

PROCEDURES COMMITTEE

Tuesday 24 June 2003
(*Morning*)

Session 2

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PROCEDURES COMMITTEE

2nd Meeting 2003, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Mr Richard Baker (North East Scotland) (Lab)

*Mark Ballard (Lothians) (Green)

*Bruce Crawford (Mid Scotland and Fife) (SNP)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Mr Jamie McGrigor (Highlands and Islands) (Con)

*attended

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 24 June 2003

(Morning)

[THE CONVENER *opened the meeting at 10:30*]

The Convener (Iain Smith): We are quorate, so we will start. I have received no apologies, but Jamie McGrigor has said that he has been held up in transit and might be about half an hour late. Notwithstanding that, we will start. We might even finish before Jamie McGrigor arrives—who knows?

First Minister's Question Time

The Convener: Item 1 is about First Minister's question time, on which the clerk has produced a note. The best way to proceed is to go through the paper page by page for questions and then to open the meeting up to discussion of the questions at the end of the paper and of the recommendations that we might want to include in the draft report. Do members have questions on the paper?

Members: No.

The Convener: Good. It must be a clearly written paper. Well done, clerk.

Several questions are posed in paragraph 32 of the paper, which is headed "For Decision". I ask members to make general comments, after which we will reach decisions on those questions.

Bruce Crawford (Mid Scotland and Fife) (SNP): The paper was useful. It described well the implications of and influences and constraints on how we develop the matter. Many MSPs responded to the questionnaire. I am particularly interested in the impact on the broadcast media, on how we do business and on how we interact with schools.

On the surface, moving First Minister's question time to before lunch time on Thursdays would create concerns for broadcasters. Because of those concerns, we must approach our final recommendation carefully. If we set our proposal too much in stone, we might start to undo good things and create bad things. Only practice will tell us that, and the proof of the pudding is in the eating. That is why we need to be a wee bit cagey.

If we are to make progress, we must find the most flexible way of doing so. Apart from the issues that respondents to the questionnaire

raised, another concern is how question time will fit into the future parliamentary week. That creates as much need for flexibility as any other matter, because when we re-examine the rest of the calendar, we might consider starting at 2 o'clock on Wednesdays or having the occasional late finish on Wednesdays. If we decide now to move First Minister's question time to 12 o'clock on Thursdays, that might impact on other business.

The paper mentions the issue of debating time on a Thursday morning being eaten into. Although there have been some moves for Wednesday afternoons, Thursday morning has traditionally been the time when the Opposition has had debating time. If we are to move First Minister's question time permanently—and there is not a lot of room for flexibility—to 12 o'clock on a Thursday, that might mean that we then have to look again at the rest of the week's business. For instance, if we were to start at 2 o'clock on a Wednesday, would that offer more opportunities for Opposition debating time, which would have been cut down on Thursday mornings? We should consider that as a potential area for examination and stay flexible for the longer term, rather than setting anything in stone. We should suck it and see. That might not be a bad idea—we should see how the pudding tastes.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I agree with much of what has been said so far. Without doubt, First Minister's question time is an opportunity for the wider public to tune in and see what is happening in the Parliament, and we should take what the media, and particularly the broadcast media, say quite seriously. However, what we do should not be determined just by the BBC's broadcasting times. Prime Minister's questions have changed to an earlier slot on Thursday and I am sure that the media are still covering that.

If, after a reasonable period of time, a change proves not to be working to the Parliament's advantage, we could revisit the matter. There is clearly a consensus among the majority of members who responded to our consultation that they want to extend First Minister's questions to a 30-minute slot. That would probably allow longer debates on Thursday afternoons, as the hour-and-a-half slot then, when everybody is rushed, could be extended by at least half an hour. Change is always difficult to manage, but we should not be afraid of changing if we think that it can improve the quality of parliamentary time.

Mr Richard Baker (North East Scotland) (Lab): Extending the time for questions is good, because it is important that there should be more opportunities for back benchers to ask the First Minister questions. However, it might still be worth while considering the fairness of the amount of time that is taken by party leaders.

The argument for moving to noon is not as clear cut as I thought it was. I certainly do not think that what we do should be determined entirely by when the broadcast media want question time to be, but the viewing figures that the BBC cited for different times of day showed that the time makes a big difference. It is certainly important that school parties should have access to the public galleries at the times that are best for them, but thousands of people access the Parliament by watching it live on television—the BBC report emphasised how important live coverage is—so we should take the BBC's comments seriously.

I agree with what has been said about flexibility. It may be that we need to take a suck-it-and-see approach, but I would be interested to know how flexibility with regard to the duration of question time could impact on business later in the day. We need to be careful about that.

Mark Ballard (Lothians) (Green): There is clearly a consensus that we need a longer First Minister's question time. When I discussed the matter with my colleagues, most of whom are new to the Scottish Parliament, we found it hard to disentangle the question of moving First Minister's question time from the wider question of how business is organised for the rest of the parliamentary week, as Bruce Crawford has said. It was quite difficult to get colleagues just to answer the question that they were being given in the questionnaire rather than bringing up a much wider set of questions. However, it is important that we investigate that wider set of questions about how the week will look and how the pressures of back benchers, new parties and non-Executive time can be reconciled in a wider context. We need to investigate how First Minister's question time fits into that, rather than moving one piece of the jigsaw without thinking about all the others.

We certainly need to go with the consensus that there should be a longer time for First Minister's question time, but we should leave ourselves the flexibility that we need to consider when that longer First Minister's question time should be.

Karen Gillon (Clydesdale) (Lab): There is a clear consensus for having a longer First Minister's question time, but I am slightly concerned about the idea of a flexible time slot. Given that the broadcasters say that there is a difficulty with moving question time to 12 o'clock, if we do not even say when we intend to move it to, how will they be able to schedule programmes? We must give a clear indication of the time; we cannot simply say that First Minister's question time will normally be on a Thursday, because that could mean that it will be at 9 o'clock or some other time. People who tune in know that, as part of their day, question time will be at 10 past 3. The

time could move to 12 o'clock or 2.30, but the standing orders should give a definite time. The general public, the broadcasters and members of the Parliament need to know the time. If the time changed from week to week, that would cause havoc for everybody.

I was particularly interested in the points in the paper on supplementary questions. In the past few weeks, it has become the norm for John Swinney to get three supplementary questions, whereas, before the election, the norm was two questions, although on some occasions three supplementary questions were allowed when an issue needed to be followed up. We must consider that issue. Back benchers get only one supplementary question, no matter whether they ask question 3 or question 6, but I do not believe that back benchers' questions are less relevant than those of the party leaders. We must ensure that we get the balance right on supplementary questions. My point is not only about John Swinney; it also relates to Robin Harper, Tommy Sheridan and David McLetchie.

The standing orders must set a time at which First Minister's questions will take place so that everybody within and outwith the Parliament knows when it will happen.

Bruce Crawford: Karen Gillon is correct that we must set a time for First Minister's question time. We should agree to have it at 12 o'clock from September until the end of the year to see how it goes. That will allow us to examine how the new time fits into the rest of the parliamentary week. The issue of how First Minister's question time fits into the rest of the parliamentary week must be open to discussion—that is what I meant by flexibility in the future. We will have to suck it and see.

Karen Gillon is correct that, in the past few weeks, John Swinney has had three supplementary questions. However, I do not think that that will necessarily become common practice. Given the nature of the issues that were involved, there was more of a requirement for further supplementaries to achieve clarity than there had been previously. I am sure that members will find that, as the practice goes on, clarity will come into the process more quickly, which will mean that there will not be a requirement for three supplementary questions. It is too early to say that the practice of John Swinney having three supplementary questions is now the custom that is set in stone. The practice will change depending on the Presiding Officer's view about the importance of the questions and how much more detail needs to be extracted.

Other than moving First Minister's question time to 12 o'clock for three months to see how it fits in with the rest of the parliamentary week, I am not sure that we need to do much more, although other members might have a different view.

Cathie Craigie: We should move First Minister's question time to the 12 o'clock slot but, given that a substantial audience tunes into the present programme, we should ensure that that continues and that it applies to wider parliamentary coverage. We must ask our broadcasting unit to work with the BBC to arrange a slot to cover First Minister's question time live.

"The Politics Show" is on BBC2, between 12 o'clock and half past 12. Generally, that involves round-table discussions, although I have watched it only a few times. Perhaps First Minister's question time could get that slot for national politics—there are other shows that are broadcast nationwide with break-offs for the Scottish links. I suggest that the committee ask the BBC to work with us. We want to increase the audience that can watch question time in the Parliament, while maintaining the link with the current average television audience of 63,000.

10:45

Karen Gillon raised the matter of supplementary questions. I am not sure whether it is appropriate to discuss this now, but I would highlight the fact that it is guaranteed for the two main Opposition party leaders to get a question at First Minister's question time every week. Back benchers, on the other hand, are not guaranteed to get a question; there is no guarantee that, say, question 6 will be reached.

On several occasions, the leaders of the Scottish National Party and of the Conservatives have come up with supplementary questions on topics that are in fact covered further down the business list. Question 3 or 4 might get overtaken, as it were. We should consider including in guidance for party leaders a recommendation that their supplementary questions should not cover the questions further down the business list.

The Convener: We should bear in mind the fact that standing orders do not state when question time should be; they say only that it shall be "normally on Thursdays". We should not necessarily be putting it in tablets of stone—in standing orders—that question time and First Minister's question time shall be at a specific time. We should allow the Parliamentary Bureau some flexibility in running what will be an experiment for a few months. If it does not work, we do not want to have to make a change to standing orders in order to change the arrangements again.

Bearing in mind the fact that we will be having a wider review of questions at some point, when we might want to apply a firmer timetable, I suggest that we recommend the most flexible approach possible in this interim period. It is important that we allow the parliamentary authorities to have

proper discussions with the broadcasters about how best to handle the matter. It is not in the Procedures Committee's remit simply to say that we will have question time at 12 o'clock and that the BBC will cover it live. Some discussions with the broadcasting authorities need to take place over the summer on what suits their and the Parliament's needs.

Ultimately, we are trying to suit the public's needs and to allow the public maximum access to question time. This is not for us or for the broadcasters; it is for the general public. I hope that we will look for flexibility in any changes that we make to standing orders. Perhaps we might wish to recommend to the Parliamentary Bureau that it consider a regular time slot, instead of having one specified under standing orders. Would that meet with the committee's agreement?

Mark Ballard: I thank the convener for emphasising the fact that this is to be an experiment; we will see whether it works or not. I would go along with the proposal for the experiment as it is.

I wish to raise a point about the practice of asking broad, diary-based opening questions, which allow supplementaries on almost any topic. Being new to the Parliament, I was quite surprised at the way in which a Liberal Democrat member asked a supplementary to a diary question asked by David McLetchie, which was completely unrelated to the thrust of the supplementary questions that David McLetchie had been asking. I think that that is rather a peculiar practice, and I would like us to consider any ways in which—while not hemming off the flexibility—the initial questions could be a bit more focused, so that the general thrust of the questioning could be clear, instead of it being open to members to ask about anything to do with what is in the First Minister's diary.

The Convener: I know where you are coming from, Mark, but that is probably something for the wider review of question time rather than for this interim review of First Minister's question time. The argument can be put both ways: the other argument is that we should follow the current practice at Westminster, which is not to have initial questions followed by supplementary questions but only to have supplementaries.

We do not want to find that we have run out of supplementaries on question 6 because no one can ask one given the tight subject matter. If that were to happen, we could end up with five or 10 minutes to spare because we reached the end of question 6 too early. A balance has to be struck on the issue of specific and general questions.

Karen Gillon: I disagree fundamentally with Mark Ballard's point of view. I might want to raise

a constituency issue at First Minister's question time, as happened two weeks ago on the Transco decision, but I would not have been able to do so if Mark Ballard's suggestion had been in place. We get to ask emergency questions very seldom.

Part of the appeal of First Minister's question time is that people do not know what questions the Opposition is going to ask. Back benchers should have the same flexibility. It is wrong that party leaders do not have to lodge a specific question and that back benchers have to do so. Back benchers should be allowed the same spontaneity about what they want to ask. As Cathie Craigie rightly said, one of the Opposition leaders could have asked the back bencher's set question.

We are proposing to hold a meeting in the last week of the recess, before which we should explore the issues further with the BBC, which may be playing devil's advocate by saying that we cannot change the time when it may be possible to do so. We should ask the BBC specific questions about the problems that could be caused and what it sees as the issues.

I am reluctant to say that we will change the time as an experiment; people would get used to it only for us to change it again three months later. I understand what Bruce Crawford is saying—things should not be set in tablets of stone. Before we make a final decision, we should explore with the broadcasters over the summer whether it is realistic to get the opt-out at 12 o'clock. I do not want us to be left not making the change. If we decide to move the time to 12 o'clock, the BBC will move to 12 o'clock and find a slot for us—although I do not want to take that for granted.

The Convener: I suggest that we decide today that 12 o'clock is our preferred slot and that we allow the parliamentary authorities to investigate the matter over the summer. If they come back to us before our next meeting to tell us that 12 o'clock is not feasible, we will have to accommodate that in our recommendations. The question is whether the bureau needs to consider the change to 12 o'clock as a change to standing orders or as a committee recommendation.

Bruce Crawford: The convener's proposal meets both sets of arguments and we should continue on that basis. I do not want to reflect further on what Mark Ballard said, as we have covered the point—if we kill off spontaneity, that would kill off the Parliament. We need to create as much spontaneity as we can. If we do not, the reporters will have nothing to write about for the next day to keep people interested, never mind anything else.

I want to be sure about what the convener said about the longer term. My reason for suggesting a three-month trial period was to ensure that the

change fits into the rest of the parliamentary timetable as much as it has to fit in with the media. I am content with the convener's suggestions, as long as we recognise that we need to examine how the change would impact on everything else.

The Convener: If members turn to paragraph 32, they will find the questions that relate to the recommendations for the draft report. The first is whether to recommend an increase in the time allowed for First Minister's question time from 20 minutes to 30 minutes. I think that there is unanimous support for that recommendation.

Members indicated agreement.

The Convener: The next question is whether to allow some flexibility on duration, to be exercised by the Parliament in agreeing to a business motion. That question relates to the duration of First Minister's question time being 35 or 40 minutes on occasion.

Karen Gillon: No. I disagree fundamentally on that point. We should know how long First Minister's question time is to be. The Presiding Officer has the discretion at the moment to allow question 6 to be asked with only 10 seconds to go, with only one supplementary question being put. If we were to allow some flexibility, First Minister's question time could run on and on—when would it stop and who would decide when it should do so?

The Convener: We will agree not to agree on that recommendation at this stage. We can come back to it at a later date.

Bruce Crawford: Although I accept that outcome, if an issue of the day suddenly emerges, how can we get an emergency question on it into the slot without impacting on other members by affecting the order that has already been chosen? We need to examine how we can deal with germane questions that arise but which are not already in the business bulletin and are not raised by Opposition leaders.

Cathie Craigie: Has not a precedent been set? Did not the Presiding Officer extend question time to address a particular issue?

Bruce Crawford: That is about the Parliament accepting that question time should be extended, rather than having a permanent arrangement, but I understand where you are coming from.

Cathie Craigie: I am sure that I am right in saying that.

The Convener: There are separate standing orders for emergency questions, which we may wish to review as part of our wider review of questions and other business in the Parliament.

Bruce Crawford: Fair dinkum.

The Convener: We have to rely on the Presiding Officer's discretion to ensure that if a

member has a particular issue that needs to be raised on a particular day, the means exist for that to happen.

The third question is whether to recommend enabling First Minister's question time to be scheduled at a time other than immediately after question time. Do members agree?

Members indicated agreement.

The Convener: The fourth question is whether the rules should create a presumption as to when question time and First Minister's question time normally take place, or whether that should be left to Parliament to decide in agreeing to individual business motions. I recommend that we have flexibility and allow the Parliament to decide the business programme, but in our report we can recommend specifically that we wish to examine a particular slot. In the meantime, we can ask the parliamentary authorities to hold discussions with the broadcasters on the issues that have been raised. Do members agree?

Karen Gillon: At some point we will need to come back to that question, because there will have to be a presumption about when question time will take place. At the moment, question time is normally on Thursday, but that does not have to be the case. It could be on Wednesday. We will have to examine that.

The Convener: Yes. Are members happy with my recommendation?

Members indicated agreement.

The Convener: Do members wish to make any other recommendations at this stage, bearing in mind the fact that this is a specific and tight inquiry into a particular issue? If not, I will ask the clerks to draft the report, which will come to our meeting on 25 August.

Karen Gillon: I take it that the status quo will exist for the last question until such time as we make recommendations.

The Convener: Yes. The status quo will remain; essentially it is a matter for the Presiding Officer's discretion.

Meeting in Private

The Convener: Item 2 is a request that we hold our next meeting on 25 August in private, at which we will consider our draft report on First Minister's question time. The normal practice of committees, which is endorsed by the Conveners Group, is that draft reports should be considered in private. I recommend that we hold our next meeting in private to consider that draft report.

Members indicated agreement.

Work Programme

The Convener: Item 3 is consideration of the work programme. We should follow the procedure that we followed with the previous report, and go through the paper quickly, page by page, to see whether there are any questions for clarification. Then we will discuss the issues. Are there any questions on pages 1 to 8 of the paper?

Members: No.

The Convener: We need to consider today which inquiry to undertake as our first. We could perhaps also consider undertaking one of the smaller, more technical inquiries, which could be started in parallel. I do not want to tie the committee's hands too much at this stage by determining too much business in advance, because some future work will come out of our away day on 25 August. Therefore, it would be sensible for the committee to determine one major inquiry at this stage and perhaps to look at one or two of the more technical issues. Are there any comments?

Karen Gillon: Given what was said in our previous discussion, it would be useful to have a full inquiry into question time and First Minister's question time now. If we could agree that today, we would allow the clerks some time over the summer to work on that and to request information from members on their views so that we have something to work on when we come back from the recess. It seems entirely sensible that we do that now by tying the inquiry in with the coming changes and trying to conclude everything not too long after the summer recess.

11:00

Bruce Crawford: I agree. We should tag on to that the wider business issue that I raised about the length of our working day on Wednesdays and whether we will extend business occasionally on Wednesday nights. We should do that so that we can deal with such issues, which matter to all members. There is probably not the same spread of desire to resolve other important issues as exists over question time and what the business week will look like. It would be a useful exercise if we were to wrap those two matters together. In that way, we could start to deal with some of the issues that I raised.

The Convener: The parliamentary week is mentioned in paragraph 13D of the paper on options for future work. We can certainly cover some of those issues when we consider question time.

Bruce Crawford: The two issues are linked. If we move or extend First Minister's question time,

that will eat into the rest of the week. We must try to resolve that problem and ensure that we sort out all the issues once and for all. We should just do the work and sort them out.

The Convener: Do members agree to hold an inquiry into question time, which is option 3 in paragraph 12 of the paper, and to link it to the proposal in paragraph 13D?

Members indicated agreement.

The Convener: Although that will be a fairly major inquiry, I suggest that we also consider a couple of the more technical issues on suspension of rules and on emergency bills, which are mentioned in options 7 and 8. Those are essentially technical amendments and adjustments that may need to be made to standing orders. They would not require the level of work that a full inquiry would require, so perhaps we could consider them as a parallel piece of work.

Bruce Crawford: Why have you chosen those issues ahead of everything else?

The Convener: Only because they are relatively technical matters of tidying up the standing orders on those areas, rather than substantive matters.

Karen Gillon: I do not have a problem with that, but I would rather that we did something on the procedures for Scottish statutory instruments, because that is an issue for members. I know that there are problems with Westminster on that.

The Convener: I think that we would need to ask the Subordinate Legislation Committee to provide some ideas before we pick the issue up. There is no harm in starting the process by asking the Subordinate Legislation Committee to examine the issues and give us proposals. However, we probably ought to ask that committee in the first instance rather than initiate an inquiry. I am happy for that to be undertaken, as we will obviously need something to take on once we have the question time inquiry out the way.

Bruce Crawford: From what I hear in my party—I am not sure whether this is true for every party—an issue that certainly seems to concern back benchers is how we deal with non-Executive bills, how we prioritise them and what resources are available for them. That issue is hanging around—it has been for some time. It is a running sore, but we could sort it quickly. I believe in getting the easy stuff out of the way quickly so that we make some early gains, which starts to give the process some credibility. It would be useful to consider that matter early on as well.

The Convener: I would certainly like that work to be done within the first year of the session. The pressure of non-Executive bills on the non-Executive bills unit and on parliamentary time could be quite a problem by the second year of the session.

Are there any other comments? Are we happy with those recommendations and to go through those issues in that order? [*Interruption.*] Jamie McGrigor has arrived just in time for the end of the meeting. We are considering the work programme, Jamie—unless you have any specific points on anything else.

The suggestion is that our first major inquiry should be option 3, which is consideration of questioning procedures in the Parliament, and that we should link that to an inquiry into the review of the parliamentary week. We could ask the Subordinate Legislation Committee to consider the issues connected with subordinate legislation and to make recommendations to us on the changes that need to be made. We could also carry out a secondary or parallel inquiry into the suspension of rules, which is option 7, and the more technical matter of the rule on emergency bills, which is option 8.

Bruce Crawford: Option 2 is an inquiry into Sewel motions. Could not the Parliamentary Bureau have a look at how it deals with Sewel motions? I have been business manager only for a short time, but it seems to me that the current process is rather piecemeal. If the bureau could consider the matter over the summer—obviously, it will take a bit longer before we can deal with the issue—it could perhaps come up with a rationale for how we deal with Sewel motions. We need a more considered decision-making framework than the current piecemeal process. At the moment, some Sewel motions go to committees, but some do not; some are discussed on the floor of the chamber, but some are not. Having dealt with a few Sewel motions, I think that it would be useful if the bureau could begin that work before we do.

The Convener: We could certainly refer the issue to the bureau and see what it says. It will be up to the bureau to decide whether it wishes to do anything about it.

I thank members for attending and remind them that our next meeting is scheduled for Monday 25 August at 11 o'clock. That meeting will be followed by the away day, which will take place somewhere in Edinburgh. Details will be issued as early as possible during the summer. If members have any thoughts on the issues that we should consider during our away day, they should let the clerk know within the next week or so to allow them to be incorporated in the draft programme.

At the moment, we think that the main item of business will be consideration of the report on the founding principles. We may also consider the issue that Mark Ballard raised at our previous meeting about the different responsibilities of the Procedures Committee, the Presiding Officers, the Scottish Parliamentary Corporate Body, the Conveners Group and the Parliamentary Bureau.

A session on that might help us all by clarifying our respective roles. If anyone has any other suggestions, please let us know.

Meeting closed at 11:07.

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