is that he is, essentially, a member for Falkirk West. He can push Falkirk West issues, quite legitimately, through members' motions. It would be reasonable for Sir David to feel that he might want to give Dennis Canavan a slightly fairer crack of the whip—not unreasonably so. Dennis should have the opportunity to put forward the issues that are important to him as the member for Falkirk West.

Michael Russell: That is not to imply that Dennis has had an unfair crack so far. I am just picking up on the term that you used, convener. I think that we are saying that he obviously needs some special consideration, given his special status.

The Convener: He needs to be able to put forward his points of view.

Iain Smith: As far as I am aware, he has not as yet lodged any motions for members' debates.

The Convener: Indeed not, but he is probably awaiting the outcome of our discussion.

However, Dennis has not been backward in coming forward to express his view on a whole variety of issues—his article in *The Herald* yesterday was excellent.

We now come to issue 33, about the oldest member.

Gordon Jackson: You said “oldest” without a smile. [*Laughter.*]

The Convener: Can we just agree? It is straightforward.

Members indicated agreement.

The Convener: We discussed issue 34 last time. We reached an agreement on it, but it has come back to us. The point has been brought to our attention quite correctly that last time, we talked about appointing somebody to chair a meeting if the convener missed his train, whereas it is possible that the convener might be ill or on prolonged absence and might not be able to chair a series of meetings. In such a case, we would want the committee to agree on a pro tem appointment.

Shall we accept the report on issue 34, and the recommendation on it?

Members indicated agreement.

The Convener: Issue 35 is on an anomaly in the wording of rule 5.2. Are we all agreed on the recommendation?

Members indicated agreement.

The Convener: Issue 36 was where my mind went blank.

Michael Russell: I think that the recommendation offers the right solution. The matter relates, if I remember correctly, to Phil Gallie's difficulty during the mental health emergency legislation.

The Convener: Are we all agreed?

Members indicated agreement.

The Convener: Issue 37 is on members' question time.

I see on reading the introductory paragraph that the proposal simply ensures that all questions that are not answered orally are treated in the same way, and that answers are given in writing.

Are we agreed?

Members indicated agreement.

The Convener: I now refer to the extra paper that members received, which contains new issues 38 and 39. Issue 38 refers to the handling of Scottish statutory instruments. Do you not have that paper, Iain?

Iain Smith: I do not have it.

The Convener: Could Iain Smith be given a spare paper? Have all committee members received it?

Mr Paterson: I do not have one—that is not to say that I did not receive it.

The Convener: It is probably at the bottom of a heap of mail for you, Gil.

Given that two members are looking at the document and having to absorb the whole page on issue 38, it might be best for you to give us a summary, John, then we can have a discussion.

John Patterson: Time is taken up by having a motion in Parliament on lead committees. The Parliamentary Bureau asked us to examine that point, because it thought it a rather cumbersome way of going about matters. Am I correct?

Michael Russell: Yes. On some occasions, the bureau has been rushed into including the motion, or the business motion has had to be changed through a subsequent amendment agreed by bureau members outwith the committee.

I am happy with the proposed solution, but the one thing that I request is that the bureau continue to receive notification of all matters, and that the Parliament continue to receive it. That the decision is made by the clerks except in cases of dispute is entirely sensible.

The Convener: Where there is a dispute, the matter will still have to be referred by the bureau to

the Parliament. Is that necessary?

Michael Russell: Yes.

The Convener: Cannot the bureau simply resolve that?

Michael Russell: No. There have been no such cases yet, but there easily could be some. There has almost been one. There could easily be cases in which there was a genuine difficulty in understanding or agreeing which should be the lead committee. It is right for the Parliament to make the final decision.

Such cases will occur rarely, but the Parliament has to be in a position to decide.

The Convener: I will defer to your experience on that, as you are on the bureau and I do not know the circumstances.

Michael Russell: I suppose that that was a bit “Lord James”—so it is not between your party and mine, convener.

The Convener: We do not need to judge everything on a purely political basis.

Shall we accept the recommendation on issue 38?

Members indicated agreement.

The Convener: Issue 39 is on questions, motions and amendments that relate to matters which are sub judice. Two members have only just received the report, so could John give a potted summary for us?

John Patterson: William will do that.

William Venters: This point has been raised by the legal office, for the time when the Parliament approves its new set of standing orders. The changes are intended to make sure that sub judice questions, or motions for that matter, can be rejected. The decision is whether to clarify that.

The Convener: I am sure that the legal people will interpret our favourable response to the recommendation and come up with pithy amendments to the standing orders.

Members indicated agreement.

The Convener: That concludes that item—well done.

First Meetings

The Convener: Item 3 is on chairing the first meeting of committees. Are we content to commission a paper on that weighty matter in the fullness of time? It might not be as urgent as medium-term, but we will get it straightened out and pick it up at some point.

Members indicated agreement.

Topical Questions

The Convener: Item 4 concerns the letter from the Presiding Officer. Are members content to commission a paper on the issue from the clerks—on anything that we have not attended to?

Members indicated agreement.

Conveners Liaison Group

The Convener: Item 5 is about the constitution of the conveners liaison group. There has been discussion on whether it should be an informal or formal body, but the group itself has indicated that it wishes to be formalised. That would require an amendment to the standing orders, and to deal with that efficiently and timeously, we would need to do so in terms of the second paragraph of the report.

Michael Russell: For any paper that we receive, we need to understand exactly what it would mean for the operation of the Parliament. One of my concerns, which I know has been expressed by several members of the bureau, is that there is already the Scottish Parliamentary Corporate Body and the Parliamentary Bureau. There are difficulties with that in terms of roles and responsibilities—they are being worked out. If we have a third standing group, the committee of conveners, does that add to our difficulties or does it diminish them? I would like that question to be addressed, because clarity in parliamentary business and in the Parliament's operation is what we need.

The Convener: All that will be addressed in the paper that will be submitted for further discussion at the next meeting. It would be pertinent to ensure that the decision of the conveners liaison group and its recommendations on its own status were relayed to the bureau for its consideration.

Michael Russell: They have been.

The Convener: That is fine. I hope that we will manage to smooth over the matter and determine the respective roles of the bureau and the conveners liaison group. However, that might be a triumph of hope over expectation. This committee's job will be to try to facilitate whatever is resolved.

Mid-week Activities

The Convener: Item 6 concerns the report that has already been dealt with.

That concludes today's business.

Michael Russell: We have been meeting for most of the first part of a parliamentary year, convener. Credit is due to you, John and the team

of clerks for helping us to tackle a complicated set of issues in a cheerful and occasionally hilarious way, and to do a great deal of work. I look forward to reading the recommendations on 2 November and believe that all members will thank you for the contribution that you and the team have made.

Members *indicated agreement.*

The Convener: Thank you very much. That is very kind. I thank the committee for the constructive way in which it has approached everything—almost.

Meeting closed at 11:01.

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