PROCEDURES COMMITTEE

Tuesday 21 March 2006

Session 2

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CONTENTS

Tuesday 21 March 2006

PROCEDURES COMMITTEE
† 6th Meeting 2006, 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)
Patrick Harvie (Glasgow) (Green)
Tricia Marwick (Mid Scotland and Fife) (SNP)
Irene Oldfather (Cunninghame South) (Lab)

*attended

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Mary Dinsdale

ASSISTANT CLERK

Jonathan Elliott

LOCATION

Committee Room 6

† 5th Meeting 2006, Session 2—held in private.

Scottish Parliament

Procedures Committee

Tuesday 21 March 2006

[THE CONVENER *opened the meeting at 10:18*]

Parliamentary Time

The Convener (Donald Gorrie): Welcome to the sixth meeting in 2006 of the Procedures Committee. The first item is Bruce McFee's report on his visit to Estonia and Finland. A paper has been circulated.

Mr Bruce McFee (West of Scotland) (SNP): Thank you convener. First, I thank the clerk for the paper, which gives a pretty comprehensive view of the systems and of the information that we found out while we were in Estonia and Finland.

Most striking for us were the differences between those Parliaments and this. The most obvious difference, and the one that members would expect me to mention, is that both those other Parliaments are the Parliaments of independent countries, so they have the full range of powers, which is reflected in their use of parliamentary time.

There is a great difference in the amount of time those Parliaments spend on considering legislation; it way exceeds the amount of plenary time that is given to considering legislation in the Scottish Parliament. That is particularly the case in Finland where, for a number of historical reasons that date back to before the first world war, even very small changes are required to go through what we would consider to be the primary legislative process rather than their being made by statutory instruments.

The overall time that is spent in plenary session and in committee in both Parliaments is significantly higher than is the case in Scotland, particularly the length of the plenary meetings. In Estonia, the plenary and committee meetings are operated from Monday morning until Thursday afternoon, and in Finland they run from Tuesday afternoon until Friday afternoon. It is also worth noting that the Finnish Parliament sits in the afternoons and evenings as a matter of policy, and that 75 per cent of Finland's members of Parliament are also councillors, which is why there are no parliamentary meetings on a Monday; that seems to have happened by universal acclamation so that the members can carry out their council duties. It should also be noted that, in Estonia, the fourth week in every cycle is a constituency week.

There are two other areas of difference on which I want to touch that might not be directly relevant to the inquiry but are worthy of note. The first is the time that is allowed for answering written parliamentary questions: in Estonia it is 10 days and in Finland it is 21 days. It is worth sticking that to the wall.

In Estonia, oral parliamentary questions require one day's notification and in Finland no advance notification of the question is required. On our visit we witnessed an instance in which advance notice had been given, but it was pointed out to us that that was very unusual. The question was about bird flu, which was a big issue there at the time.

The questions are not segregated; they do not have the system of themed questions that we have here. However, I have to say that attendance at question time, particularly in the Estonian Parliament, is worse than it is here. That Parliament probably has the same number of members present at question time that we have at themed questions.

To go to the heart of what we are talking about, there are no formal limits on the time for speaking in debates in either Parliament, although convention in the Estonian Parliament dictates that eight minutes is roughly the maximum time that is allowed for a speech. There is also an anticipated maximum in Finland—I cannot quite remember what it is—but essentially the Speaker of the Parliament does not have the right to intervene or to end a speech. If the person who is making the speech wishes to continue, he or she is permitted to do so for as long as they like, but that does not happen terribly often in practice.

Finland also has what it calls rapid-tempo debates, which gives an indication of the allowed timescales for speakers. The time that is allowed for speeches is limited, the limit being decided by the speaker's council. Members who open or present debates are limited to 10 minutes and other speeches are limited to five minutes. That gives an idea of the amount of time that can be allowed in non-rapid-tempo debates, should it be desired.

This all points to a question about decision time that Karen Gillon has raised on several occasions. There is a big rush here to get to decision time at 5 o'clock. They have cured that in Finland, where members can talk all night if they want to because decision time is at the start of the next day's business. It is therefore possible for members to continue to talk and to extend their speeches for ever and a day, but decision time will be the first item of business on the following day. The exception to that is on Fridays, when there is a rush for home, which tends to ensure that debates are wound up timeously.

The most interesting part for me was the subject of interpellations. An interpellation is a question that is asked of a Government minister or the prime minister that requires a formal response and debate in the chamber, if required. There are two very different approaches in the two Parliaments. It appears that in the Estonian Parliament—the Riigikogu—any member or faction has the right to ask for an interpellation, although it has to be a question on an issue of broad national interest, so a member cannot ask about the bus stops in Auchtermuchty, or whatever. Ministers are required to come before the Parliament to answer within 20 days. Monday is the set day for interpellations. A question-and-answer session ensues after each interpellation is answered by a minister, and a debate follows that. That continues until all requests for statements have been met, whether there are 20 or two. Although there are many more such requests in Estonia than there are in Finland, we do not believe that the position is abused. The questions seem to be handled in their entirety on Mondays. Interpellations, importantly, can result in a vote of no confidence in the Government. In Estonia, there are a good number of interpellations every year.

In Finland, the system operates differently. It operates on a more concentrated, if not higher, level. There, interpellations require a minimum of 20 signatures, which is 10 per cent of the members of the Parliament. The Government must respond within 15 days and it is usually the Prime Minister who makes the response. Normally, the debates on interpellations are long and full and can result in a vote of no confidence. There are usually four to six interpellations every year.

While bearing in mind the point that has been made about the deficit here of time for back-bench members of Executive parties, it is important to note that in neither legislature is there any formal Opposition business. The balance for the interpellation system should be quite clear.

In Finland, there is a practice of allowing a member to initiate a topical discussion. That goes back to something that Margo MacDonald suggested in relation to how members can use members' business. The Speaker's council decides whether such a discussion should take place. In the Scottish Parliament, the nature of members' business means that, often, the debate is not topical, simply because of the length of time that is required for the motion to gather signatures and for a party's turn for members' business to come around.

In some quarters, there might be a fear of embracing the idea of unlimited speaking rights and interpellations. I have no doubt that, if such a system were introduced here, it would be oversubscribed in the initial stages. However, the experience of those Parliaments—we should remember that the Estonian Parliament is not much older than ours—is that there is not much to fear from the system, which is generally accepted to be a good way of holding Government to account.

The Convener: Thank you. Your presentation supplements the written report; both have been helpful. The issue of interpellations is interesting. All the Parliaments that we visited use a form of interpellation, so I think that it would be worth our while to pursue that. How do members wish to pursue the issue? Should we ask the clerk to summarise some of the constructive ideas? Should we include all the constructive remarks that have been made during the debate in the chamber and our discussions in the committee?

Karen Gillon (Clydesdale) (Lab): I would like the international perspectives to be presented separately, so that we have something to compare ourselves with. It would be easier to do that if the two aspects were separate. We need to get the ideas that we have heard about from other legislatures into the public domain so that other members can talk about them and consider how we can move the issue forward.

Alex Johnstone (North East Scotland) (Con): We also need to take into account the fact that one or two things, such as interpellation, appear to feature consistently in what we find in other countries. I was particularly interested in what Bruce McFee said about how that system enables Opposition parties to hold the Government to account. It would be extremely radical of us to propose the adoption of a procedure of that kind, so we would have to consider the issue in considerable detail.

The Convener: It is interesting that various Parliaments use interpellation in different forms. It would be helpful if there were a mechanism for back benchers of Government parties to propose constructive ideas without that being regarded as somehow threatening to their Government.

10:30

Mr McFee: Perhaps I will be shot for saying this, but I think that there is a serious democratic deficit in the Scottish Parliament in terms of the position of back benchers of governing parties. It is the one matter on which I probably agree with Karen Gillon. It is a serious deficit because although the Opposition parties are expected to oppose, I venture to suggest that Opposition debate days do not necessarily always hold the Executive to account. We have stale, set-piece debates on some occasions. The interpellation system is more dynamic, more topical and more in-depth because

there is the ability within it to question ministers. Even at question time here, when a minister gives a response to a supplementary question, an MSP has had it—they can do nothing further at that time. However, under the interpellation system, we could ask more questions, and then debate the issue.

I agree with the suggestions that have been made so far, but I would also like to ascertain whether provisional work could be done on interpellation and on comparing the different systems that are used. I do not think that we can necessarily take something from one system and simply slot it into another, but the interpellation concept is useful, so it would be good to ascertain how far we could go with that system. I had read about interpellation before I witnessed it and I think, as do others who advocate it, that it might be a useful alternative to Opposition business days because it would allow members of other parties to play a full part.

Alex Johnstone: My interpretation of interpellation is that it would not necessarily replace Opposition business. I saw interpellation in Norway; I think that it is comparable to question time here, when the Presiding Officer realises that there is significant interest in a question and takes a large number of supplementaries on it. In that respect, I believe that the interpellation format is beginning to develop in this Parliament. Perhaps what is needed is a more formal approach that would allow a subject to be introduced, followed by short speeches. Perhaps that would allow a rapport to develop among members of all parties and ministers, so that ministers could answer in detail questions on particular issues.

The Convener: Is it agreed that the clerks should take up Karen Gillon's suggestion and produce a separate report on interpellation? To take up Bruce McFee's point, we could summarise the four different systems of interpellation that exist and draw on that summary. I do not know whether it would be possible to produce a mixture of some of them, while acknowledging that we cannot always just slide such things together. We might decide that one of the countries has the best model, which we could pursue. There is also the question of speaking time and so on. Is that all on item one?

Members *indicated agreement*.

Legislative Process

10:33

The Convener: I asked the clerks to put the legislative process on the agenda so that anyone who had an early response to the debate on it in the chamber could air their thoughts. Again, we could perhaps ask the clerk to go through the *Official Report* and make bullet points of specific points that were made so that we do not lose them.

I think that the Parliament debate was useful and constructive. In addition to the concern about stages 2 and 3 of bills, the two key aspects for me were the Subordinate Legislation Committee's concern about inadequate time and so on, and the Finance Committee's concern that the financial memoranda of bills are inadequate. The speeches on those two aspects were helpful because I had not given them enough thought, although other members might have done so.

Do members have comments on the debate or on points that they especially liked or disliked? We all liked our own speeches.

Alex Johnstone: I particularly liked yours, convener.

The Convener: Yours was not bad, either.

Karen Gillon: I am sorry that I missed a love-in among members of the Procedures Committee.

Mr McFee: Me too.

The Convener: Chris Ballance, Alex Johnstone and Richard Baker spoke in the debate and might want to comment.

Chris Ballance (South of Scotland) (Green): It was notable how much of the debate was in line with comments that we have received as part of our review of parliamentary time.

Alex Johnstone: It was obvious that there is wide concern about the compressed timescale between the end of stage 2 and the end of the bill process. Members want to avoid pitfalls in that approach.

Richard Baker (North East Scotland) (Lab): The debate flagged up the potential importance of our review on parliamentary time. Time was the pinch point in every key area. Committees want to engage in more pre-legislative and post-legislative scrutiny, but there is a time issue. Members are also concerned about the timescale for stage 3. We must consider not just the amount of time that there is in the parliamentary week but how flexibly we use that time.

There was marked agreement from all parties on different issues and a number of innovative ideas

were proposed. Our review could offer help in areas that cause members concern.

The Convener: Some speakers made it clear that they were asking not for more time but for better use of the time that we have. If there were fewer vacuous debates, there could be time for interpellations or better scrutiny of bills, for example.

Mr McFee: I did not attend the debate, so I cannot take part in the mutual admiration session. However, important points were made when we went to Estonia and Finland. Both countries have unicameral Parliaments, but both have Presidents and one of the countries has a constitutional committee, which ensures that laws that have been passed comply with the constitution. There is a mechanism whereby the process of signing off a bill can be held up if it does not comply with the constitution. The practice is not to hold the process up, but the system exists.

There is an added onus on a Parliament that has only one chamber to ensure that the legislation that it passes is bang on, because there is no further mechanism for scrutiny until the legislation is enacted. It must be possible to devise a system that would prevent our being in the ridiculous situation of agreeing to bills to which amendments are lodged hours, if not minutes, before the stage 3 debate. Sometimes the proposed new provisions have not been researched and debated, and members might not even have read the amendments unless they picked up the list of amendments before they entered the chamber. We cannot have such a situation in which there are no checks and balances at the end of the process.

I do not have the answer to the problem, but the issue has been flagged up. I was aware of it before the debate, as I think were most members of the committee. There is concern among members of all parties. It is not a party-political issue and no party is trying to secure an advantage; it is a practical issue.

The Convener: Do members agree that the clerks should produce a bullet-point summary, so that points are not lost in the general maelstrom?

Members *indicated agreement*.

Motions and Decisions

10:39

The Convener: We move on to the paper on motions and decisions. The clerk's intention was to highlight matters that need to be tidied up, but they are not big issues and we should not get too involved in them.

Karen Gillon: Did members raise that issue? Why are we considering the paper? I have asked the question before now, but the answer was not clear to me.

Andrew Mylne (Clerk): The proposal comes from the clerks, who have felt that the current rules are a little out of step with the practice that has developed. As the convener has pointed out, it is a relatively low-key tidying up exercise.

Alex Johnstone: I notice that points of order about pre-emption have been made in the chamber just before decision time. Even if the proposal results only in a restatement and clarification of current procedures, that would be valuable.

The Convener: I suggest that we go through this second paper—perhaps it is the third—that the clerks have produced on the matter. If we can reach agreement, that is fine; however, before any points cause huge hassle, we should bear in mind that they are not worth fighting world war three over.

Mr McFee: I feel some responsibility for this, because I raised the concern that is referred to throughout the paper. The danger is that, in creating another set of rules to clarify the position, we might simply obscure matters. I understand the desire for clarity, because there is a difference between a strict interpretation of standing orders and current practice. However, custom and practice play their part in any system; after all, they are probably how most members understand standing orders. As I have said, I am concerned that in trying to clarify matters we will fail to do so. I am reminded of the old saying, "If it ain't broke, don't fix it".

The Convener: I am sure that members agree with the general philosophy.

I will go through the paper's specific points, the first of which is the proposal to scrub off motions every six weeks, except in particular circumstances. The Presiding Officer and the Parliamentary Bureau agree that what seems to be current custom should be set out in standing orders. I assume that the bureau does that every week.

Andrew Mylne: The previous paper suggested an outline form of words that is aimed at providing the flexibility that we have at the moment by leaving it to the bureau to decide how often the exercise would be conducted. At the moment, it takes place roughly every six weeks.

The Convener: The purge takes place only every six weeks, which means that some motions could be 11 weeks old.

Andrew Mylne: That is right.

The Convener: Does everyone agree that the present system works okay, but that it would be worth setting it out in standing orders?

Mr McFee: No. I come back to my original point. We have all had motions scratched. Certainly, in my party group, the whips ask MSPs, "This motion's getting old. Is there any reason why you want to keep it on the agenda? If not, the bureau will likely take it off the list the next time it meets." Such an approach is perfectly acceptable. However, a strict rule to stipulate that all motions must come off the list after six weeks—except in particular circumstances, which is essentially the current position—would impact on motions that, for example, have been lodged for a members' business debate, perhaps by the smaller parties that do not often get a bite at securing such debates.

Alex Johnstone: I am concerned about what would happen to independent parties or parties that have only one member in Parliament.

Mr McFee: Indeed. There is no point in having a rule unless it is implemented, but a rule that stipulated that all motions be struck off the list after six weeks would disadvantage independents, parties with only one member and the smaller parties. If that is not the essence of the rule change, I suggest that we leave things as they are.

The Convener: The previous paper suggested that a motion would be kept on the list if it were up for a member's business debate or if there were other reasons to keep it on. We are not advocating a Stalinist purge of all motions.

10:45

Karen Gillon: Shame.

The Convener: It would be reasonable to have a standing order that set out what happens at the moment. As things stand, somebody could change the policy because there is no official policy.

Mr McFee: But we could change the standing orders.

The Convener: That would have to go through the Parliament so, with respect, that is a non-argument.

Mr McFee: With respect, it is not a non-argument. As a Parliament, we can change the standing orders when we wish.

My arguments are not based on a belief that there is a conspiracy in the Parliamentary Bureau to write off people's motions. I do not think that that is happening. However, we are involved in an exercise that we do not need. I think that members accept that after a time their motions become dated; to be frank, I think that members are quite relieved when their motions eventually disappear from the *Business Bulletin*.

If we go down the road of saying that everything that is ever done must be provided for in standing orders, we will at some stage be challenged because something has been done that is not in standing orders. There has to be room for common sense. There is always room for criticism, but to date I think that common sense has been applied on this matter. That is my experience.

The Convener: But common sense is neither universal nor permanent. If the system is informal it can be changed and individuals and smaller parties will not have the protection that standing orders can offer. The proposals in paper PR/S2/06/6/2 suggest a way of avoiding motions being struck off when they should not be. At the moment they could be.

Mr McFee: Is the reverse not true? At the moment, the motion stays in the *Business Bulletin* unless it is struck off. We could be introducing a system to strike off motions after a certain time; but the present system is silent about striking off motions.

The Convener: At the moment, motions do not stay in the *Business Bulletin* permanently. They disappear. Why do they disappear? How do they disappear? Who controls that? We are suggesting that there should be a system. I would have thought that that was more sensible.

Karen Gillon: I do not have a problem with that, but I am concerned about enshrining a system that nobody has been consulted on. Nobody knows why the Parliamentary Bureau decided to have a six-week cut-off point. Nobody was involved in dialogue on that. We are considering taking a Parliamentary Bureau process and enshrining it in standing orders, having consulted nobody. We are trying to protect the rights of back-bench MSPs, but we might be enshrining a policy that was created by party business managers without any consultation with back-bench MSPs.

The Convener: Do you suggest dropping the whole thing, or writing to all members on this and any other issues that we discuss?

Karen Gillon: This is why I asked where this proposal has come from, convener. I want to know whether there is demand from members, from business managers, or from somebody else. I want to know why there is a need for the proposal. I have no problem with the proposal, or with asking people whether they think that we should enshrine it in standing orders. That would not be a huge exercise. However, I would be nervous about including in standing orders a measure to protect back-bench MSPs when they had not even been consulted.

The Convener: That is fair enough.

Alex Johnstone: I do not object to the process that we are going through here, but, like Karen Gillon, I am slightly concerned about how we arrived at this point. I was a member of the Parliamentary Bureau from 2001 to 2003. During that time, this process began to evolve. It was simple: business managers were asked for permission to remove out-of-date motions. What I did—and what I believe other business managers did at the time—was to contact party members at a group meeting or by some other means and ask for permission to remove all out-of-date motions. I made a particular point of asking individuals who wanted their motions to be retained to pass that information to the business manager, who would then request that the motions be retained. There is a slight danger that what we have before us has the same effect but is, in fact, the reverse of the procedure that we are proposing.

The Convener: Yes. I do not think that anyone in recorded history has ever asked me to remove my motions, yet they disappear with monotonous regularity.

Alex Johnstone: I do not know how things are done in the Liberal Democrat group.

Mr McFee: It is common practice in the SNP group for the whips to speak to the individual members.

Karen Gillon: Interesting.

The Convener: I will take that up elsewhere.

Karen Gillon has made the strong point that we want to ensure that the whole thing is in the open and properly discussed. The question is how we wish to air the subject with members on its own, along with some other things, or whether we wish to forget about it.

Karen Gillon: I think that we should air it in an e-mail to members, setting out the issues and the proposals. It is then up to them to get back to us or not, but they cannot say that they have not been asked.

Mr McFee: The point that was expressed more eloquently by Alex Johnstone than by me could be included in the e-mail. The emphasis would change from a system that seeks permission—informally or otherwise—to remove a motion to one that would seek to remove a motion. That is an important change in emphasis.

Andrew Mylne: Perhaps I can clarify the matter. The previous paper suggested a rule that would give the Parliamentary Bureau the power to remove motions from the list if they were more than six weeks old. That would be an option for the bureau; it would not be mandatory. It was never proposed that there would be an automatic cull of motions after any period. The change would simply give the bureau the power to do what it does in practice anyway.

Mr McFee: I take your point, but I do not think that the bureau acts like that in practice just now. The bureau removes motions—in the SNP group anyway—by consent. That is the difference. We would move from a system in which a motion is removed by consent to one in which another body is given the power to remove a motion. That is a fundamental change and it would come about through our enshrining in the standing orders a process that Karen Gillon says has evolved through the bureau. We must ask members about it and point out to them the change in emphasis that such a move would involve.

Karen Gillon: Six weeks is a bit of a short timescale, but it might be reasonable to suggest that, after eight or 10 weeks, a motion should be automatically removed from the list and would require to be resubmitted. I do not think that there is anything wrong with that, but we have to ask members whether that is reasonable.

The Convener: We will try to ensure that both sides of the argument are put.

Karen Gillon: You could circulate a copy of the *Official Report* of this meeting.

Mr McFee: We do not want to punish anybody. That would really reduce the response rate.

Karen Gillon: If Andrew Mylne's paper does not fully encapsulate the debate, members can read the *Official Report*. If Andrew puts a link to the *Official Report* in the e-mail, members will be able to get a cure for insomnia at the flick of a switch.

The Convener: The next section of the paper is on the pre-emption of amendments. The clerk has tried hard to explain some very subtle points. I think that there should be something to say that the Presiding Officer has the right to exercise his judgment. The point about the inconsistency of amendments could be misinterpreted—that was a

fair point that was made the last time that we discussed the issue. We do not want too prescriptive a rule, but it may be helpful to have a rule that makes it clear that the Presiding Officer exercises his judgment on what constitutes a pre-emption.

Mr McFee: Is not the current system that the Presiding Officer interprets the standing orders? Is that not the essence of the chairing of any meeting, according to standing orders?

The Convener: I do not know what goes through the Presiding Officer's mind on these occasions.

Karen Gillon: The paper gives a slightly misleading example of pre-emption—to do with post boxes—although my understanding of pre-emption may not be correct. I understand that an amendment is pre-empted if the tag to which it is attached is amended out of the motion—an amendment cannot amend something that is not there. We could debate whether post boxes should be red, blue, green or flipping multi-coloured, as those questions are not mutually exclusive.

If there was pre-emption in something like that, a member could vote for an amendment in order to keep their own amendment in—it would depend on how the motion was amended. I think that we are in danger of confusing something that is relatively simple. The rule should say that an amendment is pre-empted if the phrase that attaches it to the motion is removed—that is essentially what pre-emption is—but I do not know how that could be put into cliquey, standing orders language.

Mr McFee: Is pre-emption not a matter of competence? If members are debating a motion about a pillar box—I used the example the last time that we discussed the matter; I do not know whether it is a good one—and the reference to the pillar box has been removed, are the amendments not incompetent, rather than pre-empted? What they aim to change has disappeared. I think that we are in danger of confusing pre-emption with competence.

Alex Johnstone: You are splitting hairs now.

Mr McFee: It is all about splitting hairs, which is why I would just throw it all out. That was my view the first time that we discussed it. We are trying to tie something down that we will, on occasion, not be able to tie down. There will always have to be an exercise of judgment by the Presiding Officer—we will have to live with that.

Alex Johnstone: Business managers, in particular, should be aware of the nature of pre-emption and how it is interpreted. They should ensure that amendments that are lodged in the names of their parties in normal debates take into account the risk of pre-emption. It is possible to position an amendment in such a way as to avoid pre-emption if the issues that would lead to that are understood.

Mr McFee: It would begin, "Delete all after the first line."

Alex Johnstone: Or, "Add at end."

Karen Gillon: My understanding—although I could be wrong—is that if it was left to the discretion of the Presiding Officer and the Presiding Officer made a ruling on pre-emption that dissatisfied two thirds of the Parliament, members could move a motion of no confidence in that decision.

The Convener: And pigs might fly.

Chris Ballance: I think that a point of order might be made, along with a request for the Presiding Officer to rethink his decision. Given that, as standing orders read, he has no rights on pre-emption, such a point of order might well be successful.

The Convener: It seems unsatisfactory that, if there is a motion with several amendments and a member's party's amendment is third or fourth on the list, they are instructed to vote against everyone else's amendments because, otherwise, they will not get a chance to vote on their amendment. In a multiparty Parliament, all the amendments are defeated and we end up with nothing at all, although members might feel some sympathy for other parties' amendments. It should be possible to find a more civilised way of dealing with such matters.

Mr McFee: I agree entirely with that point, convener. The problem is that, although the point that you make is legitimate, your conclusion that the situation can be cured by writing pre-emption into the standing orders is going in entirely the wrong direction. What should be argued for is interpretation of the standing orders in the purity in which they exist just now, which would mean absolutely no pre-emption whatsoever.

11:00

Karen Gillon: But not having a pre-emption rule would not help that situation. If every party has an amendment on the order paper—we have been in that situation during debates on the war, for example—then every party can vote for what it wants. It depends on whether the party thinks that its amendment is the best. If the amendment has not been pre-empted, it can be voted on. It is the order in which the amendments come that might cause difficulty, but I assume that the order of the amendments is decided in relation to the size of the parties.

Mr McFee: Yes, largely.

Karen Gillon: So a pre-emption rule would not help you at the moment.

The Convener: There is, as Alex Johnstone said, a subtle dance between the various business managers to try to get their party's amendment higher up the list because it proposes "to delete all from the first 'the'"—or whatever the wording of such amendments is—so that one party's amendment is dealt with before the others'. The wording of the amendment can be crucial to the order in which the amendments are taken.

Alex Johnstone: The order in which amendments are taken could be the key. Perhaps the Presiding Officer needs to take amendments in an order that avoids pre-emption.

Karen Gillon: And you think that I am going to give that up.

Andrew Mylne: I offer a few points of clarification. If we have a system that allows a motion and several amendments to it, it will always be the case that there will sometimes be a number of amendments, each of which is individually competent, that carry the possibility of pre-emption one by the other. That is true no matter which order the amendments are taken in—whether it is decided by the order in which they relate to the wording of the motion, the order of party size or any other order.

The possibility of pre-emption cannot be avoided altogether, so we need a system for dealing with it. The current system is simply pragmatic and the Presiding Officer exercises judgment on the basis of his general right to interpret the standing orders. All that is suggested in the paper is that, because the system of pre-emption is needed in practice come what may, we might as well provide a basis for it in the standing orders and that that is done in such a way as to preserve the existing flexibility, not to constrain it—it was nothing more than that.

Mr McFee: I accept what Andrew Mylne says and I accept the intention behind the proposal to introduce the rule. However, "pre-emption" is a name that we are inventing for this situation—or that has been invented for us. When the Presiding Officer decides on amendments, he determines whether a further amendment to the motion is still competent. If I am arguing in favour of painting pillar boxes red, but the words "pillar boxes" have been replaced by the word "elephants", then the motion has been changed to such an extent that the amendment is no longer relevant. In other words, it is not just that the amendment has been pre-empted, it has been pre-empted because it is not competent.

It is a matter of competence and such matters should lie solely with the Presiding Officer in all circumstances. If we have a system in which competence is up for debate among members on every occasion, we will quickly become involved in a quagmire. Decisions relating to competence, even when it comes to accepting amendments for debate, are for the Presiding Officer under the present standing orders.

Karen Gillon: I would be happy to see a form of words for the proposed new rule because it is difficult to speak in the abstract. We can then work out whether the proposed rule would help or hinder us.

Mr McFee: I wonder whether the wording would change what currently happens; I suspect that it would not. If we change what happens, we had better have a damn good reason for doing so.

The Convener: The proposal is now different to what we previously discussed: we now want to consider a form of words that might become a new rule in the standing orders. Then we will discuss the matter again.

Andrew Mylne: My intention was that, subject to members' views, the next stage in this minor inquiry would be to draft changes to the standing orders on the basis of what was previously considered in principle. It would then be up to the committee to consider the precise details of what is put before it and take a final decision on whether it wishes to proceed with the change.

Mr McFee: I move that we reject the change now. That will save the clerk from having to spend any more time on it. If the change would have no effect, I do not see the point of it. I suggest that we save everybody's time and effort by rejecting it.

The Convener: Right. Well, that has been moved. Do members support Bruce McFee's suggestion that we should drop the proposed change to the rules on the pre-emption of amendments?

Karen Gillon: I am neither for nor against. Do I have to be against to get a form of words?

The Convener: Yes.

FOR

Ballance, Chris (South of Scotland) (Green)
McFee, Mr Bruce (West of Scotland) (SNP)

AGAINST

Baker, Richard (North East Scotland) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Johnstone, Alex (North East Scotland) (Con)

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

We will get the form of words and take the matter further.

Karen Gillon: I suggest that the form of words should be included when we consult members. We should include everything in one consultation.

The Convener: Yes. We should not pursue the consultation on the first item until we—

Karen Gillon: Until we have got all the other stuff sorted out.

Mr McFee: I am happy to agree to that, given that the committee has made its decision. However, I think that we should tell members the rationale behind the wording—

The Convener: We will. That has been agreed.

Mr McFee:—and what it would change.

The Convener: Right.

The third part of the item is on the withdrawal of motions and amendments. To me, paragraph 22 is the most helpful part of the paper. It states that, when a member who has lodged a motion or amendment withdraws it, the chamber desk notifies all the members who supported it, presumably so that they can resubmit it or take whatever action they wish.

Karen Gillon: I find it amazing that these little conventions spring up without consultation with anybody. Somebody in the Parliament says, "Oh, we'll just do that." We are the Procedures Committee and we should determine the Parliament's procedures, but people just make wee decisions here and there without consulting anybody.

Mr McFee: It is called practical life.

Karen Gillon: But is it practical life if—

Alex Johnstone: The day-to-day management of the Parliament requires decisions to be made. Sometimes those decisions are minor and insignificant, but sometimes they are more significant and they lead to practices that are on the borderline of the Parliament's official procedures. The paper assesses several such matters and asks whether the decisions should be formalised.

Karen Gillon: I do not think that such decisions have to be made overnight. At the least, I would like a courtesy letter to come to the Procedures Committee before decisions are made. The letter would say, "This is what we are going to do," even if it was just for information.

Mr McFee: I think that we are being unduly critical of the chamber desk. Of its own volition, it has adopted a system that shows courtesy to other members who have supported a motion or amendment. If it did not do that, it might be criticised for not showing that courtesy.

Karen Gillon: We are not talking about that specific example.

Mr McFee: Well, I am, because that is the subject that we are on.

If a motion or amendment is withdrawn, the chamber desk notifies the other members who supported it. I regard that as a matter of courtesy. I am worried about criticising people who have tried to show a little courtesy. If they did nothing, they could be criticised for not showing courtesy. They would be in a "heads they lose, tails they lose" situation.

Alex Johnstone: In my experience, chamber desk staff sometimes make such decisions at very short notice with people such as me standing beside them shouting and waving bits of paper.

Chris Ballance: So it is your fault.

Karen Gillon: That is fair enough, but you are going down a very dangerous road. We have three examples of decisions that have been made without consultation with members of the Parliament. There are other things happening in the building. There are people moaning about how the building is run and it is going on and on and on.

Even if the decision has been made, a courtesy letter should be sent to the Procedures Committee saying, "This is the decision that has been made and this is the impact of the change."

Mr McFee: I understand what Karen Gillon is saying, but I take an entirely different view. We have three issues before us. The first is the issue of pre-emption, which in my view is a matter of competence. Decisions on that are left to the discretion of the Presiding Officer, so no changes to the standing orders would be required. The second issue is about—

Karen Gillon: The Parliamentary Bureau.

Mr McFee: Yes. It is about the removal of motions with the consent of members, albeit not those in all groups. Again, no changes to the standing orders would be required.

The third issue is the matter of a courtesy extended by the chamber desk, which does not require an amendment to be made to the standing orders. We are making a mountain out of a molehill. I do not know why we are spending all this time discussing the matter.

The Convener: I will refrain from commenting on that.

The clerk has suggested various options. There is an issue about whether all the supporters of an amendment have to agree that it can be deleted. The question is how we deal with the withdrawal of motions and amendments. The system set out in

paragraph 22 of paper PR/S2/06/6/2 is reasonable: the mover has the right to withdraw the amendment, but everyone else involved should be told about it and if they wish to resuscitate the motion or lodge a similar one, they will be able to do so. If various people come together to support a certain line, there is always the fear that somebody might be persuaded, rightly or wrongly, to abandon it, which would leave the other supporters in the lurch—they should have the opportunity to restate their position. Paragraph 22 covers that quite well. Would we have to write that into the standing orders, or would we just accept that it was the convention?

Andrew Mylne: The original suggestion was that the facility for the member to withdraw the motion or amendment might be put in the standing orders, but there was no suggestion that notification by e-mail would be part of that; that is just a suggested matter of practice.

Karen Gillon: What change are you suggesting? Where is the form of words?

Andrew Mylne: There is no form of words as yet. That would be the next stage of the process. The suggestion was that there would be something in the standing orders to give authority to the withdrawal of a motion or amendment by the member who lodged it.

Karen Gillon: Surely we cannot stop a member withdrawing a motion. Members have the right to do whatever they like.

Alex Johnstone: Yes, but those who supported the motion would then have the right to lodge another one.

Karen Gillon: But nobody is stopping members doing that. If I withdrew a motion, there would be nothing to stop you lodging a similar one the next day. Nothing in the standing orders would stop you doing that.

Alex Johnstone: I am thinking particularly of amendments at stage 2 or stage 3—

Karen Gillon: But anyone can move an amendment at stage 2 or stage 3.

Alex Johnstone: No. Members have to be a supporter of an amendment to move it. That is why you will find members rushing around signing other people's amendments in advance of a stage 2 or stage 3 debate to ensure that they have the right to move it, should the original—

Karen Gillon: But we are not talking about bills.

Mr McFee: This has absolutely nothing to do with bills.

Karen Gillon: This is about the mad motion on the price of cheese in—

Alex Johnstone: It is not mad. I am lodging it next week.

Mr McFee: If Karen withdraws a motion and I want to take it up, I am perfectly at liberty to do so.

Karen Gillon: We are talking not about bills but about members' motions.

The Convener: Right, but there is a question about the status of the people who have signed up to a motion. Is the motion the possession of the person who lodged it or the collective possession of all the people who signed it? We are trying to clarify that, although it is the possession of the member who lodged it, everyone else who signed it has rights and so should be told about its withdrawal. That way, they would not be left in the lurch and could go and do something about it if they wanted to. The proposal in paragraph 22 covers that.

Chris Ballance: I agree. I endorse the practice described in paragraph 22. I do not know whether we need to include a formal form of words in standing orders, but it would be good if the committee could endorse the current practice.

11:15

Mr McFee: I would oppose a system that removed an individual's right to withdraw a motion or an amendment, but that is not suggested. An individual must always have that right.

The Convener: Supporters have rights; the question is how they are made clear.

Mr McFee: I say with respect that supporters do not have rights. They will be notified, but that gives them no right to retain a motion on an agenda under the name of the individual who lodged it. A supporter has the right to lodge any motion at any time.

The Convener: A supporter will have the right to be notified so that they can do that, whereas at the moment, the thing might slip through without their being aware of it.

Mr McFee: A supporter receives an e-mail and the information is in the *Business Bulletin*.

The Convener: I proposed that that system should continue.

Karen Gillon: It is proposed that it should be formalised in standing orders, but what is missing is not a provision in standing orders but something else. How would a new member know about the system? Members might not be aware of some practices that go on. Whether all the information should be in standing orders is another issue—I do not necessarily think that the provision should be there. An information gap exists between standing orders and custom and practice. People

who are not involved day to day will not know what happens. Nobody has sent me a note that says what procedure is now being followed—or perhaps it has been sent and I have not seen it. I am not aware of such a note, which is why I think that, if such conventions are followed, the committee at least should be informed of how they will operate, so that that is in the *Official Report* and everybody knows about it. That would be a courtesy to members.

Andrew Mylne: It might help to mention the volumes of guidance that the clerks who deal with the various procedures have prepared and which are designed to flesh out standing orders and to describe the convention and practice that have built up around them. There is guidance on motions.

Karen Gillon: Is the practice that we are discussing in that guidance?

Andrew Mylne: A new edition of the guidance on motions is in preparation and will be brought to the committee for approval once this minor inquiry is completed.

Karen Gillon: On that basis, I propose that we suggest to the people who are producing the guidance that it would be far more practical to include the information in that than to make it formal in standing orders.

Andrew Mylne: The point about notifying members by e-mail is exactly the sort of information that will be added to the guidance but which is not appropriate for standing orders.

Karen Gillon: Do we agree to forward that suggestion to whoever is drawing up that wonderful document? We can ask them to include a paragraph on the matter. All the work that has been done can be passed on. Forgive me if I am wrong, but I am not convinced that the information needs to go in standing orders.

Mr McFee: It is a matter of good practice.

Karen Gillon: Yes. Nothing can be put in standing orders that prevents a member from withdrawing a motion; if that happened, every member would be up in arms.

The Convener: Nobody is suggesting such an addition.

Mr McFee: The suggestion that the good practice should be noted and incorporated in the guidance is good. I hope that members will read the document, but they do not read standing orders, either.

Karen Gillon: I read them every night.

Chris Ballance: Do you have problems sleeping?

The Convener: The proposal is that we convey the suggestion that the reasonable system that paragraph 22 describes should be written into the guidance. Is that agreed?

Members *indicated agreement*.

Accountability and Governance Inquiry

11:19

The Convener: Agenda item 4 is the Finance Committee's inquiry into accountability and governance. The Procedures Committee has no relationship with an ombudsman or commissioner, unlike many other committees, so I do not think that what the Finance Committee is pursuing is relevant to us. We have examined the points and produced a report on commissioners, which covers reappointment and independence, so if we merely draw the committee's attention to our report, will that suffice? Do members wish to go further?

Alex Johnstone: If we tried to take the matter further, we would end up having all the same arguments again, so we may as well just refer the Finance Committee to our report.

Mr McFee: There is a direct correlation with our work, because the committee's report recommended that Parliament should not be given the power to direct commissioners in the preparation or presentation of their annual reports. That is a significant departure from some of the legislation that was passed in 2002, which conferred that power on the Parliament, and from the proposals in the Scottish Commissioner for Human Rights Bill. Several aspects of our report are relevant to the Finance Committee's inquiry.

I am sorry to raise this issue, but paragraph 2 of paper PR/S2/06/6/3 asks

"whether there is a need for powers to be written into legislation which will afford the SPCB budgetary control."

That is the same body to which we will, if the Parliament agrees, pass virtually all the reappointments procedure. The Procedures Committee should respond to the Finance Committee on certain issues, although whether we do that by letter or by pointing to our report is a matter for the committee to decide. If we simply point to our report, I suspect that we may get questions back.

Karen Gillon: Let us send the convener to the seminar.

The Convener: You have a great interest in the matter.

Karen Gillon: I demit my interest to you, convener.

The Convener: You were in charge of a committee that introduced a bill to establish a commissioner.

Karen Gillon: I was, but I have since demitted that responsibility to two Liberal Democrat colleagues.

Mr McFee: This is pass the parcel in committee: the fastest game known to man.

Karen Gillon: I am afraid that I cannot go to the seminar on 24 April.

The Convener: Okay. I will go if members wish. Do members agree to draw the Finance Committee's attention to our report? If it wishes to come back to us on further issues, it can do so.

Members *indicated agreement*.

Papers for Information

11:22

The Convener: I draw members' attention to various other documents that have been circulated. The Justice 1 Committee has published its report on the Scottish Commissioner for Human Rights Bill. The committee was interested in what will be done, if anything, about the commissioner's annual report. Some existing legislation allows Parliament to direct commissioners on their reports, which we thought was not such a good idea. Members will speak from their points of view during the stage 1 debate on the bill, but perhaps I, or somebody else, could point out that the Procedures Committee is not keen on allowing Parliament to dictate the form of the commissioner's report.

Mr McFee: That is a fair point. However, in the Justice 1 Committee's defence—and not just because I am a member of that committee—I point out that it grappled with much greater issues and ended up recommending that the bill should not progress at all. We should bear that in mind. If the Justice 1 Committee has not dotted all the i's and crossed all the t's, that is simply because it was rapidly coming to the conclusion that the bill is not worth progressing.

The Convener: I am not being critical of anyone; I just want to have the committee's view on the record.

Mr McFee: That is fair.

The Convener: Members also have a copy of a letter from Christine Grahame and my reply. As I understand it, there is nothing to prevent Jack McConnell or anyone else from referring to the "Scottish Government"—any of us can do that in dialogue or in a speech. However, in formal documents, it is more difficult to use that expression rather than the phrase "Scottish Executive". The Scotland Act 1998 calls the Government the Scottish Executive and talks about the First Minister, not the Prime Minister. Therefore, official documents must keep in line with that, otherwise some legalistic person could challenge their validity. Do members wish to comment on the letter?

Mr McFee: You have interpreted more widely than she had intended what Christine Grahame is asking for. I have not spoken to her about it so I am going only on my reading of her letter and your reply. She was using the case of the First Minister in Melbourne as an example of the use of the term "Scottish Government"; she was not saying that it should be used on all occasions. Which term he uses is a matter for the First Minister. Paragraph 2 of the letter is pretty direct and refers to another example of a decision that has been arrived at—

Karen Gillon: For whatever reason.

Mr McFee: For whatever reason. The essence of Christine Grahame's question is, if it is reasonable to use the phrase "Scottish Government" in place of "Scottish Executive" in parliamentary motions, why is it not used in parliamentary questions? She is asking one question and I suspect that Karen Gillon has a different one.

Karen Gillon: It is a fair point. The Scotland Act 1998 bestows a specific title on the Scottish Executive. It should be referred to as the Scottish Executive in official publications and documents. We can have a debate about whether it should be called the Scottish Government, but who gave anybody the right to say that it should be referred to as that in official documents of the Parliament?

Mr McFee: It could be.

Karen Gillon: Who made that decision? In consultation with whom? Is it within the legal competence of the Parliament? If there is a specific title in the Scotland Act 1998, we can debate whether we wish to amend the act to call the Scottish Executive the Scottish Government.

Alex Johnstone: No, we cannot. Amending the Scotland Act 1998 is a job for Westminster.

Karen Gillon: We may wish to make a recommendation to Westminster. We cannot make the decision but we can have the debate. However, as far as I am aware, it is not a debate that we have ever had. Once again, a decision has been made, with no consultation with anybody, which has some pretty far-reaching consequences. The convener's approach is the correct one. I wonder why the decision was made.

Mr McFee: I do not think that the Scotland Act 1998 refers to how a parliamentary motion must be worded. Who decided in the first instance that parliamentary questions should refer to the Scottish Executive? I take Karen Gillon's point, but I wonder what the process was. Christine Grahame is pointing out an anomaly—[*Interruption.*] That sounds like a milk float.

Karen Gillon: As long as it is not the roof coming in.

Mr McFee: It is permissible to refer to the Scottish Government in a parliamentary motion, but a parliamentary question would be rejected if one used that form of words. There is some merit in considering the issue, although not necessarily in spending a heck of a lot of time on it.

The Convener: The subject is not officially on the agenda. I was trying to be helpful by drawing the committee's attention to the letter.

Mr McFee: I was going to mention it anyway.

Chris Ballance: There is an anomaly. On two or three occasions at First Minister's question time, I have heard the First Minister refer to the Scottish Government. In a parliamentary answer, the First Minister can talk about the Scottish Government, but in a parliamentary question, a member such as Annabel Goldie or Shiona Baird cannot refer to the Scottish Government. That is an anomaly.

Karen Gillon: Forgive me for coming to a different view from that of the First Minister, but two Governments govern Scotland: the United Kingdom Government and the Scottish Executive. If we want to get into that debate, that is fine.

Mr McFee: You were not getting into that debate.

The Convener: Do you want to debate the issue correctly, when it is on the agenda, or do you want to forget about it?

Karen Gillon: No.

Mr McFee: We should consider it, if for no other reason than to satisfy Karen Gillon on how we got to this situation.

Karen Gillon: I am happy to write to the chamber desk.

Mr McFee: That assumes that the chamber desk determines things on behalf of the Parliament, which would be a dangerous assumption. Someone has asked for the issue to be addressed. There is no need to make a huge issue of it. The question is why we were told in the past that we had to use Scottish Executive in a parliamentary motion when we can now use Scottish Government and why we are being told that we must use Scottish Executive in parliamentary questions. I do not know where in the Scotland Act 1998 it says that we must do so. I would have thought that the act would be gloriously silent on that.

11:30

The Convener: I suppose the point is that nobody has any control over what any of us, from the First Minister downwards, says in speeches, whereas there is control over questions, which must be in accordance with the constitution. Does Bruce McFee want a paper on the subject?

Mr McFee: A brief one.

Richard Baker: I do not think that it is worth it.

The Convener: I suppose if a committee member wants a brief paper on the subject—

Karen Gillon: I would like a letter to be sent to the chamber desk asking on what authority it allowed the words "Scottish Government" to be used in motions—that is the essential question.

Mr McFee: And where the instruction came from for the original decision.

Chris Ballance: And what the reasons were. What was the thinking behind the decision?

The Convener: Right. The clerk has offered to find that out and to put the chamber desk's response in his report. Does Karen Gillon wish us to write a stroppy letter?

Karen Gillon: No, I think that people will get the essence of our position—it will be conveyed to them.

The Convener: I presume that they will read the *Official Report*.

Paper PR/S2/06/6/6 is a note from the clerk on the Scottish Affairs Committee's inquiry on the Sewel convention. I think that our meeting with the committee was an amicable occasion, which I hope will lead to more dialogue of that sort. Do members have any comments?

Karen Gillon: It was a useful and productive meeting and I hope that the Scottish Affairs Committee produces recommendations that will help us all in taking forward legislative consent that involves Sewel motions.

Mr McFee: The meeting was useful and it allowed Karen Gillon to buy a new hat for the occasion.

Karen Gillon: I did not have a hat on.

The Convener: The final paper, PR/S2/06/6/7, is on the Executive's consultation on the proposed transport and works bill. Before my time, the Procedures Committee drew up the report on which much of the Executive's approach to this matter is based. Does the committee wish to respond further to the consultation? Would it be better or more acceptable for individual members to respond rather than the committee?

Mr McFee: The Procedures Committee reached a unanimous decision on the proposition that we put to the Executive and it has filleted it. The consultation document presents a filleted version of what the Procedures Committee recommended. We should perhaps take time—a week—to consider what our response should be, but we should make some form of response.

Your predecessor was keen on the committee's proposal of a "plus" element for the proposed transport and works bill. It is worrying, indeed, that the Executive has taken some time to get to this stage and, for the Edinburgh Airport Rail Link Bill and the Glasgow Airport Rail Link Bill, has ended up with a truncated version of what we proposed. I certainly would not have agreed to the decision at

the meeting of the Procedures Committee to which I referred if I had expected the result to be a filleted version of our proposal, with the element of parliamentary authority and scrutiny removed—in effect, that is what the Executive is proposing.

Chris Ballance: I was not involved in the original committee inquiry, but I note that the Executive states in its consultation document that the reason for omitting parliamentary consideration of an order is because of

"the potential to introduce substantial delay".

I would have thought that substantial delay would be introduced only if the Parliament thought that something was seriously wrong with an order. If the Parliament approved an order, it would probably be only a couple of weeks until the scheduled debate on it, which would be by no means a substantial delay. As far as I can see, there would be grounds for introducing substantial delay only if something was wrong with an order, in which case it would be just as well for the Parliament to have a say.

Karen Gillon: As I understand it, primary legislation is required and the Executive's proposal will have to go through the bill process, which means that the proposed transport and works bill will come to Parliament and the Local Government and Transport Committee will consider it.

Mr McFee: But the essential point is that what will have been consulted on is the Executive's proposal, which has filleted out the "plus" element of the proposed transport and works act provisions, on which the Procedures Committee was unanimously keen when it was discussed.

Karen Gillon: I have no difficulty with our including that, as the committee's considered view, in the report that we submit to the consultation.

The Convener: Do you wish our response to be accompanied by a note that states that parts of the committee's proposals have been left out of the Executive's proposals and that the committee believes that its proposals as a whole should have been taken forward?

Karen Gillon: We could say that we are disappointed that the Executive has decided to proceed with a consultation that is not in line with the proposals that the committee outlined.

Richard Baker: The Executive has described in the consultation document what the committee proposed. The Executive is being honest by saying, "This is what the committee proposed, but we propose something different." The Executive is not misrepresenting the committee.

Karen Gillon: Yes, but we can say that we are disappointed that the Executive has gone for a process that is more Executive-led than parliamentary-led. We would duck our responsibilities if we did not say that.

Andrew Mylne: If that is how the committee wishes to proceed, perhaps I could suggest that, given the consultation's timescale, we put on next week's agenda consideration of a draft letter to the Executive along the lines that have been suggested, so that the committee can consider alternatives to that before it proceeds. A supplementary question would be whether the committee would wish to consider that in private.

Mr McFee: Our report is in the public domain, so the suggested consideration should be done in public.

The Convener: Does the committee agree to what has been suggested?

Members *indicated agreement*.

The Convener: I thank members for their contributions on the various important issues.

Meeting closed at 11:36.

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