

PROCEDURES COMMITTEE

Tuesday 22 November 2005

Session 2

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PROCEDURES COMMITTEE

14th Meeting 2005, Session 2

CONVENER

*Donald Gorrie (Central Scotland) (LD)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)

*Chris Ballance (South of Scotland) (Green)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Alex Johnstone (North East Scotland) (Con)

*Mr Bruce McFee (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Murdo Fraser (Mid Scotland and Fife) (Con)

Robin Harper (Lothians) (Green)

Tricia Marwick (Mid Scotland and Fife) (SNP)

Irene Oldfather (Cunninghame South) (Lab)

*attended

THE FOLLOWING ALSO ATTENDED:

Elsbeth MacDonald (Scottish Parliament Directorate of Legal Services)

THE FOLLOWING GAVE EVIDENCE:

Bill Aitken (Glasgow) (Con)

Mark Ballard (Lothians) (Green)

Carolyn Leckie (Central Scotland) (SSP)

Margo MacDonald (Lothians) (Ind)

Michael McMahon (Hamilton North and Bellshill) (Lab)

Alasdair Morgan (South of Scotland) (SNP)

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Jane McEwan

ASSISTANT CLERK

Jonathan Elliott

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 22 November 2005

[THE CONVENER *opened the meeting at 10:17*]

Items in Private

The Convener (Donald Gorrie): We have one piece of housekeeping before we welcome our colleagues from the Parliament and have a good discussion with them. At the next two meetings, the committee is likely to discuss draft reports and draft changes to the standing orders, which is usually done in private. Do members agree to discuss those items in private?

Members *indicated agreement.*

The Convener: I gather that our colleague Alex Johnstone injured himself quite badly in the canteen—it seems to have been a recurrence of an old rugby football injury. He stretched and did himself some damage. I am sure that we all send him our best wishes.

Parliamentary Time

10:19

The Convener: Today, we have the second of our round-table discussions on parliamentary time. A fortnight ago, we had with us some of the great and good from outwith the Parliament and now we have with us some of the great and good from within the Parliament. I welcome Bill Aitken, Mark Ballard, Carolyn Leckie, Alasdair Morgan, Margo MacDonald, Michael McMahon and Jeremy Purvis. We have one member from each party but, although they may, if they wish, say that their party agrees with point X, they are here to give their personal opinion as knowledgeable individuals; therefore, they will not commit their party to any personal opinions that they give.

The committee has been examining the use of parliamentary time since before I was chosen as convener. Today's meeting is part of that study. Our visiting members were sent a crib sheet with some questions that the committee is trying to address. We will try to cover those issues, but members may raise other issues that they think are relevant to the Parliament's use of time. To start, I invite each member to set out in one or two minutes the main points that he or she would like to make. We will go alphabetically, so we will start with Bill Aitken.

Bill Aitken (Glasgow) (Con): I welcome the opportunity to address the committee and to contribute to the discussion of something that all of us regard as a problem. It is easy to criticise the status quo, but it is not so easy to come up with a formula that would improve matters significantly. As we consider the way in which we operate, every solution seems to have a problem attached to it. However, several issues seem to arise time and again that frustrate members, can cause frayed tempers and, to my mind, do not present the best possible image of the Parliament.

The first issue that we must consider is the present system's rigidity and lack of flexibility in dealing with issues that arise from time to time. Secondly—although this may not fall specifically under the remit of the inquiry—we must consider how we handle legislation, particularly stage 3 of bills. I suggest that we consider the sitting hours with a degree of flexibility that has been absent until now. Of course, nobody wants to sit until 11 or 12 o'clock at night, but there can be no doubt about the irritation and disappointment that members feel time and again when interesting debates in which they feel they should have the opportunity to speak are curtailed.

I accept that the Executive must get its legislation through and I acknowledge the

pressures that are on it to do so. However, the Executive must accept that the time is the Parliament's, not the Executive's. We need thinking that is geared towards making the system much more user friendly for MSPs. To be frank, I do not see much merit in changing the format of sittings, for example, by having a week of plenary business followed by a week of committee business. I am willing to be persuaded on that suggestion, but my initial reaction is that it is not likely to improve matters significantly.

As the convener asked for a brief address, I will confine my comments to that in the meantime. The exercise is well worth while. I am prepared to be flexible if workable suggestions are made that are likely to lead to an improvement.

Mark Ballard (Lothians) (Green): Before the meeting, I was welcomed back by members who remembered my time on the committee. They threatened to invite me back if I showed any particular aptitude, which was nice of them.

The danger in tinkering with the parliamentary timetable is that, although minor changes might have marginal benefit, they would serve to confuse and undermine the increasing understanding within civic Scotland of the way in which the parliamentary week works. If we started with a clean slate, it might be possible to design a better system than the one that we have now. However, we are starting with a situation in which people are becoming increasingly used to there being committees on Tuesdays and Wednesday mornings, plenary sessions on Wednesday afternoons and Thursdays and a Parliament that starts shortly after 9 am and finishes shortly before 6 pm. I would be loth to disrupt that, because that would be seen as tinkering and it would not enhance the understanding of how the Parliament works.

It would be worth considering what we do with parliamentary time within the existing timetable. Some of the correspondence and evidence that the committee has received shows that there is a lot of interest in giving the debates for which the motion has cross-party support a higher profile. Committee debates and members' business debates, in particular, can be some of the most interesting and important debates that we have and we should think about how we can give them greater prominence. For example, we could give members' business debates a higher profile in the timetable and committee debates could get more time.

Over the past few years, the Executive has had a number of subject debates. Although such debates are an admirable idea, it seems that they have not been as effective as people would have liked. I want committees to have a role in working with the Executive to promote and prepare for

subject debates, as that would help to make them livelier and more effective.

I am quite concerned about the proposals to hold committee meetings at the same time as plenary meetings or even to have multiple plenary meetings. That would cause severe problems for a small party such as the Green party, which has a limited number of members. We would be stretched if we had to send members to a plenary meeting and a committee meeting that were taking place at the same time or to two simultaneous plenary sessions. I can imagine that that would also create problems for members who sit on more than one committee. I would be dubious about any move to have committee meetings at the same time as plenary meetings, except in exceptional circumstances, because of the limited number of MSPs relative to the number of MPs at Westminster, where Westminster Hall is used for additional debates, and because that would undermine the importance of the committee structure.

I will conclude there. I thank the committee for inviting me as a representative of the Scottish Green Party group.

Carolyn Leckie (Central Scotland) (SSP): I thank the committee very much for inviting me to speak. There are several concerns that I want to raise, although I appreciate that there are no easy answers. However, I believe that the Parliament should be flexible and open to change, and should not fear change if it is required.

It is obvious that the management of stage 3 proceedings needs to be reviewed and improved. One idea would be for there to be a presumption in favour of having a full day for stage 3 proceedings. In the event that not many amendments were lodged, those proceedings could be curtailed and other debates could fill in. That would safeguard the stage 3 process. Further investigation of how the process could be improved might be necessary, but a presumption in favour of having a full day for stage 3 proceedings would help in the meantime, especially in light of what happened during the stage 3 consideration of amendments to the Licensing (Scotland) Bill, which was a debacle.

In principle, the smaller parties—and, I imagine, independent members and back benchers—want any debate to be free flowing and to be less subject to the control of party whips. Our party does not operate a whip system and, as a small party, it is unlikely that we would get more than one speaker in a debate, unless we had been successful in having an amendment selected, in which case we would be allowed a speaker to sum up.

That brings me to my next point. The fact that time is automatically afforded to the main parties for introductory and summing-up speeches, regardless of whether they have had a motion or an amendment selected, has the effect of allowing fewer back-bench and independent members to speak. Such an arrangement is a wee bit over the top and, with a bit of co-operation, it could be curtailed to make the Parliament more inclusive and more reflective of its plurality. I am not arguing that small parties should automatically get opening and summing-up speeches, because I do not think that that is the answer, but the small parties are the only parties that do not have that right at the moment. Following the practice at trade union conferences, for example, by allowing only people who move motions or amendments to get opening and summing-up speeches would probably make more sense.

10:30

I noticed that Mr Carnegie mentioned in his evidence his disappointment

"at the general level of attendance at many Parliamentary debates."

The Parliament has a job to do in explaining what MSPs do, that they are not generally skiving when they are not in the chamber, that much work needs to be done elsewhere and that it would not be a good use of their time to sit in on a debate in which they will not speak when they could be getting through a lot of work outside the chamber—although being in the chamber is sometimes an escape and provides a bit of relaxing time. A public relations exercise needs to be conducted.

I agree that tinkering around the edges can sometimes have monumental effects. For example, I do not think that the new question time slot has worked well. Any changes need to be well thought through and balanced according to everybody's opinions. Changing sitting times, and moving to evening sitting times in particular, should be avoided. The hours are as family friendly as any Parliament could possibly make them, although it is a lie to say that the Parliament is family friendly—being an MSP or a member of staff in this Parliament takes its toll on people's families. Making that worse is not a solution.

There is a contrast between occasions when there is not enough time to discuss really important issues and we seem to rush through business—perhaps an important stage 3 debate in which people have only one minute to contribute—and other times, when whole afternoons are set aside for subject debates or matters that have been debated many times before in the same session. Such debates strike people as being filler debates. Such use of time is in the hands of the

Executive because Opposition parties tend to use their time to debate contemporary, normally contentious issues. That dichotomy needs to be challenged and managed.

Alasdair Morgan (South of Scotland) (SNP): I echo what was said at the beginning: it is difficult for us to speak on behalf of our groups because, certainly in the Scottish National Party group, there is no unanimity on most issues of parliamentary time, and I suspect that we are no different from any other party group.

One point on which there is great unanimity is the lack of time for members' speeches, both in length and number. Even the six-minute allocation, which is a welcome improvement on the previous four minutes, is often cut down, particularly towards the end of a debate, or speakers are cut out altogether. That is particularly true during stage 3 debates as well as in members' business debates, which are also restricted. That affects not only members' contributions, but the level of debate, because it is far less likely that people will take interventions, so there is no toing and froing between members. Other members have alluded to the fact that, unfortunately, the solution to the problem does not command such unanimity. However, it must involve more chamber time; it is just a matter of when more chamber time can be slotted into the week.

Another argument is that we have a magnificent and expensive new chamber that, it seems to people, we do not use enough to justify its existence.

As I said, the solution is not easy. We all know that an MSP's job is not simply to do committee and chamber work and that there is also a constituency element, but we do not have the balance right between the two at the moment.

Margo MacDonald (Lothians) (Ind): I echo Alasdair Morgan in calling for more chamber time. Part of the Parliament's job is to re-engage with electors, and electors see us in the chamber. Some people might think that that is spin and PR, but I believe that it is absolutely fundamental. We talked about that in yesterday's conference in the chamber, which was all about legislatures reconnecting with their electorates, which are deciding not to vote in any great number.

I hesitate to say this—as a representative of the local area, I find it easy to mix representing my constituents with other parliamentary work, as I can happily do both on any day, even if the chamber is sitting—but I wonder whether we need two constituency days. Perhaps some flexibility could be built in and the Parliament could meet on Mondays or committees could meet on Mondays to allow a full day of chamber business on Wednesdays.

We need more chamber time in general, both to allow flexibility and to improve the quality of our debates. I appreciate that an attempt has been made to allow slightly longer speeches, but the members who sit up the back, where Carolyn Leckie and I sit, always get a letter from the Presiding Officer—nicely written, admittedly—asking whether we mind being given only two minutes. The topic might be one on which Carolyn Leckie, as a former medical professional, could bring to the debate points drawn from her experience that arguably would be more pertinent than anything that the party speakers who are chosen to fill up the space might say. I, too, might have something to say, drawn from my wide experience of life. However, there is complete inflexibility on the issue. For members, the further down the feeding chain they are, the less time they get to take advantage of six-minute speeches.

We do not have enough time to discuss any big topics. It is ridiculous and ludicrous to say, “Should the police be armed?—Discuss. You have one minute.” It is no wonder that people think that we should not be allowed to run a sweetie shop. I would like debates to be categorised in some way. For big, important debates, we should have longer speeches with big, important words. For wee tiddly debates, we could have shorter speeches and shorter words. [*Interruption.*] That mobile phone might be mine, but I do not think so.

On oral questions, our whole parliamentary legitimacy would appear to rest on 13 minutes of backbiting every week. That is all that the public see, as the news media have decided that First Minister's question time is the most interesting item that should be shown on news bulletins. I believe that it is a waste of time. We have formatted it to remove all legitimacy and relevance. Nothing is ever disclosed that one of us could not have said beforehand. Nicola asks too long a question, which encourages Jack to give too long an answer, and whoever follows on behind does not then get enough time to develop any thoughts. I genuinely believe that Westminster does questions a lot better than we do.

At Westminster, questions are put in the hat, so the choice of question is not left to the chair. I cast absolutely no aspersions on George Reid or his deputies, but the Presiding Officer is pulled into the political arena by being required to choose between questions. The Presiding Officer helps to set an agenda by the questions that he chooses to allow to be discussed. I would like that to be examined a bit more. I am prepared to take my chances, as are the eclectic bunch of people whom I am happy to work alongside. We definitely agree that there should be no d'Hondting of questions and that the choice of subject matter for

questions should not happen in the way that happens at present.

Flexibility for stage 3 debates would help. Last week's proceedings on the Licensing (Scotland) Bill showed that we need the Presiding Officer to be able to say that an amendment is not good enough and will not be selected until it accords with the Parliament's standing orders. It also showed that we need MSPs who do not get too excited when they are required to change their minds at the last minute.

On members' business debates—as I have suggested and will continue to suggest until I am blue in the face—I would prefer that such debates were not in the gift of the whips but were allocated by a lottery. I would like to see an experiment, even for just one of the nights on which members' business debates take place, involving names being drawn out of a hat. That might encourage many more people to take members' debates more seriously. Sometimes there are excellent members' debates, roughly equivalent to those that take place in the House of Lords. Such debates are greatly to be encouraged.

Michael McMahon (Hamilton North and Bellshill) (Lab): I concur with colleagues who have already spoken. The Labour group has not taken much time to consider and discuss the issues that are before the Procedures Committee. We are interested in and welcome the debate, but we have not arrived at what could be regarded as a group position. Anything that I say is gleaned from discussions that I have had with my colleagues before coming to this morning's meeting.

Although we do not regard the status quo as ideal, in the Labour group there is no great desire or momentum for significant change. Any ideas for change that have been proposed would not necessarily improve the current situation. Our defence of the status quo is based on the fact that we cannot think of anything that would make the situation better.

A few points have been made about the recognition of proportionality. I know that that issue primarily affects the smaller groups, but it has been pointed out to me that the Labour group, with 37 back benchers, is the biggest group even after Executive ministers have been discounted and that we do not get a proportionate amount of time in debates. Although the issue appears to affect the smaller parties more, it actually affects Labour back benchers. When a Labour minister speaks in a debate, we do not have the opportunity to have a back-bench representative lead in that debate. The issue does not concern us a great deal—I am not just trying to create an effect—but it has been raised with me and it is worth my highlighting it.

The point has been made strongly to me that timetabling needs to be improved to assist the conduct of debates and to make them better. We ask that motions be lodged at least two weeks before a debate is held. We know well in advance to whom parliamentary time has been allocated, and it is not beyond the wit of those who will lead in debates to lodge motions well in advance. That would give the other parties far more time to lodge amendments and would give all those who intend to participate in the debate much longer to prepare, which might improve quality. It does not satisfy us that often when preparing for a debate we do not know what the Opposition amendments will be until late the previous evening. That cannot be conducive to allowing a good standard of debate on a subject. There must be an improvement in the notice that is given of subjects, motions and amendments for debate. That would help not only in general debates but at stages 2 and 3 of the legislative process.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I am sure that members would like me to say that everything has been said already. It has, but I have three points to add.

First, we must reconsider our role as legislators. We have discussed the lack of flexibility at stage 3. Last Thursday, we were in the difficult position of extending the debating time for one group of amendments, which meant that there was no possibility of extension for any later group. That is a particular problem in the stage 3 process. The Parliament is a debating chamber for Scotland, and we should allow debates to take place. By and large, we do not have debates; we have presentations from parties. Notwithstanding the quality of the individuals who take part, by and large they present a pre-agreed text or position. At times, it is nigh impossible for members to intervene or to take interventions, because of the time limits. Alasdair Morgan made that point clearly. We need to allow debate—even in Executive and Opposition time. Members' business debates allow debate in the chamber, but they are not sufficient.

The Mondays and Fridays that we spend in our regions and constituencies are part of our links with civic society. I value hugely the fact that our constituents do not have to come to the Parliament to follow our work. Colleagues mentioned the filler Executive debates, and they have a point. In the past year, we have had three debates on beaches in Scotland. Beaches are important, but I do not have any in my constituency, other than on St Mary's loch.

One problem that arises from the fact that the Parliament's timetabling is, by and large, reactive to the Executive's legislative programme and to its timetabling for the introduction of bills is that we

have a quiet first part of the year and then get extremely busy towards the end, when we run through bills. Parliament can do nothing about that other than to have flexibility in its approach. I am not mandated to make comments on behalf of my group, but I would like to see the sitting day extended. I would like to see much more flexibility on speaking times across the board to allow parties to have their time protected. Michael McMahon made a good point: no back-bench Liberal Democrat member will be able to make a speech during a transport debate because the minister who opens and closes the debate is a Liberal Democrat. Many may think that that is good; others may think that it is bad. However, it shows that it is not only the very small parties that must have their interests protected.

I like the idea of a presumption for a full day for stage 3. The convener has been working on that for quite a while.

Finally, I return to the fact that we do not really have debates, although they take place in a debating chamber.

10:45

The Convener: Thank you; that was very helpful. We will go through the questions on the crib sheet to get proper responses to them, and then spread out into other issues.

There are three questions about sitting pattern and four about the allocation of time. I hope that members have all seen the sheet. Does anyone who has not yet spoken have a view on having different sitting patterns at different times of the year? We could have a committee month and a chamber month, or we could have more chamber activity in the summer, when the Executive is pushing bills through. One problem is that the Executive has not noticed that it does not have to push bills through before the summer recess. We are not Westminster; we can resume consideration of bills in the autumn. That has, however, hitherto evaded the Executive's attention.

Would anyone like us to vary our sitting pattern at different times of the year?

Margo MacDonald: I would not necessarily like to do that at different times of the year, but the business managers in the Parliamentary Bureau can usually tell whether business is slack or piling up. If it is obvious that there will be a logjam, we should build in the flexibility to be able to have an extra chamber day. We have done something similar before, but we are terribly cautious about it.

Mr Bruce McFee (West of Scotland) (SNP): I suggest that we are considering the questions the wrong way round. Surely, before we look at sitting

patterns, we should examine the allocation of and requirement for time and, perhaps, where we can gain. If all the suggestions are agreed to, the number of sitting days will have to change. It is more difficult to decide on the allocation of time, but I suggest that until we have teased that out, it is pointless to talk about the sitting pattern. We seem to be saying that we do not want to change the sitting pattern, in which case all we are left with is rearranging the deck chairs within the allocation of time. I do not know whether that will be a satisfactory outcome. The two questions should be reversed.

The Convener: I take your point. We will allow members another kick at that ball when they have kicked the others. Question 2 is related to that. Many people have expressed the view that plenary time is too rigid. There are three half-day slots, and either we have to squeeze a big debate into a slot that is too small, or we have to spread out a wee debate to fill a slot. Neither is satisfactory. How could we be more flexible, while perhaps retaining the overall time allowed?

Margo MacDonald: That is what I was trying to get at when I suggested different categories of debate. Some issues are more deserving of time for reasons of public interest, complexity and their relationship to other policy areas. However, some issues can be disposed of with only two or three speeches. We are locked into a system in which a debate must last for a certain amount of time, but it is the subject that we are debating that should determine the length of the meeting.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): We are not locked into that system—it is up to the business managers, who discuss timetabling. This week, for example, this committee has two debates on Wednesday afternoon; it is anticipated that there will not be loads of people clamouring to speak in Procedures Committee debates, so they will be short. On Thursday, we are debating a big bill: the Housing (Scotland) Bill. Although the debate will be interrupted by question time, we have been given the opportunity to spend the whole day on it. The standing orders allow the business managers to do that. However, the question to which we want an answer is whether the standing orders are used flexibly enough. Is their use meeting the needs of members? Almost everybody who has spoken this morning has said that we need more time for members' business debates. At the outset, when the committee set the scope of the inquiry, we said that we would be considering the parliamentary week from 9 o'clock on a Tuesday morning until 5 o'clock or 6 o'clock on a Thursday evening. Margo MacDonald is introducing a separate issue when she asks whether we need our two constituency days.

In order to produce our report, rather than all of us just sitting here saying that we need more time, we must be armed with suggestions about how we should proceed. If we can, we should be part of the mechanism that finds that time.

Jeremy Purvis: We must consider the length of the day. Carolyn Leckie neatly summed up the difficulties for us all in trying to balance what is effectively an un-family-friendly job with an attempt to be family friendly. It is not easy, but we must consider extending the parliamentary day. I hope that the committee will do that.

I have a question, which the clerks will probably be able to answer quickly. Not all committees meet weekly. Could that allow committee meetings to be arranged in such a way that, every second or third week, no meetings fell on Wednesday mornings, thus opening up an additional Wednesday morning for the Parliament to meet? I do not know whether that is feasible or desirable.

Also, is it within the inquiry's remit to send a message about the short debates that are often allocated for Opposition time? I do not mean that provocatively. I understand why Opposition parties want to use the Parliament as a platform—that is part of the Parliament's role—but those debates are utterly useless for the purposes of proper debate. They are only a vehicle that provides back-up for party positions. To have an hour-long debate or two short debates in the chamber on a Thursday morning is utterly useless. In my view, that is an embarrassment.

Karen Gillon (Clydesdale) (Lab): I put on record my fundamental opposition to evening meetings. I came into Parliament with a clear understanding of the hours that the Parliament works. It would be impossible for me, as someone who has two young children, to work regularly during evenings. There is flexibility in the Parliament's procedures to allow evening meetings, if they are necessary. If that is the case and adequate notice is given, people can make arrangements.

Politicians will talk for as long as is necessary to fill a space. I am yet to be convinced that there is a need for us to move to a regular finish at 7 o'clock, simply to enable us to talk for longer. Nine times out of 10, we have set-piece debates in the chamber in which everyone has, and votes according to, an agreed position. Members can say that their party does or does not have whips, but at the end of the day we all have agreed positions. We were elected on manifestos, and we are here to take them forward. If someone could convince me that there was a fundamental need for us to move to a regular 7 o'clock finish and that that would enhance the procedures of the Parliament, I would be prepared to consider the idea.

We all vote every week for the business motion. At stage 3 of every bill, we all vote for the timetabling motion. The power to change those things is in our hands, because we vote for what is put in place. It is not a procedural fix—it is a political fix. The procedures are in place to allow flexibility. The question that must be asked of us if the procedures are not working is why they are not working. The reason is that none of us is prepared to propose an alternative timetable for stage 3 of a bill. On Wednesday morning last week, it was patently obvious to me that the timetable for debate was inadequate, but I was not prepared to lodge an alternative timetabling motion. No member from any other party did so, either. Why are we not taking the opportunities that are available to us regularly to lodge motions and to expose the difficulties that exist, so that somewhere along the line business managers will take notice?

Margo MacDonald: That is a valid point; we have all fallen into a bad habit. It is like brushing your teeth—you never do it differently once you have started.

The Convener: On Tuesday, the Deputy Presiding Officer told me that I could not alter the timetable. I challenged that at the start of the stage 3 process and was told that we had to adjust it as we went along. The position is slightly more complicated than Karen Gillon suggests. However, I will not indulge in a private debate.

Jeremy Purvis asked about the possibility of shifting committee meetings. Does Andrew Mylne have a view on that?

Andrew Mylne (Clerk): At the moment, the timetabling of committee meetings is organised within the committee office on an administrative basis. It is a complicated process, because each committee says how often it wants to meet and the people who do the job know how many members are on other committees and have other commitments. Working out a schedule of meetings that accommodates all the commitments, within the available number of committee rooms and the available slots, is pretty complicated. With sufficient notice and some flexibility from committees about meeting fortnightly, for example, it might be possible to allow every second Wednesday morning to be kept free. I cannot say whether it is possible, but it could be considered. It would be quite a challenge.

Jeremy Purvis: I asked the question because, if we knew how many Opposition debates there were to be over a year and we wanted to extend the time for those, Wednesday mornings could be considered as an additional slot for Opposition time. Opposition debates are good—the Executive has the same opportunity as the Opposition to put across its views. If, at the beginning of the year,

we knew how much time the Opposition required, it might be possible for us to have a presumption of all-day stage 3 debates on Thursdays, especially if we knew that that would be necessary towards the end of the year.

11:00

Carolyn Leckie: My points flow from Karen Gillon's comments. I am sure that the committee understands procedures and the standing orders better than I do. The committee's job is to work out what the problems are and why they exist. However, I am not sure whether the problems exist because of the existing procedures and standing orders or because of the way that they operate and the culture that prevails. As somebody who has opposed business motions on occasion, I know that it does not go down very well. I am not aware of any cases in which a member has opposed a business motion and all other members have thought, "Maybe that is a more sensible way of doing things, so we'll change it." Unfortunately, that is the prevailing culture. It is difficult for the limited number of people who attend the Parliamentary Bureau to anticipate every event, because they are not experts in all the subject areas that arise and they do not and could not possibly know about the complexities of all the bills that are going through Parliament. We need a space to allow members who do not attend the bureau to influence the agenda.

On Opposition time, we as a small party know that the Scottish Socialist Party will be allocated only two mornings in a parliamentary year for our non-Executive business and only two members' business debates in a whole year which, in proportional terms, is fewer than we would be entitled to if the d'Hondt system was applied. I agree that it would be better to have more Opposition time so that we could have more extensive debates on one subject, rather than debating two subjects in one morning, which is not ideal. However, a small party that gets only two mornings a year for debates and which has many political issues that it wants on the agenda but which no other party is putting on the agenda is in an impossible situation. I do not know how a change to that could be reconciled with balancing everybody's time—I understand that the issue is difficult.

As far as I know, the standing orders allow the Parliament to sit Monday to Friday, if it chooses to do so. The timetable has been altered at the beginning of new parliamentary terms for bill-stage or political reasons, but it could be done for what I consider to be more important reasons; for example, to allow time to debate the Terrorism Bill that is going through Westminster. The fact that we are beholden to Westminster on the timetable

also affects our ability to debate issues properly. I know that that relates to the Procedures Committee debate on Sewel motions that we will have tomorrow, but the issue has an impact.

I am not opposed to flexibility in the parliamentary week but, like Karen Gillon, I am opposed to any move to have evening sittings in circumstances that are other than exceptional. We need to hang on to the few concessions that there are to women who work in the Parliament.

Alasdair Morgan: One of the fundamental issues that the committee must consider is whether, after allowing for the inevitable peaks and troughs and taking into consideration both chamber and committee work, enough parliamentary time is available using the current pattern. If the committee decides that, by and large, enough parliamentary time is available, the issues are not so important because flexibility is available. Tomorrow afternoon there will, as well as the two debates to which Cathie Craigie referred, also be a statement because there is time to fit in all three. That is not a problem; it is flexible use of time. However, if the committee agrees—as I and others said in our opening remarks—that not enough parliamentary time is available, you will have to decide where the extra time will come from.

People have different perspectives on family-friendly hours—or whatever we call them—depending on where they are from. For somebody from Caithness, family friendly might mean coming down on a Tuesday morning and working until 8 or 9 every night and getting back on a Thursday night. For somebody who lives just down the road, it might mean coming here Monday to Thursday, but getting away at 4 o'clock. Unfortunately, family friendly means different things to different families, so there is no easy solution.

However, we need a meeting of the Parliament on Tuesdays. That would help to hold the Executive to account because the chamber is where that happens. After we finish on a Thursday night, the next opportunity that we have to hold the Executive to account is at 2 o'clock on a Wednesday. That leaves far too big a gap.

We should also move committee meetings to Mondays more regularly. Monday and Friday are meant for constituency work, but what happened to Saturday? Being an MSP is not a normal job and, as we all know, it does not stop at 5 o'clock on a Friday. We have to look at Saturday being a constituency day too.

Margo MacDonald: We hate you.

Michael McMahon: As someone who holds a surgery every Saturday, I disagree totally with Alasdair Morgan about using up weekends when we can already use them as we see fit.

I could have added in my initial statement that not only do Labour back benchers make up the biggest group in the Parliament, we have the most constituency members. Perhaps that is why I take a different view from Alasdair Morgan about the use of constituency days. Nothing animates the Labour group more than the prospect of losing constituency days, which are almost sacrosanct in what we consider to be the working week. Recently, the days of committee meetings were changed to allow an event to take place in the debating chamber. That took away the Monday, which most constituency members consider to be a working day, and it probably got the Labour group more concerned about timetabling than it has been at any other time.

From time to time, we reluctantly agree to extensions to the parliamentary working day to allow more debating time, but I concur with Karen Gillon that it was not on that basis that we entered this place. The idea was that we would be family friendly, which means keeping to a regular working pattern as much as possible. We do not say that there cannot be some flexibility, but if we start to lose constituency days, that will go beyond what the Labour group considers to be acceptable. We have to be careful about that.

Bill Aitken: Thus far in the discussion, I have been surprised that although there are differences in emphasis, many frustrations are shared.

I assure members that timetabling is an inexact science and that it is sometimes impossible to get it right. Although one can sort out and adjust groupings of amendments, at the same time, one will run up against a brick wall because the debate has to finish just before 5 o'clock, unless there has been some prior agreement to extend it.

It is clear that the vast majority of problems relate to stage 3 debates. I well understand why members do not wish to dilute the principle of having a family-friendly Parliament. However, for the majority of members who have distances to travel, how family friendly the Parliament can be is questionable. I certainly do not suggest for one moment that we should sit every Wednesday until 8 or 9 o'clock.

However, when a stage 3 debate is likely to be controversial and time consuming, I am attracted by the idea of sitting until consideration is finished. That might be another demonstration of the inexact science of timetabling; the whole thing could go belly-up mid-afternoon. If that happened, we could all just go home or back to our offices. However, it would remove the frustration that is felt by the majority of members that they do not get a reasonable kick at the ball in stage 3 debates. I fully concede that that is particularly the case for the smaller parties.

I think that Michael McMahon mentioned advance notice of party debates. That is a problem because I know that I and other business managers do everything possible to give as much notice as possible of the general topic of a debate, although the motion might not be forthcoming until the start of the week in which the debate is held.

From our perspective, we have to have the degree of topicality in hand. We could say, "In two weeks' time, we are going to debate health", but in the meantime a major law and order issue might arise. It would not be fair for Opposition parties to have to give too much notice, although it is a matter of courtesy that we should give as much as possible. I fully accept that, and it is the general practice.

As the convener knows better than I, there is a facility in an emergency for committees to sit simultaneously with the chamber. However, to my certain knowledge, that has happened on only one or two occasions. If there is a shortage of time, that is something that we have to look at. What I say may be of some comfort to Mark Ballard—as I recognise that the smaller parties would have a problem with simultaneous sittings—but an arrangement could be arrived at so that chamber business was not of the type that was being discussed by whatever committee was sitting simultaneously with the chamber. With a bit of good will on all sides, there is a way round the problem.

The longer the discussion goes on, the more I recognise the difficulty and complexity of trying to change things. We all realise that there are unsatisfactory situations; however, none of us is totally certain about how to change them for the better. Perhaps, given more time for thought, we can arrive at ways in which we can improve matters, but it is very difficult.

The Convener: If anyone has views on Bill's point about committees meeting at the same time as the chamber, they could introduce them into their remarks. He was the first person to express support for that idea, although others have expressed opposition to it.

Margo MacDonald: Flexibility is the key word with regard to committees meeting at the same time as the chamber. Theoretically, the committees are meant to be part of the checks and balances mechanism in a unicameral body. There is no cut-and-dried case for saying that they should always meet as a matter of course; neither is there a cut-and-dried case for saying that they should never meet. Just as some of the debates in the chamber are repetitious, some of the work done in the committees might be too.

On notice of debates, can we go back a step to address the value of Opposition debates?

Someone—I apologise for not remembering who—said earlier that it was futile to have two pathetic debates and whip three unwilling people into the chamber to listen to them. Nothing good ever comes from Opposition debates, and therefore I question their value. I know that people feel that they have to get their point of view on the record, but who for? For the anoraks who read the internet report of proceedings? It is certainly not for the general public. They find out the news through the mass media and Opposition debates are never covered. Look in the gallery: there is never a correspondent there. The correspondents do not watch Opposition debates on their televisions either, because nothing ever pops up about them the next day.

I question the value of the style of our Opposition debates. I do not speak just from the bitter experience of the one independence debate that the Parliament held. We tried to have a different style of debate that gave everybody the chance to state what they thought to be the most important item on the agenda. Right up until the last minute, we thought that we had managed to equalise things so that the content of the speeches would be the important thing; it would not matter which party one was in and it would not matter about d'Hondt. Right up until the last gasp, it looked as though everybody was going to get seven or eight minutes each, I forget which. Then nerves cracked and we were all d'Hondted. That meant that Fergus Ewing could not get talking. Some people thought that that was a tragedy; others did not. It was the principle that mattered: we had tried to introduce something different, only for nerves to crack at the last minute.

We need to look at some of the sacred cows that are already tethered after only six years. I hate to say this, because I very much appreciate the fact that Karen Gillon has the boys there and all the rest of it. I am not trying to be nice to her, but to be honest. The concept of being both family friendly and parliamentary is difficult. When Richard Baker's baby is born, he will not be able to go home at night to bath the baby because, no matter how family friendly the Parliament is, he represents an Aberdeen seat.

11:15

Karen Gillon: But his family lives in Edinburgh, so he will bath the baby.

Margo MacDonald: So everyone who wants a baby will need to come to Edinburgh. Perhaps not.

As parliamentarians, we should not feel that we signed up for a job that allows us to be home in time for tea. We have signed up to a way of life.

Mark Ballard: Alasdair Morgan argued for more chamber time on the ground that the chamber is

where the Executive is held to account but, from my limited experience of the Parliament, I do not agree with that. As Jeremy Purvis rightly pointed out, what happens in the chamber is rarely a debate but mostly a series of presentations. When I am given four minutes for a speech, it is frustrating to know that, because of the d'Hondt rules, I will be the only Green speaker in the debate. In deciding how to spend my four minutes, therefore, I have a choice between taking part in a debate by commenting on what other members have said and presenting the Green point of view, which will otherwise not be presented. That is a real dilemma.

One good thing about committees and committee debates in the Parliament—and, to a lesser extent, members' business debates—is that they are more free flowing. They are more like debates, because they do not consist only of presentations from the Executive and from the non-Executive parties. Given that standing orders already provide for 12 half sitting days each year to be given to committee debates, I urge the Procedures Committee to consider whether there might be pressure from the Conveners Group for more committee time in the chamber. In particular, I urge the committee to examine the Executive's use of subject debates and how those could relate better to committee debates.

On Bill Aitken's suggestion that we allow simultaneous meetings of the Parliament and committees, I should point out that, as the Green party's size is such that I cover both the finance and public service portfolio and the transport portfolio, I would have a problem if a Finance Committee meeting were to take place at the same time as a debate in the chamber on transport. Although I have both portfolios, I could not be in both places at once. Therefore, I restate my concern about the impact that such meetings would have. A parallel situation would face members of Executive parties who sit on two committees, as it would be difficult for them to fit in both roles.

We should look at how we use committee days. At the moment, many of those days—that limited stack of 12 half days—are taken up with debates on issues such as changes to standing orders, which is the subject of this Wednesday's debate. We need more room for debates on committee reports and for examination of the work of committees so that that we have more chance to discuss in plenary session how committees scrutinise the Executive.

Members' business debates can be effective, but their current time slot means that such debates often receive little coverage. When Colin Fox's debate on housing stock transfer was put back to 6 o'clock because the preceding stage 3 debate

had gone on for an extra hour, his debate received next to no coverage, with very low attendance levels from members of the public in the gallery and from MSPs willing to contribute. Extending the Parliament's sitting hours so that members' business debates started at 6 o'clock or even 7 o'clock would undermine members' business, which provides an important and effective way of holding Executive ministers to account. In particular, I would hate to see a situation in which members had to choose between going home at 6 o'clock to bath their baby and using the last opportunity that might be afforded by a members' business debate.

Finally, I think that non-Executive debates have been effective. I remind Margo MacDonald of the Green debates on identification cards and dawn raids on asylum seekers, both of which received a lot of coverage. The issue is more the quality of the topics that are debated rather than a problem with parliamentary procedures, and the problem is political rather than procedural. Unfortunately, that is true of quite a lot of our debates.

Margo MacDonald: I agree with what Mark Ballard has said about those two topics, but I cannot remember anything else that the Greens have debated.

Jeremy Purvis: On Bruce McFee's comments on sitting patterns and having the time to frame what we do, I hope that the committee will seriously consider whether it is desirable to have a plenary or a debating chamber. Notwithstanding what Karen Gillon said, and taking matters to the extreme, it could be said that the debating chamber is perfunctory—it is not required and only decision time is needed. Do we still hold out for parliamentary occasions on which the chamber will be a forum for Scotland? It may be naive to think that it will be such a forum on a weekly basis, but I still think that it could be, even if we are not capable of rising to that.

Why must decision time be held at 5 o'clock? We now have a division bell that works fine and we do not need to have a set time for divisions if we want flexibility. Consideration of members who wish to attend a parliamentary debate should be the priority. There should be flexibility in oversubscribed debates and in debates in which members are allocated 10 minutes for their speeches, so that they can take three or four interventions; in that way, half of their speech would be a debate and they could also present their views.

There should be flexibility in relation to decision time. We have a division bell that could give members 10-minutes' notice; they would all be in the parliamentary complex and they would know that a division was approaching. We should get rid of the standing order that says that decision time must be held at 5 o'clock.

Chris Ballance (South of Scotland) (Green):

Considerable consensus has been expressed on four issues in particular. First, we need greater flexibility for the timings in stage 3 debates.

The second issue is the length of notice that must be given on motions for debate. Most groups will know, more or less, by the Friday before the debate what they want to say and where they want the debate to go; they will be close to formulating a motion. Lodging a motion on the Friday would allow two days at the weekend for amendments to be considered for the Monday; we would all have two days in which to consider and discuss what we want to say in the debate, which would lead to improvements in the quality of debates. Currently, we know what the amendments will be for Thursday debates only at around 6 o'clock the evening before. The Greens do not even know whether one or two of our members will be called, because we do not know whether our amendments will be debated. Things are difficult if a member has a meeting scheduled for a Wednesday night and is suddenly told at 6 o'clock that they will be speaking on the Thursday morning. It is ridiculous to assume that we can give well-prepared and well-considered speeches within those parameters.

Thirdly, there has been much agreement that making major changes to the system will be complicated and will result in many ramifications. We should not make major changes on a whim—they should be well considered over a greater period of time than we are likely to have with the inquiry.

Fourthly, there seems to be much agreement on the need for more opportunities for back benchers and on members' debates providing opportunities for back benchers to question ministers at length. We have heard quite a bit about the need to get a higher profile for those debates and to hold some of them at a time that means that they will be reported in the media and receive public coverage that will make people outwith the Parliament aware of them.

The convener asked about committees sitting at the same time as the Parliament. The committees provide us with the opportunity to consider material in depth and in detail, which we cannot do in the chamber. Committee meetings are the only time when parliamentarians speak with members of the public and civic society on the record. For that reason, it is vital that committee business has the opportunity to get coverage and interest that it would not get if it were held at the same time as the plenary session, which would inevitably get all the coverage. We heard evidence to that effect from the BBC.

Michael McMahon made a point about a member being the sole member of a party in a

region that takes five and a half hours to drive across and has something like 450,000 voters. I can assure him that, if I had less than two or three days a week of constituency time, there would be no possibility of my making even a semblance of covering constituency work in a region that size.

Cathie Craigie: Maybe I am sitting a wee bit too close to Margo MacDonald to make this point, but I want to follow on from her point about the value of debates. When we were taking evidence about the Sewel procedures, Margo MacDonald said that, when the Parliament consents to have Westminster legislate on our behalf, the debate in the chamber is a way of letting Westminster know what the view of the Parliament is.

We came here to legislate on the issues that are within our powers under the Scotland Act 1998. Sometimes, however, we debate issues—particularly in Opposition debates—in relation to which the Parliament has no power. I take the point that debating such issues allows the view of the Parliament to be known, but I think that such debates reduce the time that is available for other work in the Parliament. In the two Green debates that Mark Ballard spoke about, the interest was caused by the fact that the press were interested that there might be a division between the Scottish Parliament and Westminster on a particular issue rather than by the issue itself.

We could find more time for ourselves if we were debating issues over which we have some influence and in relation to which we can make a difference. A lot of the time, we are talking about issues over which we have no legislative power. I want to throw that on to the table to see what people think about that. Should we allow more time for committees to discuss legislation and for the Parliament to deal with bills at stage 3 by using our time to debate only those issues that we have control over?

Mr McFee: Heaven help us if the press and the media should ever be interested in anything that might come up in a debate. There is a fundamental problem about trying to tell people what they should and should not debate. I can understand the reasoning from Cathie Craigie's point of view, but I think that that would be a dangerous path for a Parliament to go down.

I congratulate Margo MacDonald on the initiative of having an independent members' debate. She managed to speak three times in that debate, which was a wonderful way of exploiting the time. I could not believe that she was able to speak three times, but I checked the *Official Report* and that is what happened.

Margo MacDonald: I did not.

Mr McFee: You did. I will show you the *Official Report* later.

11:30

Margo MacDonald: I was intervening. The whole point was to say to people, "This is how to have a debate."

Mr McFee: I will show you the *Official Report* later.

The question over the value of Opposition debates can, frankly, be extended to Executive debates. I think that it was Carolyn Leckie who said that it was probably a political problem, but it is something that the parties have to address.

Mark Ballard is right: there should be more time for committee reports. Everybody wants longer speeches and more interventions, which brings us back to the question how we get this quart into a pint pot unless we consider the potential for extending sittings, at least on an ad hoc basis.

I was interested in the idea of flexible decision times. If members believe that that is desirable, it may improve attendance in the chamber. The idea of having a division at the end of a debate, or perhaps two or three divisions in a day, merits more examination, as it is an interesting concept.

I hope that we are clear about stage 3 timetabling. The Procedures Committee looked at the issue before, but we should admit that we got it wrong. There are circumstances in which even the half-hour extension to the stage 3 debate is not enough. The committee must take on board the fact that it did not find the right solution. Perhaps our reluctance to admit that is one of the problems that we have with the business motions. Even though all the business managers might have agreed to a timescale, they might later have to ask themselves, "Did we get this right?" A classic example of that arose with stage 3 of the Licensing (Scotland) Bill last week.

A timetable might look good on paper but not be realistic. It is hard to attend a meeting and agree to the proposed timetable for the stage 3 debate on a bill and then to admit in the chamber, "We got it wrong; we need more time." Perhaps there is a reluctance to admit to such errors. It was apparent that an error had been made with regard to the timetabling of the Licensing (Scotland) Bill. Carolyn Leckie said that she certainly thought so. Are we locking ourselves into a system in which people are reluctant to admit that they have made a mistake?

Margo MacDonald: Carolyn Leckie said that we have developed a culture in which people feel like the skunk at the garden party if they ask, "Can we do that again?"

Mark Ballard: We have to ask what the problem is. Are the procedures wrong or did the business managers get it wrong? Was the timetabling motion wrong or did a procedural problem prevent

us from getting the right timetabling? The people who got it wrong in the case in question were those in the Parliamentary Bureau; the procedures were not wrong. We cannot change the procedures to make the bureau—

Alasdair Morgan: It is difficult to timetable on a Tuesday for amendments that have not even been lodged when the timetable is being drawn up.

Mr McFee: I accept that. Those are two issues that have been raised in direct response to the question. There are two potential problems. We will have a situation in which the bureau will make mistakes—timetabling is not an exact science, and we have to have sufficient flexibility in the procedures. After last week, it is crystal clear that the Procedures Committee did not get it right by limiting the extension to stage 3 debates to 30 minutes. We should look at the issue again.

Alasdair Morgan: Jeremy Purvis said that the last question that we should address is whether the sitting pattern should vary from week to week or within the session. I think that the pattern should be as predictable as possible. I am conscious of the difficulty that members have in adjusting to changes in the sitting pattern: members from all parties come in regularly on Thursday mornings at half past nine to make their opening speech, only to find that the debate has started quarter of an hour earlier.

Regardless of how much time we want to use up in the Parliament, it is valuable to know in advance more or less what days or parts of days we are required to be here and when we are not required to be here. If circumstances were reasonable, we would be better able to predict what timetabling would be necessary. That is not to say that we cannot build flexibility into a system. If we knew that Wednesday, for example, was always likely to be the day that would go awry and be extended to six, seven or eight o'clock during a stage 3 debate, we could make Wednesday the day for extended sittings. The other days would be more fixed every week.

The Convener: We will gallop through the questions.

Carolyn Leckie: Can I come in?

The Convener: Rapidly.

Carolyn Leckie: This will be my final contribution. I have been trying to get in for a wee while; I have been polite and have not butted in.

I want to pick up on a few points that members have raised, one of which is about notice for motions and amendments. The key point is that there should be consistency across Executive debates, non-Executive debates and members' business debates. There is a glaring inconsistency between the notice that is required for members'

business and the notice that is required for normal business. Flexibility is required to allow for topicality, but I agree that a balance should be struck to enable members to respond properly and to examine the issues around a debate.

Another problem with debates being held at short notice is that papers might not be available. For example, in the case of a debate on an Executive motion when the Executive has published a report, we might get the report half an hour or an hour before we go into the chamber if we are lucky—a member will get it that early only if they are on the Parliamentary Bureau. How can the Parliament hope to have an informed and in-depth debate when members do not have the supporting papers? The situation is ridiculous. That does not help us to get to the nub of an issue in the parliamentary time that is available.

Another factor that does not help is the method of allocating visitors to the public gallery. That is not specifically a concern of the Procedures Committee, but we should express an opinion on it. The allocation method used to be much more open and allowed people to attend debates on a political basis because they had a political interest and wanted to engage with the political process in the Parliament. Now, seats that are essentially tourist seats are reserved and not necessarily taken up. That does not help the Parliament. We should consider that issue.

Cathie Craigie made a point about reserved matters. That is a political issue. It is right that Opposition parties should talk about matters that are important to people in Scotland, whether or not the Parliament has powers on those issues. It would be an abdication of our duty if we did not discuss really important issues; the Parliament would deserve to be criticised for being a parish council if we failed to do that. The liveliest debates have been those in which Opposition parties have pushed to have the hot political issues of the time debated. When the public have been engaged in the debate, for example on nursery nurses, the Parliament has been at its best and has done what it said it would do in respect of engaging with the public. On those occasions, people have been aware of what we are discussing; I agree with Margo MacDonald's comment that the vast majority of the time people are not aware of what we are discussing.

Another related problem is media scrutiny, but I will not go into that. There is a complex range of issues, but changes in how we conduct our business might help to resolve some of the other issues.

Karen Gillon: I have a couple of points on issues that arose last week, on which it would be useful to get members' views.

First, it was suggested that a committee that produces a report should have an automatic right to have that report presented to and debated in the chamber rather than the Dutch auction that currently takes place in the Conveners Group. Let us be brutally honest: whether a convener gets a committee report debated in the chamber depends on how many of their pals they have got lined up. If a committee has conducted a lengthy inquiry and produced a report, that merits a debate being held in the chamber, although I add the proviso that we should get away from the situation in which such a debate simply involves committee members talking to each other. An effort should be made to broaden out participation in the debate on a committee report to include members who have not been involved in compiling that report.

That leads on to my second point, in relation to which I would go further than Chris Ballance. I would expect—we would be right to expect—that all motions should be lodged on a Wednesday and all amendments should be lodged by the Thursday, so that we leave Parliament on a Thursday night knowing what we will debate the following week. Civic Scotland would also know what we will debate the following week and could engage with us in the intervening six or seven days. People could say, "This is what is happening in my area", and provide us with meaningful briefs.

Carolyn Leckie is right that that should apply across the board. I am a member of an Executive party, but I do not know what the Executive will debate any more quickly than she does. In fact, she probably knows before I do, because she is on the bureau. We should have a clear steer that describes the motion and amendments so that we can get on with finding out the details about them.

Increasingly, it has struck me that we cannot keep up to speed with all the stage 2 considerations. Committees produce a report at the end of stage 1, but nothing similar is produced at the end of stage 2. I am flying a kite to find out whether the committee sees any interest or value in the committee convener making a parliamentary statement at the end of stage 2 to tell other members what has been amended and why and what issues are still under consideration. If such a statement was made, the whole Parliament could begin to engage with the issues at the end of stage 2 rather than the day before stage 3, which would lead to a more beneficial debate. Rather than everybody having to go around talking to committee members to find out what is happening, there should be a 15-minute parliamentary statement by the convener—or something similar—so that we all know what has been amended and why and so that we know the potential areas of interest ahead of stage 3. That is just an idea, but I am interested in hearing members' views.

Margo MacDonald: It is a good idea.

The Convener: Does anyone have anything more to say about the specific questions on the crib sheet? Our discussion has covered them quite well. There seems to be a little bit of support for committees and the Parliament occasionally meeting at the same time. That should not happen often, but there should be occasional flexibility. Is that a fair assessment?

Alasdair Morgan: No. I am against that idea, because it breaches a fundamental principle. It expects people to be in two places at once, which is not possible.

The Convener: Okay; that will be noted.

A number of people said that there should be more committee debates, so we can push that. It was also said that we should not have the Dutch auction at the Conveners Group.

We discussed more notice for motions. Bill Aitken expressed some concern about being flexible to respond instantly to events. Perhaps we could have a rule that said that the normal thing would be to lodge a motion by a particular time, but that the Presiding Officer could rule that some great event had happened and that a different motion could be lodged. Is that acceptable?

Bill Aitken: I would prefer a convention to a rule. We have a duty to be as courteous as possible to our political colleagues; that is why I am meticulous about giving notice about the subject of the debate as soon as I am able to. However, we still have to keep up our sleeves the fact that something may arise that the Parliament would expect us to debate.

Alasdair Morgan: The other problem is that sometimes a party does not know that it is getting a debate. For the last SNP debate, we were told on the Tuesday that the following Thursday would be our time; it would be a bit tight for us to have to lodge a motion the next day.

Mark Ballard: Everything would have to go back a step. If we moved the deadline back a week, we would have to do the same with the Executive planning process.

Carolyn Leckie: The Procedures Committee could express a view on that. At the moment, it is in the gift of the Minister for Parliamentary Business, with a bit of negotiation, to slot in Opposition time. A standard on that would help everybody.

The Convener: I had not heard about the example that Alasdair Morgan gave; that is quite ridiculous.

Margo MacDonald: There is much merit in Karen Gillon's suggestion that all motions for debate the following week should be lodged by the

Wednesday. I know this is a bit of theory, but we should bear it in mind: we are supposed to represent the people who voted for us and those who did not. Members need to know what they will be debating so that, in theory, they can discuss it with people at their surgery on Saturday morning and find out how that could guide their position in the debate. There is a real solid reason for doing what Karen Gillon suggested.

The Convener: That is very helpful. We have discussed the length of debates and variable lengths. Does anyone have a view about a reasonable minimum length of time for each speaker? Are we in favour of six minutes or something else?

Bill Aitken: The six-minute rule has improved matters considerably, although there are times when individual members may experience frustrations. The one thing that I do not like doing in a debate is refusing an intervention; I may be a fairly antagonistic debater, but I feel that such refusals are discourteous. I see no way round having a rule. Allowing six minutes has eased matters.

11:45

Richard Baker (North East Scotland) (Lab): Should six minutes not be seen as a minimum? In other legislatures, six minutes would be considered a short time to speak.

When debating time is split between two motions, speakers have only four minutes to speak, which everybody accepts is far too little. Addressing that situation would have an impact on how long each speaker is given.

Mark Ballard: If we are to have a fair share of time in the chamber, if members of my party—which has about one twentieth of the members of the Parliament—are to have a chance to contribute to debates, and if speakers are to have six minutes, that will push out the proportions somewhere else and the Labour back benchers whom Michael McMahon talked about may have less time. I do not think that it is possible to have proportionate time with six minutes for speeches.

Alasdair Morgan: Or 10 minutes.

Mark Ballard: Or 10-minute speeches.

Michael McMahon: I disagree. The numbers and the spread of members in debates show that we always have less than we would be entitled to if a proportionate system were used. Allowing more time in debates would not change the situation and create a difficulty for the Labour group.

Margo MacDonald: Are we absolutely stuck with d'Hondt in every debate? We often sit through

a debate when we know that Labour member A has experience of working in field B, but we cannot hear them unless they have been chosen by the party managers or whips. I am interested in the quality of the debate. By concentrating purely on finding one mean length of time—whether it is six minutes, four minutes or whatever—we are looking at the width, not the quality.

Are we absolutely locked into d'Hondtting everything? That is where Mark Ballard is wrong. The difference in the Green perspective is often better reflected if Greens just take their chance in a debate that is structured so that they can give and receive information, rather than having a couple of wee debates once every so often that nobody bothers about.

The Convener: We will work round the circle to take final remarks, for which you will probably not be allowed six minutes.

Alasdair Morgan: I will be brief. If the aim is to encourage debate and interchange, six minutes is too short. I would prefer 10 minutes or at least eight minutes. I say to some colleagues that other perspectives are held on the number of speakers each party should have. Some of us in the Opposition regard the Liberals and Labour as one party for most debates, because they form the Executive. That would affect the number of speakers that they had. The matter could be argued indefinitely and we must have some principle. Either a ballot is held or more opprobrium is thrown on the Presiding Officer, who must pick all the speakers.

The Convener: Michael, do you want to add anything?

Michael McMahon: I have no comments.

Carolyn Leckie: I will respond to the comment about varying decision time. I appreciate the point about people coming from other areas; other arrangements might be more family friendly for them and I do not know how to reconcile that. However, having a regularly unpredictable decision time would not help anybody, whether they have children or not. Unfortunately, MSPs have a reputation for being unreliable and for not turning up at events. I hear complaints everywhere I go. People say, "At least you're here. So-and-so never even bothered to tell us that they weren't coming." I am sure that so-and-so had something else to do, but it will not help the reputation of MSPs in general if an MSP who is booked to speak at a meeting or has some other engagement at 7 o'clock or half past 7 on a Wednesday or Thursday night regularly has to postpone and say that they cannot go because decision time has been varied. That should be resisted.

Mark Ballard: I agree with what Carolyn Leckie has just said, with the proviso that members'

business debates are important because they are often the one chance that members of the public have to come outside their working hours to see us inside our working hours. If a members' business debate could start at 4.30, 5.30 or 6 o'clock depending on what happened, it would be very difficult to get people to come along to those debates.

Karen Gillon was right to say that there should be an automatic right for committee inquiries to be debated. I agree that we should have much more time to know what motions we are debating and I especially like the idea of hearing more about stage 2, because the Green party does not have members on every committee.

Margo MacDonald: I endorse Karen Gillon's suggestion that there should be a statement of the status quo following stage 2. That is a sensible idea and would help to structure stage 3 better.

At the risk of being labelled a barrack-room lawyer—which I have been, because I occasionally have recourse to the Parliament's standing orders—I must say that more members should be less shy about challenging decisions and asking for explanations. Members are not simply being part of the awkward squad when they do that; they are trying to understand things a bit better and ensure that others do too. That is a general criticism of us all. I am exactly the same at the Parliamentary Bureau; half the time I want to say, "I think that we should talk more about this."

Bill Aitken: Some constructive points of view have been advanced. I am attracted by the idea of having a convener's statement at the completion of stage 2. Whether it should be given by way of a parliamentary statement or a written statement is a matter for discussion; I have no strong views on that.

Committee reports provide interesting material for debate and knowledgeable input, although there is a risk, as somebody said—I think that it was Karen Gillon—of a committee's members simply talking to one another at a debate on an inquiry report. We can consider an automatic right for such reports to be debated. However, I would resist a rigid, inflexible rule on giving notice of the subjects for Opposition debates, although I always attempt to give notice as a matter of courtesy.

Stage 3 presents the biggest problem, which we must address. I would certainly not be in favour of Parliament constantly sitting late into the evening but, in cases in which stage 3 is likely to be problematical and the subject of consistent and hard debate, the meeting of the Parliament should be extended beyond 5 o'clock to deal with it. I expect that that would happen only a couple of times a year at the most, which would preserve the Parliament's family-friendly hours.

I do not envy the committee its job. As we have found this morning, we can all complain about things that are wrong, but it becomes somewhat more complicated when we attempt to put them right. I would like to think that we have adopted a fairly constructive approach to the matter.

Jeremy Purvis: Instead of a convener's statement at the end of stage 2, I would value a paper from the Scottish Parliament information centre, which could probably add a bit more background on the situation. I agree with the principle, but I am relaxed about the mechanism, although it should be available to all members and the public.

There should be flexibility on speech time. We should consider the system of 8-minute speeches with injury time that Westminster introduced not long ago. The Presiding Officer should be able to use discretion. It is rather unedifying for a member to protest that another member got three minutes but they are getting only two and it is ridiculous that members have to ignore interventions that they would love to take when they are in the last minute of a speech. We need flexibility and need to be grown up. It would be better for parliamentary debate if we did not protest that our party has been done out of 30 seconds in September.

Margo MacDonald: Yours too?

Jeremy Purvis: My party too. I will not even rise to Alasdair Morgan's challenge. After last Wednesday, he cannot claim that the Executive parties are the same party.

The Convener: I thank the witnesses for coming. They have made a useful contribution to the committee's consideration of the matter. As Bill Aitken said, we are considering a complicated proposition. Throughout the world, Governments want Parliaments to be as useless as possible, so it is our job to make our Parliament as useful as possible. It is a difficult task, but I am sure that we are able to improve matters.

We will have a break for a couple of minutes.

11:56

Meeting suspended.

12:04

On resuming—

Private Bill Committee Assessors

The Convener: We now come on to private bill committee assessors and related issues. There has been quite a lot of correspondence flying about. The papers that members have received since our last meeting that we should discuss are a further letter from the Faculty of Advocates, clarifying its position; a letter that I wrote to the Scottish Parliamentary Corporate Body and the Presiding Officer's response; and a note from the Scottish Executive lawyers on the submission from the Faculty of Advocates.

Chris Ballance: What papers are these?

The Convener: This is agenda item 3, paper PR/S2/05/14/5.

Mr McFee: Could we have five minutes to digest this?

Chris Ballance: Sorry—where is that paper?

Mr McFee: Apparently, these supplementary papers were sitting on the table. I suggest that we take five or 10 minutes to read the papers.

Karen Gillon: Not 10.

The Convener: Well, we can take five minutes. There is also a response from the Executive inquiry reporters unit. Some of the papers were circulated. Anyway, we will take five minutes for members to read the papers.

12:06

Meeting suspended.

12:11

On resuming—

The Convener: Right, we will have to press on. We will start with the SPCB paper and the paper on reporters, which covers some of the same ground. The corporate body seems, by and large, to support the idea of reducing things. However, in effect, it is saying that if it has to provide a transcription service for the person who is taking evidence on behalf of the relevant committee, the service to other committees will be seriously affected. If we accept the corporate body's view, we would have to say to the inquiry reporters that they would have to arrange for transcriptions to be made by some outside source. I understand that that is what happened in Lord Fraser's inquiry. They would then recover the money from the promoter of the bill. I understand that that is the normal position.

Karen Gillon: If inquiry reporters are appointed by the Parliament, I am not sure that it would be for them to go away and secure a transcription service. It would be for the Parliament to do that and then recoup the costs from the promoter. If we are saying that the inquiry reporter is not a legal entity and is only working for a committee, I imagine—although I do not know—that we would want the committee to appoint a transcription service and the Parliament to recoup the costs from the promoter.

Mr McFee: From reading previous notes from the reporters unit, I see that it is not normal practice to record everything verbatim anyway. Is a verbatim report of the meetings required?

The Convener: I take Karen Gillon's point. The Parliament would have to arrange the transcription service, but it would not use its in-house resources. That is the key point. Karen is right. I did not make the point correctly.

As I understand the discussions that have taken place, the argument for having a transcription service is that it would enable the inquiry reporters to report more quickly. Part of the purpose of this Executive exercise is to speed up the treatment of the railway bills. In a normal public inquiry, the reporter sits and makes his notes but also has all the written evidence. He then goes away for months before he produces his report. If he had to do that for a railway bill, it would rather destroy the point of bringing in a measure to speed things up.

Another issue is the desire to reduce the time commitment that is required of MSPs. As I understand it, the argument is that if a transcript were provided, the inquiry reporter would be able to report back to MSPs more quickly, which would be a good thing.

Karen Gillon: It is also about having a verbatim account of everything for members, so that if there were any dubiety about what was reported, the members could go back to the transcription to see what was said and weigh it up, rather than leaving it open to interpretation.

12:15

Richard Baker: That is a valid point. Having a verbatim transcription would allow the committee to revisit the evidence that the reporter has taken, which is an important facility. On how it would be paid for, I am sure that if the promoter wants a project to go ahead, it will be more than willing to invest in that service.

The Convener: Does that satisfy you, Bruce?

Mr McFee: I was trying to ascertain whether there was a requirement to produce a verbatim report. I take the argument that it would be a useful reference point, but I am not convinced that

it would necessarily speed up the production of the reporter's report. I presume that in reaching his conclusions he will have to draw up his own report, albeit that he might have access to a verbatim minute. I have my doubts as to whether it would speed up production of the report. I wonder whether we are deluding ourselves that the mere presence of a verbatim report will necessarily lead to a speedier conclusion. Time will tell.

The Convener: I was considering the obstacles in what we are being asked to approve. The SPCB had an obstacle in that it did not want in-house transcribers to be used. We could say that that is one of the conditions that must apply. The need to have a transcription would be up to the committee to decide, as long as it is not provided by the Parliament's in-house service. As I understand it, each committee would appoint a reporter to conduct the inquiry on its behalf. It would be up to them to reach agreements about transcriptions and so on.

Karen Gillon: We can give a clear steer that the promoter should meet the cost of transcriptions and material that the committee would need for its later considerations.

The Convener: The corporate body also referred to security. I think that that was to do with the whole team that would be involved in going wherever and taking evidence. I was not quite clear whether the corporate body would still be responsible for security if a reporter was holding the inquiry?

Andrew Mylne: My understanding is that, under existing arrangements, when reporters hold public inquiries they do not have security staff as such—they do most things themselves. It can perhaps therefore be assumed that the Parliament's security staff would not normally be required. If official reporters are present, security staff are needed simply to pass messages to and from, which the official reporters rely on. The SPCB made its comments in that context.

Mr McFee: We could kill two birds with one stone. If the minuting was taken outwith the Parliament staff, we would also resolve the security issue.

Andrew Mylne: I believe so.

Karen Gillon: The inquiry would not be a meeting of the Parliament, so there would not be the same package that is needed when a committee meets outside Edinburgh. It could be organised more informally.

Andrew Mylne: I think that that is correct. When a committee has an official meeting in a remote venue, the Parliament feels obliged, quite properly, to send a range of support staff, including security staff. The meeting would not be

a committee proceeding, so it would not require those support services.

The Convener: There are no other comments on the correspondence with the corporate body.

The chief reporter's response answers some questions but not others.

Karen Gillon: I have a comment on the letter to the chief reporter. It is unfortunate that in a letter on behalf of the committee we seem to suggest that we had a problem with the independence of the reporters unit. I certainly did not sign up to that, and I would like to make it clear that I do not share the concerns that were raised in the letter from the committee about the independence of the inquiry reporters unit. That has been tested through the courts. I do not share the view that was expressed in the third paragraph of our letter and it is unfortunate that it was written in that way.

The Convener: I understand what you are saying. I feel very strongly on this issue. I do not see how people can claim to be independent if somebody else can tell them whether or not to appear at a committee. It would have been helpful to have had oral evidence, rather than written evidence. However, your point will be on the record.

Cathie Craigie: I, too, have concerns. I checked the *Official Report* of our first discussion on this issue, when we took evidence from Margaret Curran, Tavish Scott and civil servants. The ministers were supported by two of the most senior legal civil servants—I cannot remember their titles, but I am sure that they will be mentioned somewhere in the *Official Report*. On that occasion, I asked about the independence of the inquiry reporters unit. The clear response was that the unit is established in law and that the courts agreed that the reporters unit operates independently. That has been said on more than one occasion, not by politicians or ministers but by senior legal professionals. That was strong evidence. Convener, I do not know whether you were writing on behalf of the committee or as an individual on that point, but I was certainly reassured by the evidence that the committee received.

Mr McFee: I am not as exercised on this issue as the two previous speakers were. I do not take the point that you expressed, convener—you will perhaps correct me on this—as being a challenge to the independence of the reporters unit. I think that the point that you were making—although I have not discussed this with you—related to the public view of the arrangements that would apply to a new and controversial bill procedure. It is welcome to have posed that question and to get the answer to it in the public domain. I have no doubt that, as the three forthcoming railway bills

progress, if they follow the route proposed, there will be challenges to the independence of the reporters. It is useful to have the issue flagged up at this stage.

The Convener: I have obviously stirred up something of a hornet's nest. The matter was raised in oral evidence to the committee. Bruce McFee is quite correct to point out that it is a matter of public perception. We must be confident that the reporters are completely independent. It seemed to me that, although they are no doubt totally independent when they are conducting an inquiry, the refusal to allow them to give oral evidence, as well as the nature of some of their written evidence, indicated that they are, in many respects, civil servants as opposed to independent reporters. I think that that is a problem.

People have had their say on the matter. Does anyone wish to raise any points about the answers that the inquiry reporters unit has provided?

Karen Gillon: I am interested to know where all the questions came from.

The Convener: The questions came from members of the committee, as I understand it. That is what was asked for, and the committee clerks, having gone through the previous papers—

Karen Gillon: I would be grateful to know how we came up with such a long list of questions. During the previous discussion, a number of members said that they found the last response to be one of the better responses that we have received and to be quite comprehensive. There are 16 questions and I am surprised that there are so many.

The Convener: I think that the questions are helpful. For example, we gave the reporters unit an opportunity to dispose of Shepherd and Wedderburn's point about many people going to retire quite soon. Additional information is helpful to us, so I think that the questions are reasonable. They are all quite factual and are trying to get the unit's technical answer to various points. I do not see how we can be criticised for asking too many questions.

Karen Gillon: No, but the previous practice was that questions were signed off either by the committee or by the convener and deputy convener. That practice was not followed in this instance. I think that we need to decide how we will deal with matters such as this that have been discussed at a committee meeting, irrespective of whether we have a list of questions. It would be good to know the procedure so that we are clear about the system under which we are operating.

The Convener: I will discuss that with you afterwards. I was not aware that I was transgressing in any way. I must say that I did not

personally inspire the questions, so there is not some sort of plot afoot.

Karen Gillon: I am not suggesting that there is, convener.

The Convener: Okay, thank you. As no member has anything further to say about the inquiry reporters unit, we will move on.

We have received an additional paper from the Faculty of Advocates and a response from Executive lawyers about the two letters that the faculty provided. Does anyone wish to pursue those?

Mr McFee: Yes. This is a total reversal of the situation at the previous meeting when the faculty was clear in its advice and the Executive lawyers were sitting on the fence. Now, the faculty is sitting on the fence and the Executive lawyers are clear in their advice. Perhaps we might have expected that.

I understand the logic of the faculty's argument, but I find it strange, to say the least. It seems to say, "Here is an issue that we believe is of primary importance and it is of such primary importance that we omitted to tell you it when you asked for evidence while you were discussing the whole question of the transport and works act." I find that a rather strange position to take, but it certainly clears the matter for me. Given the definite advice that the faculty submitted to the previous meeting, I am somewhat concerned to find, frankly, that it is only dancing on the head of a pin with its latest set of advice.

Equally, the Executive's previous advice was that there was no advice and that things might or might not happen. However, its advice seems to have firmed up on the specific points that the faculty raised in its letter. Having read the Executive's advice a couple of times, I believe that it answers most if not all the concerns that I had previously.

Karen Gillon: Given that we have not received a further legal briefing from our own legal department, can I assume that it is content with the information that we now have?

Elsbeth MacDonald (Scottish Parliament Directorate of Legal Services): I have nothing to add.

The Convener: Personally, I am not entirely impressed by all the Executive's arguments. However, on balance, I am content to progress with the proposal that is before us rather than stop it on the ground that it is legally flawed.

Chris Ballance: Much of what we have been discussing, including the points about the inquiry reporters unit, has come about because the proposal is being pushed through at a speed that

relates to the Executive's requirements for putting bills through rather than to Parliament's requirements for ensuring that all the evidence is properly considered. For example, we had to send a response quite quickly, so our letter resulted from discussions between staff and the convener rather than from a considered discussion of the whole committee. Indeed, the best thing would have been for such a response to have been given after we had had the inquiry reporters unit before us. In addition, we have had a great deal of conflicting material being thrown between the different lawyers without the chance to take a considered opinion on the matter. However, it is undeniable that the letter of 15 November from the Faculty of Advocates weakens the position that the faculty set out last week. We need to take that on board. My only wish is that we had an extra couple of meetings for our inquiry so that we could dot the i's and cross the t's. We are not doing that at the moment.

12:30

The Convener: In a sense, we will be able to do that. I think that if we instruct the clerk, he will produce a draft report for our next meeting.

Andrew Mylne: I am already working on it.

The Convener: I think that we will need both a draft report and a draft of the changes that would need to be made to standing orders.

Andrew Mylne: Those changes are also being worked on.

The Convener: We are making progress in that direction. The only other point that we need to add is that the Parliament would pay for external transcribers but not provide such transcription in house.

Mr McFee: No, the Parliament would require the promoter to pay for that.

The Convener: I beg your pardon. I meant that the Parliament would initially pay for the external transcribers but would then recover the costs from the promoter. The promoter would pay for the transcribers, but the Parliament would make the arrangements. That would mean that there would be no drain on our in-house resources.

Do members have any other points? I think that it was suggested that private bill committees should be appointed as early as possible in the proceedings. Would it be helpful to mention that in our report?

Andrew Mylne: If members think that helpful, I can put something to that effect in the draft report.

The Convener: As the private bill committee would need to appoint the reporter, it would need to be involved as early as possible.

Karen Gillon: If our response to the corporate body's letter is to provide some direction about the road that we potentially want to go down, we should pick up on the suggestion that

"it would be prudent for the SPCB to have some form of panel, or framework contract in place, anticipating the demand."

I have some concerns about the idea of packaging all three tenders together. I doubt that that will be entirely possible, given that the committees will be required at different times and the bills will be introduced at different times. We should recommend that the tendering of packages provides for separate contracts, so that we can keep a clear link between committee and assessor. We do not want a big homogeneous contract for assessors because separate assessors will need to be allocated to each committee. If we are to proceed in the way that has been suggested, we should perhaps give the corporate body a heads-up on the direction in which any preparatory work should move.

Mr McFee: My view is, similarly, that there should be individual contracts. The argument from economies of scale is probably quite bogus. If we lump all the contracts together, they will probably proceed at the speed of the slowest. That would not be desirable, if the rationale behind the introduction of this move is correct.

The Convener: The clerk has confirmed that our response to the Presiding Officer will indicate that, although we do not support that particular point in his proposals, we accept the other point about the need for external transcribers.

We will consider a draft report at our next meeting.

Meeting closed at 12:34.

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