

PUBLIC PETITIONS COMMITTEE

Tuesday 31 August 1999
(*Morning*)

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PUBLIC PETITIONS COMMITTEE **2nd Meeting**

CONVENER :

*Mr John McAllion (Dundee East) (Lab)

COMMITTEE MEMBERS :

*Helen Eadie (Dunfermline East) (Lab)
*Phil Gallie (South of Scotland) (Con)
*Christine Grahame (South of Scotland) (SNP)
*Pauline McNeill (Glasgow Kelvin) (Lab)
*Mrs Margaret Smith (Edinburgh West) (LD)
*Ms Sandra White (Glasgow) (SNP)

*attended

COMMITTEE CLERK :

Steve Farrell

SUPPORT MANAGER :

Jane Williams

Scottish Parliament

Public Petitions Committee

Tuesday 31 August 1999

(Morning)

[THE CONVENER *opened the meeting at 10:04*]

The Convener (Mr John McAllion): We can now make a start. Margaret Smith has said that she will be late for this morning's meeting. We have not heard from Helen Eadie, but we hope that she will arrive quite soon.

I officially welcome everyone to the second meeting of the Public Petitions Committee. I know that all the members and staff have had a very busy recess; I hope that some of you managed to take the fabled holidays that we were all supposed to be having. However, we can now get back to the business of the Public Petitions Committee. I know that most conveners would claim that their committees deal with the people's priorities, but we are unique in that regard. The priorities of this committee are not generated by the committee, but come from the people of Scotland.

We have a fair selection of petitions before us, but before we turn to them I should say that it has been pointed out by legal officers that, according to the standing orders, petitions must be submitted on a sitting day of the Parliament. Technically, therefore, four of these petitions—the two petitions submitted by Mr Frank, the petition from Mr Guild and the petition from the Scottish Homing Union—are inadmissible, as they were submitted during the recess. Our legal advisers say that, in the long term, we might have to change the standing orders to stop that happening. In the absence to date of any public guidance on the submission of petitions, I think that we should agree to take today as the formal date for the submission of the petitions in question. That will allow us to consider them formally. Some of the people who submitted those petitions are here today, so it would be wrong not to deal with their petitions. Is that agreed? It is agreed.

Ms Sandra White (Glasgow) (SNP): At our previous meeting, I thought that it was made clear that if petitions were sent in, they would be submitted at the next formal meeting. I did not realise that there was a rule that they had to arrive on the day of a formal meeting. I raised that issue at our first meeting and was given assurances that such petitions could be brought forward. Unfortunately, we may now have to change the standing orders.

The Convener: It was the lawyers, I am afraid.

There were no lawyers present at the previous meeting of the Public Petitions Committee. Lawyers can find technical reasons for anything. I do not think that the Parliament will have any problem changing the standing orders in future, but for technical reasons we had to agree on today as the submission date for these petitions so that we could deal with them at this meeting. We can now go ahead with that.

Phil Gallie (South of Scotland) (Con): I go along with what the convener has said and agree with his conclusions. However, technically, is not tomorrow, rather than today, a sitting day of Parliament?

The Convener: I do not know the answer to that question—[*Interruption.*] The committee clerk informs me that a sitting day is any day on which the office of the clerk is open, which includes today. Today is a sitting day of the Parliament even though the full Parliament does not meet until tomorrow.

Phil Gallie: That is great.

Petitions

The Convener: The first petition comes from Ayrshire chamber of commerce. As members can see, it deals with the immediate action that is needed to upgrade the A77 between Fenwick and Newton Mearns to motorway standard. The purpose of the petition is laid out, along with the chamber's reasons for asking the Parliament to take that action.

As members know, we are not here to debate the substance of the petition, but to decide how the Parliament should respond to or deal with it. Members will have had notice from the clerk and others of the Executive's strategic review of the roads programme, which will include consideration of the upgrading of the A77 as one project that might be given priority in the future. However, it is not for us to anticipate that review or to deal with the substance of the petition. We can refer it either to the Minister for Transport and the Environment, Sarah Boyack, or to the Transport and the Environment Committee. I favour the latter option. However, it is for this committee to decide how it wishes to dispose of the petition.

Phil Gallie: I should like to comment, convener. The petition is very much in line with the views of many people in Ayrshire and the south-west corner of Scotland. It is important that it is dealt with quickly, and the Transport and the Environment Committee is the appropriate body to do that. I am well aware of the Government's review, but the review was inherited from the Scottish Office and has dragged on for some time. The aim of the petition is, almost certainly, to inject urgency into the process. That urgency could well

come from the Transport and the Environment Committee.

The Convener: Does anyone else have comments? Christine?

Ms White: My name is Sandra—I have not changed to Christine. I reiterate what Phil said. The petition should be discussed, and it is better for it to go to the Transport and the Environment Committee than to a minister.

Christine Grahame (South of Scotland) (SNP): Petitions are a means for the public to push the Executive into moving forward, instead of sitting on proposals. This petition does just that. Although the matter is under consideration, it remains open to the public to bring something forward if they feel that it is not being dealt with efficiently.

The Convener: Absolutely. Is it agreed that we should pass the petition to the Transport and the Environment Committee to consider appropriate action, and that the clerk should write to the petitioners to inform them of this committee's decision? It is agreed.

Time scale is another issue, as we have responsibilities in addition to simply referring the petitions to the appropriate committee. We should monitor how those committees handle petitions and agree with them a time scale for response. This issue might be raised usefully at the liaison meeting of the committee conveners—a further meeting is due to take place on 7 September—before we meet again. Perhaps the clerk could prepare a briefing paper from this committee, suggesting an agreed time scale for dealing with petitions, obtain information from the committees to which we refer petitions, and report back to the next meeting of this committee. Is that fair? It is agreed.

Pauline McNeill (Glasgow Kelvin) (Lab): My experience so far is that the role of the Public Petitions Committee is not quite understood by colleagues. The reaction is, "What does it do?" As the convener said in his opening remarks, people will slowly realise that this committee is the one committee to which the public have direct access, in order to indicate that they feel strongly about this or that issue. As time goes on, and as we get a feel for the number and type of petitions that are submitted, we can consider rules on time scales for monitoring.

In addition, on issues that keep coming up in questions and petitions, such as the A77, we might consider adding a note from the committee, by way of comment, to say that we think that the issue is important, or that we would like it dealt with as a matter of urgency and so on. I would not want us to make up such rules now, but as time goes on we should consider developing effective

ways in which to ensure that, once people have taken the trouble to submit a petition, there is a way of tracing it that involves comments from this committee on how we feel it should be dealt with. The meeting of conveners is important, as we should get it across to the other committees that that would be a way of scrutinising their work.

Phil Gallie: I used the word "urgency" earlier, and I was going to suggest that the clerk used it in his letter to the Transport and the Environment Committee, to demonstrate how important this petition is.

The Convener: It is open to the committee to agree that a note be sent stressing the urgency of an early response to the petition. However, that raises a problem—if we do that with this petition, the next one might be just the same. We must set criteria for determining which petitions should be dealt with urgently. We cannot say that all petitions are urgent, as that loses the point of attaching a note about urgency.

Christine Grahame: Later we might consider sending another petition to the Justice and Home Affairs Committee. It is important for the conveners to liaise because of the work load of some of the committees. While we do not want to build up the public's expectations unfairly, we do not want to depress them. We must be sensible about the way in which we refer petitions. We cannot slap a note of urgency on to every petition immediately.

The Convener: Later this morning, we will discuss guidance for the public on the submission of petitions. Perhaps we could consider at that time how we handle the issue of urgency. It is a good idea, but we should use it judiciously, so that we give priority to petitions that we think should be dealt with urgently.

Pauline McNeill: I agree, but if we think that something is important, we must minute why we think so and get into a habit of doing that. I would be happy to support a sense of urgency behind our referral of the A77 petition, because of the length of time that the petition has been awaiting consideration. It is a shame that that petition somehow missed the boat—although we were quick off the mark, as we discussed it at our first meeting. However, we could take that into consideration in order to make the case for asking the Transport and the Environment Committee to examine the petition quickly, as it has been pending for eight weeks.

Phil Gallie: I go along with Pauline's point. The upgrading of the A77 was in the roads programme, but it was knocked back following the review. Since then, there have been a number of serious accidents on the A77, and there are other specific problems. On that basis, there is good

reason for the clerk to include a comment on urgency. I would be happy to leave that issue to the end of the meeting, when we have considered the other petitions, to establish in our own minds whether urgency should be attached to one or to all of the petitions. If we attach urgency to all the petitions, we lose the effect. Can we revisit this petition at the end of the meeting to agree whether we will insert the word "urgency"?

10:15

The Convener: If we agree to add a note of urgency to the petition, we should not do it on the ground that there have been accidents on the A77. There are other roads in Scotland—particularly the road between Dundee and Arbroath—where horrific accidents took place during the summer. Therefore, we cannot say that this rather than that road should be the priority. The fact that the petition has been lying on the table for a long time and that it has yet to be dealt with by the Parliament is a far stronger argument for the petition to be assigned urgency, pro tem, by this committee.

Is it agreed that we will return to that petition at the end of the meeting? It is agreed.

The next petition, on rapeseed crushing, is from the Hospitalfield area residents committee. This complicated petition raises issues about the planning procedures of the former Dundee and Angus District Councils, and touches on the Scottish Environment Protection Agency, Tayside Health Board, Scottish Enterprise Tayside and the procurator fiscal. It calls for action from the First Minister and from the Parliament. There is no doubting the strength of feeling of the residents who presented the petition to the Parliament on a complex issue. Technically, we could refer it to the First Minister, the Local Government Committee, the Health and Community Care Committee or the Enterprise and Lifelong Learning Committee. However, given that the petition specifically calls for the achievement of a solution to an on-going environmental nuisance, we should refer it to the Transport and the Environment Committee for further consideration. Do members have other views?

Ms White: We should refer the petition to the Transport and the Environment Committee. Andrew Welsh, the local member of Parliament, raised the issue at Westminster and, if we are considering urgency, it is a matter of urgency as it has been going on since 1993. According to the supporting documents, the residents seem to be suffering terribly, and the issue could be a test case of SEPA's new powers on rapeseed crushing.

Pauline McNeill: I am in favour of the petition

being passed to the Transport and the Environment Committee. However, SEPA's inaction seems to be an issue, and perhaps we should also draw it to the attention of the Minister for Transport and the Environment, as she might want to consider that part of the petition. Questions should be raised about SEPA, as that is the point of the petition, but perhaps we could also ask the minister to consider SEPA's inaction.

The Convener: The clerk has just suggested that perhaps we should ask the environment committee to take that step, as otherwise we would begin to deal with the substance of the petition, which is not our role. The Transport and the Environment Committee might take offence if we wrote directly to the minister on an issue that related to its remit. I take on board the point that, in our referral of the petition to the Transport and the Environment Committee, we should suggest that that committee bring it to the minister's attention because of SEPA's role.

Do members agree that we should pass the petition to the Transport and the Environment Committee and ask the clerk to write to the petitioners informing them of our decision? It is agreed.

The next petition comes from Maclay Murray & Spens, which describes itself as a "leading firm of solicitors"—I could not possibly comment on that—in commercial retailing. The petitioners call for an amendment to the Tenancy of Shops (Scotland) Act 1949, which deals with the right of small retailers to apply to the sheriff court for an extension of their lease if the sheriff considers that the hardship caused to the retailer of not granting an extension is greater than the hardship caused to the landlord in granting it.

The solicitors see problems with the operation of the act, and believe that it is ineffective and not cost-effective, in that it inhibits the landlord from developing his property in line with modern retail requirements. I suppose that it could be seen as a David and Goliath struggle, but I do not think that it is for members of the committee to decide the substance of the issue. We should refer it to the Justice and Home Affairs Committee, so that it can consider appropriate action, and the clerk should write to the petitioners on those terms. As it is entirely for the committee to decide, do members have any other views?

Ms White: I wish to raise a point for clarification. Is this the first petition from a lobbying group? There are references to the "Scottish parliamentary group". On page 5, for example, it is stated:

"and it is put before the Scottish Parliament by our Scottish parliamentary group".

May we have some clarification on that point?

The Convener: I believe that the Scottish parliamentary group is a group within the firm of solicitors. It is not a lobbying group as such.

Christine Grahame: I believe that that is right.

Ms White: I wanted that to be clarified. We shall get lots of things like that.

The Convener: It is important that it is clear that the committee is not a vehicle for public relations companies to push forward their agenda.

Christine Grahame: Having practised law myself, I hesitate to come to the defence of a law firm, but this petition is interesting in that it shows the range of organisations that will use the system and highlights the fact that we need to be alert to ensure that such organisations are not lobbying groups. I might come to eat my words, but in defence of Maclay Murray & Spens I would say that the petition, which relates to something in Scots law, is fairly put, as are other items on the agenda that are still to come.

I am glad that we are dealing later with how the public should submit petitions. We do not want petitions to come only from people who are one step ahead, but also from ordinary people, who see the committee as a means of putting forward their opinions.

Ms White: Could we nevertheless have the situation clarified? I am not saying that this is a lobbying group, but I am a bit concerned that it could be, and that this could be the start of something.

The Convener: I will certainly come to the next committee meeting with clarification regarding public lobbying groups.

Phil Gallie: I see the group not so much as a lobbying group as a group representing business interests. The petition comes from a solicitors firm that deals with such matters on a daily basis and highlights what the firm sees as a problem. There are other sides to the story, but the firm has presented a bill along with the petition. That is unique and should help to move the process along. The Scottish Parliament is all about moving things on quickly. I would not like to give the impression that there is any criticism of those who sent in the petition. It is great that they have gone to the trouble of including the bill.

The Convener: That is a fair point, but Sandra's point was also fair. We do not want this committee to become the plaything of PR companies that use it for their own purposes. It is extremely important that that is made clear.

It is therefore agreed that we will refer the petition to the Justice and Home Affairs Committee and that the clerk will write as appropriate to the people concerned.

The next petition is from an individual, Mr Maurice Frank, who has submitted a petition that calls for the Parliament to debate and give a response to evidence of

"life-threatening harm suffered by students in school and university who are subjected to unreasonable pressures for high achievement".

Mr Frank points out in his petition that he has written an unpublished book, "Child Epicentres of Mass Madness". He believes that it deals with an important issue and is concerned that it is not being made available to the public.

I think that we should leave it to the Education, Culture and Sport Committee to decide on a response and that the clerk should write to Mr Frank along those lines. However, it is open to the committee to agree or disagree.

Christine Grahame: I am concerned about our remitting petitions without considering their admissibility and whether their input and direction are in a form that can properly be remitted. We might want Mr Frank to restructure this petition. I have concerns about our simply bouncing his petition on to another committee without considering whether—to put it bluntly—it makes sense in the manner in which it has been submitted.

The Convener: I understand your concerns, but there has been some liaison with the Education, Culture and Sport Committee, which is concerned about our deciding whether matters related to its remit are appropriate and should be remitted or sent back. The members believe that it is for them to decide on the substance of the petition.

Christine Grahame: I am worried not about the substance, but about the form of the petition. I do not mean that the form should have been as magnificent as that of the petition submitted by the legal firm with a proposed bill attached, but that there is perhaps a role for the clerks in assisting parties in drafting their petitions to the committee, which can be overwhelming for people. That would help us to make a decision about remitting this petition to another committee.

The Convener: Obviously, we will issue public guidance on how to submit petitions to the Parliament—that is dealt with later in the agenda. However, I do not think that this petition is in any way technically out of order. It is in order as it asks for a debate on an issue that is relevant to the Scottish Parliament. It is a legitimate request.

Pauline McNeill: I share Christine's concerns about the petition and I will lay them on the table. First, the petition is hard to read. We need to find a role for ourselves in not bogging down other committees. People will realise that petitions might provide a short-cut to the committees. We have a

responsibility to get the meat of the matter to the other committees.

I am also concerned about the form of the petition and about the fact that Mr Frank mentions an unpublished book. I do not know what the point of mentioning that was, but it could be seen as self-publicity. If we allow the petition through without comment, we will open the floodgates. Anyone who submits a petition in this form will be able to say, "What about my book on such-and-such a subject?" I would like it to be minuted that we will consider those points to determine whether our concerns have any validity.

Phil Gallie: Pauline is absolutely right. Quite honestly, if we lodged this as a question, we would be ruled out of order, because there is a statement of opinion in the petition—relating to students

"who are subjected to unreasonable pressures for high achievement"—

that cannot be upheld. If we pass the petition to another committee, is everyone here committed to accepting that statement? It seems to me that the petition is not in a correct form and that it is right that we should question its admissibility. If it was submitted in a different form, the situation might be different, but in its current form it is, as far as I can see, an expression of opinion rather than a petition.

Ms White: The suggestion in the original briefing before the recess was that no further action on Mr Frank's petition should be taken. This morning, the updated papers suggest that the petition should be sent to the Education, Culture and Sport Committee. When was that decision taken? I understand that conveners have a role in such decisions. Was it suggested at the conveners' meeting that the role of this committee is not to take decisions? We all seem to be in agreement that we should be taking decisions of some sort on petitions, such as this one, that are hard to read, state an opinion and could open the floodgates to more such petitions. We should not protect committees, but we should at least have some flexibility to say whether it is correct for certain petitions to go forward. Why has the suggested action on this petition been changed?

The Convener: That decision was made in consultation with the Education, Culture and Sport Committee. It is conscious of the problems that petitions of this kind present, but thought that in matters relating to education it, rather than the Public Petitions Committee, should find the form of words to deal with such petitions and to respond to the petitioner. However, I take your point entirely.

Mrs Margaret Smith (Edinburgh West) (LD): I want to go on record as echoing the points made by Pauline about the committee's role. As convener of a committee, I know that we will be

incredibly burdened by our work load and by the expectations of the public and our expectations of ourselves. I do not see how the parliamentary committees will be able to cope with the work load if we accept everything that comes to this committee. This committee must have a role in ensuring that things are competent.

Pauline's point about the fact that the petition refers to an unpublished book is also important. Every budding author in Scotland could be on our books trying to make their point and get some publicity out of our talking about them. We must define our role more clearly. Surely we must be seen almost as the gatehouse to the system. I do not think that any of us wants to act in a way that is not open and accessible—quite the opposite—but there is no point in our accepting everything and passing petitions through to subject committees if we know that all that will happen is that the committees will get bogged down. The serious work that subject committees have to do will be jeopardised if we do not put some kind of restraint on our decisions.

10:30

Helen Eadie (Dunfermline East) (Lab): I do not disagree with any of my colleagues' comments, which are valid and reasonable, but these are early days and people have not yet been able to get the clear guidance that they need. We must also reflect on the fact that we may refer petitions to other committees, but they are barometers of public opinion and it is for those committees to decide on the petitions' progress. There might not always be a positive—or even a negative—outcome; committee members might simply become aware of and note the strength of opinion. I have no doubt that members of the various committees will give balance to the process.

In our procedures, we have to guard against allowing the petitions process to become a panacea for lawyers and professionals. We must make it easy for ordinary members of the public—for Joe Bloggs—to be able to access this committee and every other committee in the Parliament.

That is the only caveat that I want to add to our deliberations.

Christine Grahame: I will return to that, but my concern for this committee is about us not looking at the form; by no means do I want to strangle ordinary petitions.

I have looked at the draft public information guidelines that we were given today and, although I have not yet read them in detail, they seem a good idea. The guidelines are along the lines of the simplified procedures used in the sheriff court and small claims actions, whereby people fill in the

documents with the help of the clerks to the court or, here, the clerks to the Parliament.

I move that on this petition, we write to Mr Frank to suggest that he redraft the petition, perhaps with the assistance of the clerks and using the petition form, so that we are better able to consider it. That would be not just for our ease, but for the ease of the other committees.

Phil Gallie: I back that.

The Convener: That is a motion which is being put before the committee; it is the committee's decision, not mine.

To be fair to Mr Frank, there is no clear public guidance on how to present petitions to the Parliament. His petition is in order, although it is not set out in the clearest way. In future, there will be guidance for the public that will allow people to come into line and will deal with many of the problems that have been highlighted this morning.

I am anxious not to get into turf wars. We will not start fighting with the other committees about who should be doing what, but we should have an agreed relationship with the other committees. I hope that the conveners liaison committee will be the main way in which we achieve that. However, I am perfectly happy for the committee to decide to write back to Mr Frank to suggest that he liaise with the clerk to the committee in order to put his petition in a more presentable form that would be dealt with at a future meeting.

Christine Grahame: To help him, not to impede him?

The Convener: Yes. Is that agreed?

Members: Yes.

Helen Eadie: The public could perceive our actions as being unnecessarily bureaucratic. All we have to do is to send the petition on as a measure of some people's opinion and perception, because we have not yet agreed procedures.

However, I would not fall out with committee members; if the majority view is that we want to proceed on that basis, that is fine with me.

Ms White: I take the opposite view. We are trying to help the people who write in, who may not necessarily be professionals, and we should give them any help we can. If this petition is presented to the Education, Culture and Sport Committee and cannot be easily read, it might just be sent away. If Mr Franks is helped to present his petition properly, it might be taken in a different light; that is why it should be sent back to him with proper guidelines.

The Convener: We would not establish any precedent by doing so, because in future guidelines will be available to the public, and if

they are not followed, the petition will be dealt with accordingly. Individual help from the clerks will not be available each time; the clerks could not cope with that. This is a one-off because we are at an early stage in the process.

I took the view that there was a majority in favour of Christine's motion, but Pauline—

Pauline McNeill: With the proviso that we are not setting a precedent. I have concerns—I think we all do—about the petition, and I take a harder line. Most people know the difference between a petition and a letter. I have signed a thousand petitions, as most people have, and it is common for names to be legible. The point of a petition is to demonstrate the support of real people with real addresses that can be readily identified and checked if need be. We do not need bureaucratic rules for people to understand that; it is the basis of petitioning any public body or institution.

One of the things that will have to be drawn to Mr Frank's attention is that names must be clear; I cannot read the names in his petition. That cannot be allowed to happen in future. Further, the petition mentions Edinburgh District Council, Fife Council and so on. To me, it is a letter, not a petition.

We must have the proviso that we are not setting a precedent, and it must be made clear before any redraft that petitions are not a substitute for people publicising their own books or for writing letters about matters of concern to Fife or Edinburgh council. Sorry, that is a lot of provisos, but we must ensure that we do not walk into anything—

The Convener: I agree. Everyone agrees that this is not a precedent, but a one-off that is happening because we are at an early stage in the committee's procedures and public guidance for petitioners has not yet been published.

We will deal, as proposed, with Mr Frank's petition and then progress to the public guidance that will set down the real precedent for the way in which people should petition the committee. Everyone will be expected to come in line with that public guidance and will be dealt with accordingly.

Are we agreed? Thank you.

The next petition is again from Mr Frank. He calls for the European Committee and the Equal Opportunities Committee to take a view on the extent of the authority of the European Court of Human Rights in Scotland. That court is concerned with international relations and is therefore a reserved matter. This Parliament cannot make laws about international relations, but we can debate anything and can take a position, even on reserved matters.

Technically, we cannot immediately reject the

petition on the ground that it relates to a reserved matter. It is open to us to pass the petition to the Justice and Home Affairs Committee to be considered for further action; that might be the best way of dealing with it. Again, I am open to other views.

Ms White: I am glad that members of the public can question matters that are reserved to Westminster and are not being gagged as some MPs are. I am more than happy for the petition to be passed to the Justice and Home Affairs Committee.

The Convener: I do not know of any MPs who have been gagged.

Phil Gallie: Given that this will set a precedent and that the rules for submitting petitions suggest that issues should be within the competence of the Scottish Parliament, I query the legitimacy of this petition. It would be competent for the issue to be debated in the Parliament if it were raised by an MSP: Mr Frank could contact his constituency MSP or list MSPs, who could attempt to initiate a debate.

In the notes on petitions, it is stated quite clearly that the petitions we deal with should be within the competence of the Scottish Parliament. I feel that this petition is beyond that competence.

The Convener: My understanding is that it is within the competence of the Parliament to debate anything. We could not act on the debate, but we could certainly express a view. It would be within the competence of the European Committee and the Equal Opportunities Committee to take a view on the matter. Mr Frank is within his rights in asking them to take a view.

Phil Gallie: I accept that.

The Convener: Is that agreed?

Pauline McNeill: What are we agreeing?

The Convener: We are agreeing to refer the petition to the Justice and Home Affairs Committee.

Ms White: Perhaps this is why conveners are a bit worried about our committee. Phil suggested sending the petition back to an MSP. By doing so, we would be making a decision and it is not our place to decide to tell Mr Frank that we cannot send the petition on to be debated elsewhere in the Scottish Parliament. We are walking a thin line in this committee.

I agree that the petition should be sent to the Justice and Home Affairs Committee. People have a right to have a subject debated.

Pauline McNeill: I am not happy with that. I take Sandra's point that we need to be careful, but I am looking ahead and I can see more petitions like

this one. I do not understand what the petition is about and I suppose I have a vested interest—as Christine might have—because we are on the Justice and Home Affairs Committee.

We have to point people in the right direction. I am not saying that people should not be heard—it is important that they are—but they should be heard in the right place. An individual might have more influence if they contact their MSP and have a chat about an issue. We have to be prepared to point them in the right direction. If we do not, committees will have to knock items off their agendas because we have referred to them layers of petitions like this one.

The Convener: That is a different argument from the one that Phil used and it is probably more relevant.

Phil Gallie: I think that it is the same argument.

The Convener: It is within the competence of the Scottish Parliament to debate the matter. The question is this: is it wise for us to refer every such petition to the committees or should we find a way to deal with them ourselves? Pauline's point is that petitions such as Mr Frank's could lead to a massive work load that would clog up the committee system.

Pauline McNeill: If the committee wants to pass the petition to the Justice and Home Affairs Committee, I will go with the flow. However, we may get more petitions like Mr Frank's and I think that it is valid for us to point a petitioner in another direction and, sometimes, not to pass petitions on to the committees.

Christine Grahame: Pauline, are you talking about the committee's remit to agree the admissibility criteria?

The Convener: There is no question that the petition is admissible.

Christine Grahame: So Pauline has in mind our duty to consider and determine the courses of action, which we are extending.

The Convener: We can take many courses of action. What option would we give to Mr Frank?

Pauline McNeill: Phil's suggestion was that we could tell Mr Frank that, having considered his petition, we believe that it would be best for him to contact his MSP.

Christine Grahame: I am also a member of the Justice and Home Affairs Committee, so I am aware of the danger of clogging up committees, but I think that we might be being a bit over-anxious. If the petition asks Parliament to take a view on the extent of the authority of the European Court of Human Rights, the Justice and Home Affairs Committee should consider it.

Helen Eadie: I would be worried if members of this committee became protective of other committees of which they are members. The petitions that we receive have to be used as a barometer of public opinion. Committees might not always be able to resolve the issues, but we have to present the petitions to them and leave them to examine their substance and prepare a report, which will be dealt with in the appropriate way. We should not be over-protective.

Christine Grahame: I was not being protective of the Justice and Home Affairs Committee; I was suggesting that the petition be passed to it as I think that that would be appropriate. I did not have in mind only the other committee of which I am a member but all the committees. We should assist committees by having petitions in a presentable form.

The Convener: We are frightened of setting precedents and of the committee structure grinding to a halt if we allow everybody to petition every committee. However, we are in the early stages of the committee and public guidance will be issued. No decisions that are taken today will serve as a precedent or have long-term implications for the Parliament.

We are making heavy weather of the seven petitions that we have before us—God knows what will happen when we have 70. With that in mind, I suggest that we refer the petition to the Justice and Home Affairs Committee. I am sure that it will be dealt with quickly. The public guidance should be out by the next meeting of our committee.

10:45

Phil Gallie: We are ignoring Mr Frank's wishes by passing the petition to the Justice and Home Affairs Committee. His petition addresses the European and Equal Opportunities Committees.

Ms White: I understand that he has already submitted petitions to those committees.

The Convener: He can submit petitions only through this committee. I suggest that the Justice and Home Affairs Committee should consider the petition. Phil's point is a matter for that committee, which could pass the petition to the Equal Opportunities Committee if it chooses.

It is agreed that Mr Frank's petition be passed to the Justice and Home Affairs Committee.

The next petition is from Mr Guild, and is to do with Edinburgh's transport and traffic problems. He has petitioned the Parliament to establish a procedure, whether it be an inquiry or a commission, to deliver an effective integrated transport system for Edinburgh and the south-east of Scotland. He is particularly concerned about the

proposal to build a new bus station and Harvey Nichols store on the site of the St Andrew Square bus station and the fact that the new station will be separate from the train station.

The petition deals with a substantial issue. Although the Scottish Office invited all local authorities to produce local transport strategies, which they are developing, I suggest—this is becoming something of a routine—that we refer the petition to the Transport and the Environment Committee to consider.

Is that agreed? It is. We will write to Mr Guild about our decision.

The final petition before the committee today comes from the Scottish Homing Union, which wants Scots law changed to grant racing pigeons a status that would allow owners to protect their birds. It also asks Parliament to agree on population levels for birds of prey. It is concerned about the peregrine and the sparrow-hawk, which are protected by law but are fairly causing havoc with homing pigeons, killing them in great numbers.

The issue has been raised in Westminster on several occasions and causes high feelings among those who have homing pigeons. They believe that the law is unfair, but the Royal Society for the Protection of Birds takes a different view. As this is an important issue for many people in Scotland, I suggest, again, that we refer the petition to the poor Transport and the Environment Committee.

Mrs Smith: The Transport and the Environment Committee will send birds of prey against us.

The Convener: There are strong feelings on the issue and, from my Westminster experience, I can vouch that the lobby is vociferous. However, Westminster never found the time to deal with the problem, which is the kind of problem that the Scottish Parliament should be dealing with.

Christine Grahame: It fulfils Pauline's criterion as 6,157 people from all over the UK have signed it.

Phil Gallie: I agree with everything that has been said about the petition. Not only homing pigeons but small birds of all kinds are suffering. However, there is a question mark over which committee should consider the petition. Given the impact that the suggestions that are made in the petition would have on shooting estates, grouse moors and so on, the petition should be passed to the Rural Affairs Committee.

The Convener: I think that the law would have to be changed if the proposals were accepted. That is why I suggested passing the petition to the Transport and the Environment Committee, which has responsibility for the relevant legislation.

However, I accept that the Rural Affairs Committee has an interest in the petition.

Phil Gallie: Who sets the criteria for the protection of birds?

The Convener: Birds are protected under the Countryside (Scotland) Act 1981, for which the Transport and the Environment Committee is responsible.

Phil Gallie: That surprises me. I would have thought that it the Rural Affairs Committee would have been responsible for it.

Pauline McNeill: Could we send it to both committees?

Christine Grahame: That would lessen the likelihood of the Transport and the Environment Committee being vindictive towards us.

The Convener: It would also give us the responsibility of co-ordinating the response from both committees.

Are we agreed that we will send the petition to the Transport and the Environment Committee and the Rural Affairs Committee and that the clerk will inform the petitioner of that decision? We are.

We said that we would return to whether we should stress the urgency of dealing with certain petitions. It was suggested that two should be dealt with urgently: one from the Ayrshire chamber of commerce and industry, the other from the Hospitalfield area residents committee.

Christine Grahame: I have reservations about ranking petitions in order of urgency. It should be apparent to the committee that receives the petition whether the matter is urgent. Perhaps, rather than attaching a formal note to the petitions, you could raise our concerns at the conveners liaison committee meeting, John.

Helen Eadie: I agree. If we decide that the Ayrshire chamber of commerce's petition is urgent, we will give the impression that we believe that that road scheme is more important than many of the other road schemes across Scotland. Each of us could cite road schemes that we believe to be important. Although Kincardine bridge is not in my patch, it is close by and I would place it high on any agenda. We do not want to give the impression that we think that the A77 is more important than, for instance, the Arbroath scheme that was mentioned earlier. We do not want to pre-judge a matter that is for the roads review group to consider.

Pauline McNeill: I agree with Christine and Helen: we should not rank petitions in order of importance. However, we should be able to attach notes to petitions and we should do so with those two petitions as they have been lying since the beginning of the recess. Given that the Transport

and the Environment Committee has a lot to consider, it would be worth informing that committee that the petition has been lying for eight weeks and recommending that it be considered first.

Phil Gallie: Pauline's point is well made and I back her.

The Convener: The two positions that we have expressed are not contradictory. Are we agreed that we should attach a note to both petitions? We are.

Briefing and Research

The Convener: The next item on the agenda is an offer from the Executive to brief the committee on the consultative steering group's report on petitions and the general principles of openness and accessibility. The Parliament's research staff have offered to brief us at the same time on the handling of petitions at Westminster and elsewhere. We have been asked whether those briefings would be useful to the committee and, if we think so, whether we want them to be held informally, in private, or formally, in public.

As we agree that the briefings would be useful, we will set a date for them. Should the meeting be held in private or in public?

Helen Eadie: It would be helpful to have the meeting in private as we will be able to get more in-depth information, which might embarrass other people if it were more widely known. Embarrass is perhaps the wrong word, but it would be possible to have a more frank exchange in private.

Mrs Smith: I agree. We might be given examples of situations that have proved difficult and people might not want that information to be known in public. Also, although I am sorry to harp on about constraints, it is difficult to find public committee rooms.

Ms White: I would hate to give the impression that we will be meeting secretly. We will be taking part in information-gathering sessions. I would prefer it to be known that we are being briefed by ministers in that context, rather than being given information in secret.

The Convener: We agreed that the meeting will be held informally and in private. The clerk will inform members of the committee when he has arranged a time for that meeting.

Guidance

The Convener: The next item on the agenda is guidance for the public on the submission of petitions. The clerk has prepared a draft document, which we will discuss at the next meeting of the committee, on 21 September.

The clerk has suggested that if we take the petitions away and consider them ourselves individually, we can submit any comments or amendments to him by Wednesday 15 September. That will allow him to include for discussion during our meeting on 21 September the amendments committee members have suggested. Do members agree that course, rather than go into detail on it this morning? That is agreed.

It occurred to the clerk and to me that many petitioners will be present at public meetings of the committee. It may be useful on certain occasions to allow petitioners to address the committee directly. If we put a box simply asking the petitioner if they wish to address the committee, everyone will tick it, and we may find that we do not get very far. We could find a form of words suggesting that, at the discretion of the committee, the petitioner may be invited to address it, and asking whether would they be prepared to do so.

Christine Grahame: Once we have had a chance to examine petitions, I suggest that—where appropriate—we consider that the next step is to ask the petitioner to address the committee. That could be the initial form of disposal.

Phil Gallie: That is something that we should be dealing with, and I hope that when we receive the amendments and the comments it is included in them.

Ms White: I would like the public to be able to come along and address the committee.

The Convener: That is agreed.

COSLA Meeting

The Convener: The next item is a report by the convener on the meeting with the Convention of Scottish Local Authorities. It was an informal meeting that Helen and I managed to go to. The president of COSLA has tried to arrange to meet the convener of every committee in the Scottish Parliament.

The purpose of the meetings is to stress that COSLA wants to co-operate closely with the committees in the Parliament and to use the committees to the best possible effect and to discover how local authorities can present petitions to the Scottish Parliament. I felt that it was a useful meeting; in fact, at the end of it the COSLA representatives said that they had probably learnt more from us than we had learnt from them. They thought that they should perhaps be examining the way in which local government deals with petitions—because it is not all that it is cracked up to be—and that they could learn from the practice of the Scottish Parliament.

It is encouraging to discover that we might be

able to influence not only how the Parliament operates but how other democratic institutions in Scotland operate. If we set a good precedent, others may follow our example. The work of the committee is, in that sense, very important and essential to the principles of openness and accountability that we talk about but that never seem to exist in the real world. We have a chance to make them real. I was encouraged by the meeting with COSLA; do you want to say anything, Helen?

Helen Eadie: You are absolutely right, John. The general impression was that COSLA wanted to have a continuing liaison with us and that that is important for all the committees. There has always been a fear that we will try to take over the role of local government and that it will lose power. It was important to get across the idea about working in a real partnership; that sends out the right message. It was a welcome meeting.

The Convener: Has anyone got any points that they wish to make?

Christine Grahame: I hope that our consideration of a form to assist people with petitions will be part of a wider education—and not just of COSLA, but of the Scottish public in schools and elsewhere. There should be an understanding of how this committee can best work for the Scottish people. I am talking about the younger generation and an education programme.

The Convener: We have already discussed this. As soon as we agree the public guidance on petitions, we will return to the idea of a press launch of the committee to draw the attention of the public in Scotland to the committee's usefulness. We have had only eight petitions, mainly because people do not know that we are here. I hope that, once we have held the press conference, the Parliament will receive a lot more petitions.

Helen Eadie: Since we were elected, all of us have received an avalanche of representations from a variety of organisations. In particular, since the committees have been set up, specific representations have been made to us. However, none of the mail I have received has been from someone saying that they would like to talk to me further about public petitions. Christine is right—there is an issue here.

Over the summer, I met the Forestry Commission and others about the remit of the Transport and the Environment Committee, but no one asked me what public petitions can do; no one knows.

Ms White: I hope that I am not responsible for an avalanche of public petitions, because at meetings that I have attended at which people have made known their concerns, I have told them

that they can put in a petition. I have given them the address and the names of the clerks and so on, so the committee may receive quite a few from Glasgow.

Before we have the launch, it is important that we make people aware of the fact that the committee is here and that it is easy to get in touch with the clerk, who will help them fill in the form. I hope that it will work.

11:00

Phil Gallie: Perhaps the headlines in tomorrow's press will be "MSPs looking for work".

Ms White: We have plenty of that.

Christine Grahame: We can pass it on to the Transport and the Environment Committee.

The Convener: Under "Any other business", there are details of the schedule of committee meetings. The next meeting is on 21 September in committee room 3 or 4. Are members content with the meetings as set out in the schedule, or do they think that we should be meeting more often?

Phil Gallie: I have observed that when the Parliament began, many people expressed the view that it should not meet only in Edinburgh. I note that all the meetings of this committee, and of the Justice and Home Affairs Committee, are in Edinburgh. There are perhaps good reasons for having meetings in the mornings, afternoons and at lunchtime while we are here, but we should recognise that if we want to take the committees around Scotland we will sometimes have to suffer some inconvenience. I suspect that the Public Petitions Committee will not always set the heather alight, but there might be contentious issues in future that are of particular local interest. It might be that on some occasions we should hold options open on venues.

Ms White: At the first meeting I asked whether there would be an opportunity to get around the country and, tongue-in-cheek, mentioned the fact that if people are coming through to Edinburgh it might cost them more money because of the toll tax. I was assured that we would consider the matter. It is expensive for people who have been invited to speak to the committee to travel here if they are coming from up north or wherever. Travelling around the country would be an example of the openness of the Parliament. I know that the budget is small, but the Public Petitions Committee is probably one of the committees that could travel. We do not have an abundance of clerks and so on, and we do not have to have access—as the Justice and Home Affairs Committee does—to books and to other committees.

This committee could be the first one to go

around the country; perhaps not every month, but at least quarterly, when people who wish to speak cannot manage to come down to Edinburgh. I wondered whether we could consider that issue and the budget. The convener mentioned finding out how much money there is for travel, but it would be less costly to go to the other side of the country than for everyone to come to Edinburgh.

Mrs Smith: I do not think that I am giving any state secrets away by saying that the same opinions were expressed at the conveners group. Committee conveners want us to get out and about and to get closer to people, particularly if we are debating issues that are of particular relevance and interest in a specific area. The backdrop to this is the fact that all of us want the Parliament to be as open and accessible as possible. We were concerned at some of the constraints that might be put upon that. Obviously, there are budgetary constraints and some practical restraints that we perhaps do not think about when we say that it would be great to go here or there.

This is an issue to which the conveners committee will return; we may have to find ways around it that mean that we do not have full committees moving around the country. We can be quorate at a smaller number and we can find ways of taking information from people around the country that might not involve full committees. There seems to be a need for official reporters and so on. This is an area of great concern, certainly to me as a convener, and it was generally felt by all the conveners that it was an issue that MSPs took seriously.

Picking up on Phil's point, I do not think that we should be taking the committee outside Edinburgh every month, but three or four times a year would not be excessive. In the life of a big subject committee there will always be occasions when people across Scotland are going to want to come along and have their say and listen to what is going on. MSPs should not be sitting in Edinburgh all the time.

Pauline McNeill: We do not; we go back to our constituencies and people see us there. I am in favour of having more contact with the public—this is one of the committees in which we can do that—but I am not in favour of a carte blanche to move the committee around the country; it should be appropriate and there should be a good reason for it.

I support Margaret's point that there might be ways around the problem. For example, if we are seeking information, and it is easier for us to go to an area, two of us might agree to do that. I am not sticking rigidly to the idea that there must always be a full committee meeting or that the meeting must always be here, but I am not happy for it to be minuted that the unanimous decision of the

committee is that we move around the country just for the sake of it.

Helen Eadie: I strongly support what Pauline says, and re-emphasise that I am not against going around the country meeting people. According to some papers, such as yesterday's *Daily Record*, I am supposed to have had 17 weeks' holiday this year. I have probably had only seven days' holiday over the recess, so I take great exception to the *Daily Record* headlines.

When I was at the new, reorganised Fife Council, we took our committees around Fife, which is a big area. The members who were most enthusiastic at the beginning were the people who went on to say, "Wait a minute—this is not working." One reason it did not work was that not all the rooms available for meetings had intercom and sound systems. Right across the area, people had access problems with where the meetings were held. There were problems organising the committee clerks to be in the same place at the same time in such a large geographic area. When we arrived at the destination, we sometimes found that critical information had been left back at base.

The process cost a phenomenal amount of money. We were up against hard, stark choices. We could have been of benefit to voluntary groups, who were able to see from the budget at the end of the financial year that we had chosen to go out and about when they were having their budgets cut by similar amounts of money.

Pauline is right: we should look at the specifics. If there are specific reasons that are good and justifiable, we should meet elsewhere, but we should remember—as Pauline rightly points out—that if we are invited we can go out individually to meet people and see for ourselves specific aspects of concern for our constituents that are within our committee remit.

We need to take the responsibility seriously, so I am four-square behind what Pauline says. Let us push for committee meetings in other parts of the country when there is a crying need for it, but let us not do it just for the sake of it, which would—quite rightly—raise a lot of questions.

Christine Grahame: I agree. Because of the cost implications for the administration of the Parliament there has to be substance behind taking the committee out of Edinburgh; it should not be a public relations exercise.

Ms White: Some of the other committees, such as the Justice and Home Affairs Committee and the Transport and the Environment Committee, have a wider remit and a lot of clerks, so they might not take their meetings around the country. This committee deals with the public. People will take enough interest to get a petition together and will be interested enough to write in. It is

paramount that we get out to see the people. Edinburgh is not the be-all and end-all.

The problem with Westminster was that it was too remote. We thought that the Scottish Parliament in Edinburgh would be much more accessible. It may be accessible from the central belt, but it is not accessible from further-flung areas. This committee should set a precedent by going out, perhaps quarterly. It is paramount that we are seen to be meeting the public. We are not going to say, "We are having a meeting here; send public petitions here"—that would be silly.

If certain issues come up in areas from which people cannot travel, we should be duty bound to go and hear the petitioners, particularly when we are saying that they may be able to speak to the committee. It would be only quarterly or twice a year, depending on what came in, but we should not be static. We belittle petitioners if we say that we will move about and then send two members of the committee. That is not what the petitioner put the petition in for; they put it in to hear it properly presented in front of the whole committee. We should carefully consider moving about to different areas.

Helen's comments about the *Daily Record* were absolutely right. We may now get more holiday because of Jack McConnell, who is telling us that we will get 30 days. That is very nice of him, but I would have been lucky to get a fortnight's holiday during the recess. Most of us, regardless of our party—I say this for the press—are very hard-working constituency MSPs. We did get out there and work. Perhaps it could be pointed out to Jack McConnell that we did not get even 30 days' holiday.

The Convener: It is not for this committee to debate holidays for MSPs, but it is open to petitioning by them.

Christine Grahame: I am sure that there would be 129 signatures on that petition.

The Convener: This debate is spiralling away without information being put before the committee. The issue of committees travelling has been raised at the conveners liaison committee. We must accept that there are severe budgetary restraints. There are 16 committees in the Scottish Parliament. If the others and this committee—as Sandra White is suggesting—go out three or four times a year we are talking about 48 to 64 journeys by committees around Scotland. The budget will not support anything like that.

Ms White: I am saying that we should set a precedent, John.

The Convener: The problem is that if any visit by this committee to any part of the country is to be an official meeting of the committee, the clerks,

the official reporters and other officers must be there before the meeting can be regarded as official, and that must be funded. If we go out we are going to have to be choosy because there will not be money to do otherwise. We must choose the instances in which we think going elsewhere would be justified.

We could also consider that the full committee need not attend. The costs of transporting all seven members of the committee to somewhere else in Scotland would be quite high.

Helen Eadie: A possible compromise could be to delegate the authority of the committee to the convener and a deputy.

The Convener: Only three members of this committee are required for a quorum, so three members could hold an official meeting.

Christine Grahame: I know that this might be hard, but would it be possible for us to hear a figure for that budget?

The Convener: There is a figure, but we are not allowed to say what it is.

Christine Grahame: Why not? I thought that this was an open Parliament. I want to know what the figure is.

The Convener: It is still under discussion by the conveners liaison committee.

Ms White: Is it under negotiation?

The Convener: It is under negotiation by the liaison committee. The conveners are aware of the problem and are trying to find a way around it that will allow committees to travel about, but there are severe budgetary restraints on all the committees. I hope that there will be a report back from the next conveners liaison committee meeting.

Phil Gallie: I would like to go back to the point that I made at the start of this debate—that the committee should have meetings outside Edinburgh only on selected issues. I accept that, but I would like to query the convener's point about budgets. We are all paid expenses to come to Edinburgh, so what would be the difference between that and paying our expenses to go Glasgow, Stirling or Perth? Would it be a great difference? If the convener is going to quote budgets, he must give me a bit more in the way of information on the costs of us all appearing here in Edinburgh.

The Convener: I am not ruling out the committee's meeting elsewhere; I am simply pointing out that there are budgetary restraints on all the committees. The matter is being debated actively by the liaison committee. Ways around the budgetary restraints are being sought. If a committee meeting in Glasgow, Dundee or Aberdeen, instead of Edinburgh, is practicable and

affordable, we will, of course, do that, but if we go out of Edinburgh there will be additional costs because we must take staff. Other kinds of expenses also come into this and we must take them on board.

If members are worried about headlines in the *Daily Record*, one they should not want to see—but in which I am sure the *Daily Record* would indulge itself—would be about them jaunting all over Scotland at taxpayers' expense. The subject is being actively discussed and I will report progress at the next meeting of the conveners group. We will have a better idea then.

There is no opposition in principle to committees meeting outside Edinburgh. We want to do that as much as we can, but we cannot say on the record that we will go out four times a year. We cannot set arbitrary standards like that. Let us wait and see what money is available and what we can do.

Christine Grahame: When will you be reporting back?

The Convener: I think that the next meeting of conveners is on 7 September, so I will report back at the next meeting of this committee.

Phil Gallie: I accept what you have said, but could the clerk provide us with the comparative costs of holding a meeting here in Edinburgh and in one of the public buildings in Glasgow? That would give us a fair idea of what costs we are talking about.

Helen Eadie: I do not think that Phil is taking into account the real implications. Glasgow, Stirling, Perth and Dundee are not such a big problem as regards moving around.

Phil Gallie: I accept that.

Helen Eadie: Stranraer, Wick and Thurso are just as entitled to have the committee meet there if there is a requirement to go and visit. There is not just an implication for costs—there is the issue of practicalities. We have a committee work load, perhaps 14 constituency surgeries to attend and all our case work. There is a cost to that in terms of the choices that we must make. We are not attending to our constituency requirements during the time that we spend travelling.

11:15

Phil Gallie: That is one reason why I wanted to have a meeting in Glasgow, Helen.

The Convener: I would take great exception to this becoming a central belt committee that gravitated between Glasgow and Edinburgh. We must think about the whole of Scotland. This is not Glasgow's or Edinburgh's Parliament; it is Scotland's Parliament. There are restraints and we can achieve nothing more by discussing the

subject further this morning. We must see the budget, see how other committees are accessing that budget and then see what is possible. I will report back on the state of play from the next meeting of the conveners. We can give the subject further consideration then.

Does the committee agree to the schedule of meetings that has been set out? It does.

Any other business

The Convener: Does any member want to raise any other competent business? It seems not. I thank members for their attendance and now close the meeting.

Meeting closed at 11:16.

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