

PUBLIC PETITIONS COMMITTEE

Tuesday 27 February 2001
(*Morning*)

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PUBLIC PETITIONS COMMITTEE

3rd Meeting 2001, Session 1

CONVENER

*Mr John McAllion (Dundee East) (Lab)

DEPUTY CONVENER

Helen Eadie (Dunfermline East) (Lab)

COMMITTEE MEMBERS

*Dorothy-Grace Elder (Glasgow) (SNP)

*Dr Winnie Ewing (Highlands and Islands) (SNP)

*Rhoda Grant (Highlands and Islands) (Lab)

George Lyon (Argyll and Bute) (LD)

John Scott (Ayr) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Frank Maguire (Clydeside Action on Asbestos)

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Jane Sutherland

LOCATION

The Hub

Scottish Parliament

Public Petitions Committee

Tuesday 27 February 2001

(Morning)

[THE CONVENER *opened the meeting at 10:05*]

The Convener (Mr John McAllion): I welcome everyone to the third meeting this year of the Public Petitions Committee. Given the Arctic conditions outside, I congratulate the members, and indeed members of the public, who have made it to the meeting. Unfortunately, it is not much better inside. I apologise to everyone for the low temperature in the room. A heater has just been delivered, which, for some mysterious reason, is facing the wall. I hope that it will raise the temperature during the meeting.

I draw members' attention to the letter that we have received from the chairman of the Sidegate residents association, informing us that he was delighted by the serious consideration that we gave to the association's petition and the speedy and appropriate action that we took. He said that the faith of many of his members in the democratic process has been restored—we can take some enjoyment from receiving such letters. Not all the letters we receive are like that, but given that some people in the Parliament would like this committee to disappear, when we do receive them it is important to get them on the record.

Dr Winnie Ewing (Highlands and Islands) (SNP): The committee will never disappear.

The Convener: Never.

Our first apology is from Steve Farrell, our clerk. Unfortunately, he could not make it from Peebles this morning. However, Jane Sutherland is standing in as his very able deputy. We have apologies from John Scott, George Lyon and Helen Eadie. Dorothy-Grace Elder was last seen at 9 o'clock, on the train from Glasgow. She may arrive during the meeting.

New Petitions

The Convener: The first new petition is from Mr Frank Maguire of Thompsons Solicitors and Solicitor Advocates, on behalf of Clydeside Action on Asbestos. Mr Maguire is here to address the committee. You have three minutes for an opening statement.

Frank Maguire (Clydeside Action on Asbestos): The three minutes has been well emphasised, so I will try my best. As you know, lawyers do go on.

The Convener: It is good discipline—we get only four minutes in the chamber.

Frank Maguire: Thank you for giving me the opportunity to address you. Since I have only three minutes, I will go speedily to what I want to say.

The petition is about consideration of our system of civil justice, which is based on written case. That means that each party is supposed to put its full case in writing before the court. The reason for that is to give notice to each side about what the case is and to show that the case is relevant in law. That is all very laudable, and has been described as the beauty of the Scots system. That is right—if it works properly. However, it does not.

Asbestos cases are all one-sided. The case authorities are the judges who consider the system. The pursuer—the person who is taking the case—has to put everything into the written case, whereas the judicial authorities say that the defender—the person whom the claim is against—does not have to do anything. I will give you an example. We all know that there is a QE2 and that it was built between 1966 and 1968 by John Brown and Company Ltd of Clydebank. We all know that there is asbestos on the QE2—we have only to go and look at it. We all know that the asbestos was put in by joiners and ladders and that installing the asbestos would disturb it, exposing the joiners and ladders. We also know that it was well known in the late 1960s that asbestos was extremely dangerous in those circumstances.

However, when it comes to the court case, the pursuer—the victim—states all that, and there is a pure denial of it by the defender. In other words, the defender denies, in the Scots courts, matters of historical fact—matters that are obvious and that are known by everyone. Those are called skeletal defences. Despite the fact that the case authorities think that that it is regrettable and unjust, they say that the pursuer has to prove his or her case. The defender can continue to deny everything, despite the fact that the position is obvious.

We sued the council in Glasgow over the Red Road flats. Everyone in Glasgow knows that there was asbestos in the flats—a 1967 survey showed that that was the case. The council was negligent, but it denied that there was asbestos in the flats. Scottish pleadings allowed it to do that. Another example is Dalmuir, a well-known asbestos factory near Clydebank, where Turner and Newalls—one of our biggest asbestos producers—was negligent but is allowed to deny everything. The effect of that is delay in our pleadings and in our process. We are not allowed to receive interim payments on the base of written case because of the denials. The costs go up, the hearings take much longer than three years and we are denied jury trials.

I am acting for people who have no time. They are dying of mesothelioma, and I have to tell them that I am sorry, but I cannot get them an interim payment or a jury trial because their employer is allowed to deny that there was any asbestos in the place that they worked in.

We must ensure that the growing number of mesothelioma cases that are arising receive proper civil justice, rather than the charade that goes on in the Scottish courts.

The Convener: Thank you.

Dorothy-Grace Elder has arrived—we are dealing with the first petition, Dorothy.

Dorothy-Grace Elder (Glasgow) (SNP): I apologise for arriving late—trains are being cancelled. I have studied this petition and I know something of the case.

Dr Winnie Ewing: One remedy might be for the court to empower whoever is sitting in the judge's seat to recognise certain questions of fact at the outset. Does that strike you as a reasonable approach?

Frank Maguire: One way of doing that would be to give the courts and the pursuer greater powers to force the defender into stating a candid position. In other words, defenders could not deny obvious facts.

Dr Ewing: In some American courts, the two sides agree that certain facts do not need to be proved. Could we empower the judge to compel that to be done?

Frank Maguire: Yes. That does not happen at the moment. The situation in the Scottish courts is very much hands off.

Dr Ewing: That seems to me to be the answer. You would not have to prove the obvious; you would have only to prove that the person suffered from the asbestos. You should not have to prove what we already know to be the case.

We cannot be talking only about asbestos cases. There must be other illnesses where a

person has to wait to prove a reparation case. Are you saying that asbestos is unique in reparation?

Frank Maguire: Asbestos-related illnesses are probably the hardest cases. There are hard cases where people are dying for other reasons, but I am dealing with someone whose life is draining away from them. I cannot get the case through the courts in time to get them the payment in advance to improve their quality of life and to help them when they are ill. There is no point in getting them damages just before they die. If they die, the widow and the family have to carry on the case—that adds to the grieving process.

You are right—asbestos is the most obvious case. We know about John Brown's and so on, but there will be other cases where it is obvious that what is happening is a charade and an abuse of the system, because it delays payments.

Dr Ewing: Would my suggestion speed it up considerably?

Frank Maguire: Yes. We would have to give power to the court, and to the person who was pursuing the case, to force the defenders to look behind the written case. If the defenders are saying that John Brown's did not exist, they should be asked for proof. If a post-mortem report says that the cause of death was mesothelioma, the defender should be required to prove that it was something different. There must be better case management and greater control by the courts. Initiatives to force defenders to state a candid position should be introduced on behalf of the pursuer. At the moment, defenders will not do that.

Dr Ewing: Has any approach been made to the Society of Messengers-at-Arms and Sheriff Officers, which meets regularly to discuss problems that arise? Would it be a good idea for us to approach the Society of Messengers-at-Arms and Sheriff Officers, telling it that it is party to bad procedure?

Frank Maguire: The cases that I am talking about are with the Court of Session.

Dr Ewing: Are they all with the Court of Session?

Frank Maguire: Yes. It is a Court of Session problem that is passed down to the sheriff courts, although jury trials are not possible in the sheriff courts.

Some thought has been given to the reform of procedures—not because of the problems that I have described, but because cases go to the door of the court. That issue has been acknowledged, but the courts have not recognised or addressed it. Instead, they have said that the case of the pursuer needs to be as bare as that of the defender.

10:15

Dr Winnie Ewing: And then the man dies?

Frank Maguire: Yes. I do not mind stating a full case, providing the witnesses and producing all the evidence that I have. However, defenders are not forced to do that; if they were, courts would get to the nub of the case and would not be faced with a flak-and-blunderbuss approach.

If the medical evidence was being disputed, we would know that that was the dispute in the case—not whether John Brown's existed or was negligent. We would get to the nub of the case, which would save time and effort.

Dorothy-Grace Elder: Would you take some cases en bloc, with several men appearing, or would all the cases that you would contemplate be individual cases, even if the system that you and Winnie Ewing are suggesting was approved?

Frank Maguire: The problem is acute. I am considering about 900 cases of asbestos-related illness, 450 of which are with the Court of Session, and the number of mesothelioma cases, which are the worst cases, is due to rise. All those cases are going to court, and in every case I have to re-prove everything.

Dorothy-Grace Elder: So every case is treated individually at the moment.

Frank Maguire: I have to procure an expert's report, telling me that there was asbestos at John Brown's, that the shipyard owners knew about the dangers of asbestos, and that the steps that should have been taken were X, Y and Z. I must do that for every individual case.

Dorothy-Grace Elder: Of the 450 cases that are in the court system, which was the earliest recorded case? How many years are we talking about since the cases were first recorded?

Frank Maguire: The cases date back to the 1950s. Some were recorded in the late 1940s, but the most obvious cases of negligence are mainly from the 1950s and 1960s, when people knew of the dangers of asbestos.

Dorothy-Grace Elder: When were the earliest recorded of those 450 cases first lodged?

Frank Maguire: It takes about three years for a case to go through court, from beginning to end. One of the reasons for that is the court system. The other reason is that I have to go through the entire procedure for each case and then, as a matter of practice, the defenders in the case settle the case only on the morning of the hearing.

Dorothy-Grace Elder: Yes. The old change-of-plea tactic.

Frank Maguire: I am dealing with a mesothelioma case for a widow who had been

pursuing a case for three years. All the evidence was available and everything had been lodged. I received an offer to settle the case at 8 o'clock on the morning of the hearing.

Dorothy-Grace Elder: Was it a good offer or a puny one?

Frank Maguire: It was reasonable. We negotiated further compensation, and the case was settled fully—there was no discount—and we got the full damages payment that morning. Why is the incidence of the hearing—which is set at an arbitrary time, by the court—the time to settle a case? Why can cases not be settled long before? Why can defenders not come forward and say that they will make an interim payment and that, while other things may be disputed, they will discuss the real nub of the case with us?

Instead, I had to prepare for a hearing, produce evidence to prove that the man was employed by the shipyard—despite the fact that his certificate of apprenticeship was sitting there—draft in an expert to testify that the company was negligent and knew about all the documents, and prove that John Brown's existed and that the QE2 was built there.

I also had to prove—despite the fact that the post-mortem report contained nothing to suggest otherwise—that the man died from mesothelioma, and to prove the case for damages. I then had to put a widow in the box to tell the court how bad she felt about her husband's death.

Rhoda Grant (Highlands and Islands) (Lab): I gather that the case is being denied on the basis of a small part of it. It cannot be denied that John Brown's existed; surely that would be contempt of court. If the defender is lying to a court—if they are demanding that you prove something because they are denying it—could that be construed as contempt of court? Witnesses who lied to a court would perjure themselves.

Frank Maguire: I know exactly what you mean. I understand that that might seem to be against common sense to someone who is not involved in the system, and the idea of lying comes to mind. However, the court has ruled that it is legitimate for the defenders to deny everything. The courts say that the pursuer has to prove their case, and that all the defenders have to say is that it is denied.

The court is allowing the defenders to deny everything, which is part of the problem, and it is showing no signs—either through judicial decisions, which I have rehearsed in the petition, or through examining its procedures—of addressing that issue. That is why I have had to approach the Scottish Parliament.

Dorothy-Grace Elder: Do you have any

estimate of how many people, from the 900 cases that you referred to, have died while they were waiting? How many do you estimate will die during the waiting process?

Frank Maguire: In no case that I am dealing with will the man or woman who is suffering from mesothelioma have their case settled before they die.

Dorothy-Grace Elder: In no case?

Frank Maguire: One case in the past three years has been settled.

The Convener: One case in which the person survived?

Frank Maguire: I settled one case for a man who is dying of mesothelioma. In all the other cases, the person died while they were waiting.

The Convener: That was one case out of how many?

Frank Maguire: Not all the 400-odd cases concern mesothelioma; however, the number of such cases is increasing. Probably at least 33 to 50 per cent—and rising—of the cases are mesothelioma cases. I am dealing with cases in which the pursuers are trying to get the case through court, but are dying. I must be honest and say that I shall not settle those cases before the pursuers die.

Dorothy-Grace Elder: All 450?

Frank Maguire: Despite the fact that I have given everything I can—I have submitted every piece of evidence and everything on the written case, as well as all the witnesses—the person will die before I settle their case.

Dorothy-Grace Elder: In all 450 cases?

Frank Maguire: Not all the pursuers are dying. About 33 to 50 per cent of those cases concern mesothelioma—the worst cases—and the person will die within 14 to 18 months.

Dorothy-Grace Elder: In that category, all the pursuers are expected to die before you get their cases through the legal machinery.

Frank Maguire: Yes. There is another irony because, when the person dies, the case will be strengthened. It never ceases to amaze me that insurance companies do not do anything sooner, as it would save them money if they settled the case before the person died. However, they go through the system.

The case of the man who is dying will not get to a hearing for a further two years. The widow and family who will take on the case after the person dies will have to wait another two years before they get a hearing, and on the morning of the hearing I will receive an offer from the defenders.

In 90 per cent of cases, I will receive a good offer, but that will not happen until the morning of the hearing.

The Convener: Winnie Ewing suggested that the court should have the power to compel the defenders to accept the known facts. Would that require a change in the law?

Frank Maguire: That could be permitted through the rules of court. It may require an act of sederunt by the Lord President.

Dr Winnie Ewing: The Lord President could provide that tomorrow, if he wanted.

Frank Maguire: If there was a problem with the act of sederunt being ultra vires, it might be a matter for legislation.

The Convener: The contention of your petition is that the power exists to change the procedures, but they are not being changed. That is why you want the relevant justice committee to intervene and review the procedures.

Frank Maguire: Yes. It is all very well for lawyers to examine the system, but they do not recognise the problems. However, there is massive public interest in the cases, and I am frustrated—that is why I am here. I am faced with such cases day after day, week after week, and I am fed up of telling people who are dying of mesothelioma that I cannot do anything. I am trying my hardest.

Dr Ewing: Will not there be more and more cases of asbestos-related illnesses, in view of the fact that more ships contain asbestos? Are you expecting a continual increase in the number of such cases?

Frank Maguire: The petition contains an excerpt from the *British Journal of Cancer*. The number of mesothelioma cases is rising and is not due to peak until 2018. The incidence of cases of mesothelioma is higher per annum than that of cervical cancer.

The Convener: Several background papers on the subject have been received by the clerks, if members are interested.

Dr Ewing: Are we coming to the clerks' suggested course of action?

The Convener: At this stage we are questioning the petitioner. Are there any further questions to be asked or points that need to be highlighted, which we have not addressed?

Frank Maguire: No. I am just worried that the matter might be referred to the people who are responsible for the system, who will not change it because they are part of it.

The Convener: Do you mean the Crown Office?

Frank Maguire: I mean the judiciary, the Lord President or the judges. The judges have said, in court decisions, that the present situation is okay. That is what I am worried about.

The Convener: So, you are keen for the matter to be pursued by one of the justice committees, of which the Parliament now has two.

Frank Maguire: Yes. One of those committees should call for evidence from the people who are responsible for the rules and the system.

The Convener: You mentioned that you have approached Gordon Jackson, among other MSPs. I think that he is the convener of one of those committees, although I am not sure. Did he advise you to submit a petition?

Frank Maguire: Yes. We contacted Gordon Jackson because his constituency covers the Govan shipyards and the Fairfields yard, and a lot of his constituents are pursuing cases. Des McNulty's constituency covers Clydebank, where John Brown's is based, and Duncan McNeil's constituency covers Inverclyde, where there is also shipbuilding. We raised with all those MSPs the problems of their constituents, and their advice was that we had no choice but to take the matter to the Scottish Parliament.

Dorothy-Grace Elder: I have a final question. Are you dealing with all the people who worked at John Brown's?

Frank Maguire: My firm deals with 90 per cent of the asbestos-related cases in Scotland.

Dorothy-Grace Elder: From all over Scotland?

Frank Maguire: Yes.

Dorothy-Grace Elder: I take it that not all those cases are the major, deadly ones, but that they all involve asbestos-related illnesses.

Frank Maguire: Yes. The worst cases involve mesothelioma, and their number is due to rise. Increasingly, younger people are contracting the disease. I am dealing with the case of a 42-year-old man with three children who has mesothelioma.

Dorothy-Grace Elder: Do you want jury decisions?

Frank Maguire: A jury decision would highlight the fact that the judges give very low awards that ordinary men and women in Edinburgh think should be greater. No one is going over the top about it. However, the public think that £50,000 is too little for a man's pain and suffering and loss of expectation of life at the age of 45. I cannot get a jury to highlight that fact, because of the judicial system. The defenders make the case complicated on the face of it, although they have no intention of disputing it.

I would like to get a jury trial for a mesothelioma case, as I would like to know what a jury would make of a person's pain and suffering. That would signal to judges—if the matter went before a judge—that £50,000 was too little.

Dorothy-Grace Elder: It is like the situation for service persons who were injured in the war. It is simply outrageous to wait for the poor souls to die off.

Frank Maguire: One considers such things and wonders why there is a delay.

I have a further point to mention, although I know that the committee is pressed for time. Members have probably heard about the liquidation that is taking place of Chester Street Insurance Holdings—formerly Iron Trades Holdings. The company may pay only a percentage of the damages that are due, less the legal expenses, which makes the situation even worse. All the expense of pursuing cases will be met by victims.

Dorothy-Grace Elder: I wonder whether we need some form of national policy on the matter. As the number of cases increases, are we talking about there being several thousand people rather than 900?

Frank Maguire: That figure of 900 is static just now. An increase is forecast for next year and for the year after that. I think that we are talking about there being several thousand cases by 2005.

Dr Ewing: There must be a society of insurance companies that could be approached in an attempt to shame the companies into behaving better.

Frank Maguire: I find that they are immune to that type of approach.

Dr Ewing: Have you tried it?

Frank Maguire: I have, over the years.

The Convener: "Immune" is a nice way of saying that they are shameless.

Dorothy-Grace Elder: This may be the wrong idea altogether, but I wonder whether the Government in Scotland could set up an ex gratia fund of some kind for interim compensation, which could be claimed back later. Alternatively, the Government could take legal action against some of the firms. I do not know whether that would be feasible.

The Convener: That issue is outwith the terms of the petition, but we can talk about it when we discuss the petition. Do members have further questions for the petitioner? We must move on to discussion of the petition.

Frank Maguire: Do you want me to comment on that idea?

The Convener: Yes, please.

Frank Maguire: I support the view that we should not let the insurance companies get away with not paying rightful damages and that the Government should not have to step in, allowing the companies to benefit from the situation. Additionally, ex gratia payments tend to be banded and do not allow for substantial damages. A set payment is allocated for certain damages, which tends to be quite low. I would be a wee bit worried about ex gratia payments, although I recognise where Dorothy-Grace Elder is coming from. In the first instance, the Government should give the pursuer and the courts the power to ensure that people get rightful compensation.

10:30

The Convener: Thank you very much. That was harrowing evidence, although it was very helpful and informative to the committee.

We move on to discussion of the two suggested courses of action. The first is that, as a first step, we should try to get the views of the justice department on the petition. That would enable us to refer the petition to one of the justice committees for consideration with both sides of the argument.

Dr Ewing: Speaking from the heart, it strikes me that, if one of us was prepared to lodge a members' business motion on the subject, that would clarify the minds of the shameless insurance companies and the rather uninterested Lord President, who could step in and pass an act of sederunt. He has the power to do that straight away. I would be willing to lodge such a motion. I have used only one of my opportunities to have a members' business debate.

The Convener: I am informed that Duncan McNeil has already had the matter debated as members' business.

Dr Ewing: I must have missed that.

The Convener: I did not know about it, either. However, that is a matter for individual members. The committee cannot make such a decision.

Dr Ewing: What about the appeal? Could we write a letter to the insurance companies, protesting about the way in which the matter is being handled? Could we write to the Lord President, suggesting that it is in his power to establish open agreement about the facts, which would expedite enormously all those cases and save expenses? In addition, we should approach the Lord Advocate and the justice committees on the subject. We should do all those things to address this terrible injustice. As a lawyer, I am ashamed that the law is letting people down in this way.

The Convener: It is for this committee to decide to where the petition should be referred. The advice is that this is a matter for the justice committees to take up with the Lord President. It has been suggested that we should find out the Executive's position, send the petition to the relevant committee for its information and, as soon as we receive a response from the Executive, send it to that committee and ask it to carry out an inquiry.

Rhoda Grant: When we pass the petition on to the relevant justice committee, could we suggest that it should contact the Lord President as a matter of urgency, even before we receive the Executive's response? That would seem to be the fastest way in which to deal with the matter. Perhaps pressure from that committee would make the Lord President act.

The Convener: We can ask the members of a justice committee to do that, but it will be for them to decide whether they do it—we cannot force them. However, we can suggest that they do it while we get the views of the Executive.

Dr Ewing: Do the clerks have a copy of the *Official Report* of the parliamentary debate when Mr McNeil raised this subject?

The Convener: I do not think that we have it here this morning, but you will be able to get a copy. I think that that debate was about three months ago.

Dr Ewing: I will have a good look at it.

Dorothy-Grace Elder: Could we approach the Executive and ask it to initiate an Executive debate on the issue? Indeed, any of the parties could initiate a debate. If Mr McNeil initiated a members' business debate, he would get only half or three quarters of an hour and the debate would not come to a vote. If we had a full parliamentary debate that went to a vote, I think that all parties would want to end the most inhumane elements of the situation.

Convener, I did not quite pick up what you said about writing to the Lord President. Did you think that we should not do so?

The Convener: That will be a matter for a justice committee. If that committee wants to review the procedures, it will take the matter up with the Lord President.

Dorothy-Grace Elder: Cannot we also do so?

The Convener: I am reluctant to interfere with another committee's remit. We will be asking a justice committee to carry out a review of the procedures of the Court of Session, so the matter will be in that committee's remit. However, if we pass the matter on to a justice committee, and it does not take the matter up or carry out a review,

we have the power to lodge a motion in Parliament asking for a debate.

Dr Ewing: That is good.

The Convener: If we get no success through the avenue of a justice committee or the Executive, we can return to the matter. We can say that we think that it is important enough for a parliamentary debate. We would have to get Parliament's support.

Dorothy-Grace Elder: Could we ask for a debate anyway? It might take a justice committee some time to respond. Could the Public Petitions Committee make that move directly, so that the wheels started to turn?

The Convener: The procedure would be for us to lodge a motion. The Parliamentary Bureau would then decide whether the motion would go before the Parliament. Until we have tried the other avenues, we cannot pressurise the Parliamentary Bureau into holding a debate. It would say that other avenues were open to us—such as a justice committee. The petition itself asks for a review by a justice committee and we are taking steps to initiate such a review.

This item will remain on our agenda; members can raise it at any time and ask about progress or responses from the Executive or the relevant justice committee. If we are not happy with the progress, we can pursue the matter by other means. Initially, we should approach the Executive, ask for its position and whether it intends to hold any parliamentary debates. At the same time, we should pass the petition on to a justice committee so that it can consider the possibility of a review.

Dr Ewing: A justice committee will be in the same position that we were in before we heard all the evidence. It will not have the knowledge that we now have.

The Convener: The *Official Report* of this meeting can be passed to the members of the relevant justice committee, so that they can read the evidence that has been presented to us and learn how serious the situation is. We can recommend to that committee that the matter be given urgent consideration.

Dr Ewing: Good.

The Convener: It cannot just be put on the back burner, as often happens with petitions.

Dorothy-Grace Elder: In the covering letter that we send to the Executive and the relevant justice committee, could we include some of the points from the *Official Report*—which staff are kindly working on this morning—about the number of people who are dying? In particular, we should include the point that all clients in the most severe

category are expected to die before any cases reach the courts. Would that be possible?

The Convener: The clerks will write that letter and it will be possible to do that. Are we agreed on that?

Members indicated agreement.

The Convener: Thank you very much, Mr Maguire.

Frank Maguire: I thank the committee very much for its time and attention to this very important issue.

The Convener: We will keep you informed of the progress of the petition.

The next petition is petition PE338, from Mr James Bennett. The petition suggests an alternative model for the transfer of ownership of council housing. It calls on the Scottish Parliament to ask the Scottish Executive to provide a model for the transfer of ownership of council housing and/or to provide criticisms of Mr Bennett's suggested alternative approach. Mr Bennett is not here, but he has given us a very detailed alternative model for the transfer of housing out of council ownership into something that would, in effect, be a tenants' corporation.

This subject has already been dealt with by the Scottish Executive as part of its consultation on the Housing (Scotland) Bill. The then Social Inclusion, Housing and Voluntary Sector Committee had a major investigation into housing stock transfer and the SNP held a parliamentary debate on the issue. Given that Parliament has spent so much time on the subject, it is suggested that we refer the petition to the Scottish Executive and ask it to respond directly to the petitioner, giving a detailed response to his suggestions. Are we agreed?

Members indicated agreement.

The Convener: The next petition is PE339. The petitioner, Mr John Lyon, was supposed to be here this morning. In case he turns up, I suggest that we postpone consideration of this petition.

Petition PE340 is from Mr George Scott, on behalf of the Lochgoilhead chalet owners association. Members will remember that previous petitions on the Carbeth hutters were referred to the then Justice and Home Affairs Committee, which carried out an investigation. The Executive has now promised legislation to provide greater protection for hutters in Scotland. It is currently consulting on the issue.

The petition calls on the Scottish Parliament to implement emergency action to ensure that people who own property on rented land, where that property cannot be removed without being destroyed, are not deprived of their property while

consultation on legislation continues. Mr Scott is asking the Executive to take emergency action to prevent the destruction and removal from the owner's land of the property of people whose leases on that land have run out.

That might not be possible; legislation might be required to bring in a moratorium. However, as a matter of urgency, we should send the petition to the Executive so that it can decide as quickly as possible whether it is possible to do anything to protect people who are in the situation that the petition describes. I am sure that the Parliament would want to protect the rights of hutters in such circumstances.

Dr Ewing: Does anyone know Loch Goil well?

The Convener: I do not. Do you?

Dr Ewing: It is called Campbell's kingdom—Campbell being the landlord and not exactly a favourite of anybody in the area. He cuts down trees without permission. Of course, once they are down, it is too late. He rides roughshod over the whole Loch Goil area. I suspect that Campbell is the landlord who has given people notice to quit—although that might not be true. Am I right in thinking that this issue is sub judice?

The Convener: The law as it stands gives owners the right to ask people to leave at the termination of their leases. The Government is consulting as part of its review of that law.

Dr Ewing: Changes might not happen in time to deal with the notices that have been served.

The Convener: Yes—that is why we have received the petition. Mr Scott is asking for a moratorium on removal of anybody from the land while the consultation goes on. I am not a lawyer, but I think that that might require legislation. We need urgently to hear the Executive's view, so that it can tell us whether it intends to take steps to protect people.

Dr Ewing: The huts at Carbeth have been there for a long time, but the chalets at Loch Goil, on Mr Campbell's land, are relatively modern. In case the people at Loch Goil have some rights, it would be interesting to know what kind of contracts people were offered when they first got their chalets, and what agreements they entered into. That would not have happened very long ago, so this case is not a bit like the case of the Carbeth hutters. I agree that the petitioners want quick action.

The Convener: I do not think that we have that information at the moment, but we can ask the Executive to look into it.

Dorothy-Grace Elder: I know the chalets. Some of them are about 20 or 30 years old. The situation with the Carbeth hutters arose for different reasons, but the basic situation of the people at

Loch Goil and Carbeth is similar in that they do not own the land on which their homes stand. That is why we should rush the petition to the Executive.

The Convener: Okay—it is agreed that the course of action that we will pursue on the petition is to ask the Executive to respond urgently.

We will return to petition PE339 when we have dealt with the current petitions.

Members indicated agreement

Current Petitions

The Convener: We have received quite a few responses to current petitions. The first petition is PE248 from Mr Robert Durward, asking the Parliament to introduce legislation to compel slower drivers to use passing places. We dealt with the petition initially at our meeting on 12 September. In December, we dealt with responses to the petition that we received from the Department of the Environment, Transport and the Regions and from the Scottish Executive.

We agreed to write to the Minister for Transport, seeking information on any future road awareness campaigns. We have received a reply from the Executive, which sets out in detail the steps that it is taking to improve road safety, including funding the Scottish road safety campaign and issuing a multilingual leaflet that provides advice on driving on single and two-way roads. The Executive is also providing signage at various locations, to encourage drivers of slow-moving vehicles to be courteous and to use lay-bys. We originally agreed to take no further action on this petition, and it is suggested that we note the latest letter from the Executive and pass a copy of it to the petitioners for their information.

10:45

Dr Ewing: There are notices on many single-track roads that say that people should use passing places. However, those notices appear very infrequently. It is usually foreign tourists who do not know that they have to move over.

Rhoda Grant: Foreign tourists are an obvious example, but I have not heard of the leaflet that is referred to in the Executive's correspondence. I do not think that those measures will have any effect without a legal push to make people pull over.

When travelling through the Highlands, it is common to get stuck behind vehicles, especially lorries, which tend to be poor at pulling over. That is probably because it is difficult for them to pick up speed once they have slowed down. That causes enormous frustration, and an awful lot of the accidents on the road between Fort William and Inverness are caused by people overtaking in stupid places because they are running late and have been stuck behind somebody. Many people's lives are put at stake because of that behaviour, and I feel quite strongly about the issue.

Dr Ewing: Would you go so far as to say that there should be a legal compulsion to pull over? Should it be an offence not to do so?

Rhoda Grant: Yes.

The Convener: The matter was discussed in

the response from the DETR. It is a reserved matter. It was pointed out that it would be impracticable to make pulling over a legal requirement, as people could argue that it is unsafe to pull over in some places. It would be difficult to give such a requirement legal force, so other measures are taken to encourage people to pull over. That is the way in which the DETR feels that the matter should be addressed, and the committee accepted that when it was discussed in December.

Rhoda Grant: I understand that people can be charged with driving without due care and attention if they hold people up. I recall that someone was charged with that offence when they were driving between Perth and Glasgow, as there was a long tailback. Is there any way in which the committee could urge the police to use that power more often? I know that it is difficult for the police to catch people on rural roads, as not many police officers drive around them. However, if that power could be used as part of a campaign to inform people that, if they hold up traffic, they could be charged with driving without due care and attention, people might think about showing courtesy to other road users.

The Convener: We could suggest that the Executive should consider taking that action. It would be for the Executive to do that, rather than the committee.

Dr Ewing: The notices to which I referred do not go as far as that, but they could.

The Convener: As well as passing a copy of the Executive's response to the petitioner, we could write back to the Executive with the suggestions that have just been made, seeking its response to them. Is that agreed?

Members indicated agreement.

The Convener: The next petition on which we have received a response is PE254, from Mr William McCormack, on publicly funded advice services. Mr McCormack wants the Parliament to introduce legislation to ensure that all lottery-funded or publicly funded advice services are subject to an annual independent audit, to assess the quality of the advice that is given by staff and volunteers.

When the committee considered this petition at its meeting in September, it was decided to seek the response of the six different organisations that are listed: Audit Scotland, the Scottish Executive, the Convention of Scottish Local Authorities, Citizens Advice Scotland, Shelter Scotland and the Federation of Information and Advice Centres. Replies have been received from all those bodies, and a précis of each has been included on the paper that has been distributed to committee members. They already employ a variety of

methods of monitoring the quality of advice that is given by the staff and volunteers of advice centres.

From their responses, it appears that the main providers of public advice services have monitoring systems in place to ensure that the advice that is given is of the highest standard. There appears to be no evidence to suggest that the additional independent audit of those services that the petitioner requests is necessary. It is therefore suggested that the committee should pass copies of the responses to the petitioner and agree to take no further action.

Dr Ewing: Recently in Parliament we praised the service that is provided by citizens advice bureaux. On the whole, that service is wonderful.

The Convener: It has been a good exercise, as a lot of useful information has been gathered from the different organisations and that will be made available to the petitioner. I hope that that course of action will satisfy him. Is it agreed that we will pass the responses to him?

Members indicated agreement.

The Convener: The next petition is PE286, from Mr Roderick McLean. He wants us to take steps to revise the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983, to ensure equity for all service personnel and ex-service personnel in compensation for injuries that have been sustained in the service of the Crown.

The committee agreed that I should write to the Ministry of Defence for its comments on the petition. We have received a reply from Hugh Bayley MP, who is the Parliamentary Under-Secretary of State for Social Security. His response states that changes in the provision of pensions for those with a hearing loss of less than 20 per cent were made in 1993, following consultation with the Central Advisory Committee on War Pensions. The aim of those changes was to redirect more money to those who were suffering from severe disability, bringing the award of the pensioner about whom the petitioner was concerned into line with those for occupational deafness under the industrial injuries scheme.

Hugh Bayley is satisfied that the scheme, as it stands, is compliant with the European convention on human rights. He points out that, although the resources that are available are not unlimited, the changes were regarded by all concerned as the best way in which to deal with the situation. He does not think that the current arrangements should be changed.

It is therefore suggested that, as the issues with which the petition is concerned are reserved to the United Kingdom Parliament, we should pass a

copy of that response to the petitioner and agree to take no further action. We could also suggest to that petitioner that if he wants to pursue the matter further, he should do so directly with the Department of Social Security or his member of Parliament. Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE297, is from Mr Donald Matheson, on behalf of joint action against the M74, calling on the Parliament to investigate the impact that the proposed M74 northern extension will have on the communities and small businesses along its route.

When we dealt with this petition previously, we agreed to pass a copy of it to the Scottish Executive, Renfrewshire Council, South Lanarkshire Council and Glasgow City Council for their comments, as they are all involved in the new extension. We have received responses from all those bodies. The responses from the three councils are fairly similar, asserting their view that the public consultation that was undertaken in 1995 by Strathclyde Regional Council and the statutory notifications of the current renewal application are sufficient and appropriate.

The Executive also points out that it is setting up a steering group to take control of the northern extension, which will be chaired by the Executive but which will include representatives of all three councils. The Executive proposes, as part of the new extension, to carry out an environmental impact assessment and to prepare an up-to-date environmental statement. It will also prepare trunk road orders and compulsory purchase orders and carry out further public consultation, which will provide opportunities for all interested parties to express their views, should that be required. Statutory objectors to the scheme will also have the opportunity to have their views considered at a public local inquiry.

The matter will be referred to the Scottish Executive by the councils, and it will be possible for the petitioners to have their concerns addressed as part of the public consultation. It is therefore suggested that the committee agree to pass the petition to the Scottish Executive, asking it to ensure that the petitioners are included in the public consultation that is to be undertaken. In addition, we can agree to pass the responses that we have received to the petitioners, recommending that they continue to press the Executive directly with their concerns, and to take no further action ourselves. Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE298, from Mrs Avril McKen, is on the Forres ambulance unit. In the light of a proposal to relocate the unit to Elgin, it asks the Parliament to recommend that

the unit should remain at Leancoil hospital in Forres and be upgraded to a 24-hour service. We took the petition up with Grampian Primary Care NHS Trust, which stated that the consultation with interested parties on the proposal to redesign ambulance services in the Forres area would improve cover for Forres. We sent the petitioners the reply from the trust, asking for their view. In their reply they dispute the response times quoted in the Grampian Primary Care NHS Trust letter and remain unhappy with the situation. They quote recent examples of ambulance response times that they claim confirm their version of the situation.

We have no remit to interfere with or overturn the executive decisions of other public bodies in Scotland, but it might be appropriate for us to pass the petitioners' letter to the trust and to recommend that the trust enters directly into a dialogue with the petitioners, to discuss the proposals in detail with a view to allaying the petitioners' concerns. We would take no further action.

Dorothy-Grace Elder: Since I became a member of the Parliament and of the Health and Community Care Committee I have become increasingly concerned about the treatment of the Scottish Ambulance Service throughout Scotland. I do not know the case intimately, but it seems plain daft that a unit that should be in Forres has been moved to Elgin and that anyone thinks that that is more efficient.

The Convener: The problem is that the Parliament has given the powers to the trust to do that. It is therefore a matter for the trust and the petitioners. The best that we can do is to recommend to the trust that it enters a dialogue with the petitioners. It is not our role to override decisions taken by the trust.

Rhoda Grant: The problem is that the petitioners do not feel that the Scottish Ambulance Service is taking them seriously. I have previously had dealings with folk who share the petitioners' concerns. They have disputed responses that I have received from the Ambulance Service. We may have to write to the service again. Could we encourage them to enter a dialogue with the petitioners?

The Convener: As I understand it, it is the Grampian Primary Care NHS Trust—

Rhoda Grant: No. It is the Scottish Ambulance Service that will deal with the ambulance service there.

The Convener: Our previous correspondence has been with the trust.

Dr Ewing: Mary Scanlon, Margaret Ewing and local councillors are all on the side of the people

who are unhappy.

The Convener: It was the Scottish Ambulance Service that had a meeting with Forres community council, but our correspondence has been with the trust. We could take the matter up with the trust again.

Rhoda Grant: As I understand it, it is the Scottish Ambulance Service that is dealing with this. I have been in touch with the service about it. There appears to be an impasse. There is very little local dialogue and people remain unhappy with what is happening. I know that we have devolved responsibility, but perhaps we could give the people involved a nudge.

The Convener: We can pass the response from the petitioners to the Grampian Primary Care NHS Trust and to the Scottish Ambulance Service. We can say that it is the view of the committee that those bodies should negotiate directly with the petitioners and seriously take on board the comments that they are making. Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE306, is from Mr Thomas Minogue. The petition calls on the Parliament to request that all members of the judiciary declare their membership of organisations such as the freemasons, and that a register of such interests be made available on request.

At our previous meeting, we agreed to seek the comments of the Lord Advocate on the current legal situation in Scotland with regard to declarations of interest and on whether organisations such as the freemasons are included in such declarations. We also agreed to seek information on the current situation in England and Wales on the issues contained in the petition. The committee agreed to defer consideration of a letter on the petition from the freemasons until it had considered the Lord Advocate's response.

We have now had a response not from the Lord Advocate, but from the office of the Minister for Justice, Jim Wallace, who is responsible for this area. Members will see that the Scottish ministers have considered whether any action would be appropriate in Scotland but took the view that there was no need for any steps to be taken. The Minister for Justice states that, apart from the petitioner's representation, he is not aware of any court users being concerned about the matter.

11:00

We know that the situation is different in England and Wales, where there was sufficient concern for the Home Affairs Select Committee to hold an inquiry into freemasonry in public life and

for the Lord Chancellor of England, Lord Irvine, to recommend that all new applicants for the judiciary should have to say whether they are members of the freemasons and that all judges should be asked to contribute to a voluntary register. That information is not available to the public, but is kept in the Lord Chancellor's office.

I am concerned that there are only four members present today as I am aware that other members of the committee have taken an interest in the petition. I think that we should postpone consideration of the issue until we have more members present.

Dr Ewing: I agree with the quote that the petition contains from Lord Irvine about the ethical obligations of a judge. It says:

"If the judge knew that someone appearing before him was a Freemason, then he would have an obligation to reveal that to the parties and ask the parties if that caused them any disquiet about him continuing to sit".

I agree with the suggestion to postpone consideration of the response until there are more of us present.

The Convener: The area is quite controversial. The letter from the Grand Lodge of Antient, Free and Accepted Masons of Scotland says that its members are genuinely angry about what they see as their organisation's being singled out and picked on. We have to give careful consideration to the issue.

Dr Ewing: Are there other secret organisations?

The Convener: I am not a member of any secret organisation, so I do not know. The campaign for socialism is quite an open organisation.

I believe that there are other secret organisations—the Catholic organisation, the Knights of St Columba, may well be.

Are we agreed to postpone consideration of the petition until our next meeting?

Members indicated agreement.

The Convener: Petition PE316 is from Hector MacLean and called on the Scottish Parliament to provide the funding and support necessary to design a national berry strategy to raise home-based consumption of raspberries within Scotland.

We agreed to seek comments from the Scottish Executive and also to pass the petition to the Rural Development Committee for its information. We have received a response from the Executive, which says that, while projects of this type should be encouraged, there is no conclusive evidence that berries provide specific benefits over and above other forms of fruit and vegetables, although the Executive is now funding research into the matter, which is currently under way at the

Rowett Research Institute in Aberdeen.

After discussion with the berry group, the Executive has decided to consider proposals for a pilot project for potential Government funding. Initially, the group did not take up the Executive's offer, but I understand that both parties are in discussion on the matter and that the group plans to submit a proposal for a pilot project shortly. The results of the berry project pilot will be reviewed *inter alia* in the context of the health department's national coronary heart disease plan.

It appears that the Executive is aware of the berry group's objectives and is providing advice on how the matter may be dealt with. It is suggested that the Public Petitions Committee should pass the Executive response to the petitioners and take no further action other than recommending that it continues its discussions with the Scottish Executive.

Dr Ewing: By coincidence, in my travels I met a consultant in the field of nutrition who told me about the Finnish view that massive consumption of raspberries was beneficial to the health of the nation. Ever since then, I must confess, I have been enormously indulging in raspberry consumption.

The Convener: When the petitioners spoke to us, they mentioned the experience of Finland. It is good to see that the Executive is funding research into the matter and is supporting the pilot project.

Dorothy-Grace Elder: I am glad that the Executive is taking the matter seriously. It is widely believed that red fruit and vegetables are anti-carcinogenic, although there is no proof yet.

One of the major problems for the berry industry is the closure of the jam factories that used to be in the berry areas. In Glasgow, of course, the Scottish Co-operative Wholesale Society had a massive jam factory that is no longer there and the Robertson's factories have closed down. Those closures meant that the berries were not going into jam production in Scotland. I suggest, therefore, that it might be possible to refer the petition to the Enterprise and whatever committee—what is the code for jobs? Is it Enterprise?

The Convener: Seemingly, these days.

Dorothy-Grace Elder: Yes, we could refer it to the Enterprise and Lifelong Learning Committee. As I have only recently joined this committee, I do not know whether the petitioners mentioned that aspect when they spoke to us.

The Convener: I do not think that they did. However, I remind members that this committee cannot freelance on the back of petitions. We have to deal with what the petition asks for. If people want to raise the issue that you mention, they can bring another petition to the committee.

Is it agreed that we pass the Executive response to the petitioners and take no further action other than recommending that the group continues its discussions with the Scottish Executive?

Members indicated agreement.

The Convener: The next petition, PE318, from Bob and Vera Scotland, which has more than 10,000 signatures, calls on the Parliament to take the opportunity presented by the publication of the Scottish health plan to allocate new funds for the improvement of mental health services, particularly in relation to care in the community.

Members will be aware that a ministerial statement on the Scottish health plan was made after the petition was submitted. We agreed to pass the petition to the Executive for its comments and have received a response that includes a full copy of the health plan and the "Framework for Mental Health Services in Scotland". The response indicates that the Scottish Executive will be increasing the NHS spend on mental health by £17 million on previous years. In addition, the Executive intends to identify and tackle issues of particular concern, such as the national framework for the prevention of suicides.

The Executive is also considering the recommendations for the development of modern mental health services in the Millan committee review. The response outlines the ways in which the Executive will work through the NHS to co-ordinate services better.

All that appears to address the issue raised by the petitioners and it is suggested that we agree to pass a copy of the response to the petitioners, with the documents supplied by the Executive and take no further action. I am sure that the issues that are raised will be taken up by the Health and Community Care Committee when it examines the findings of the Millan committee.

Do we agree to follow the suggested action?

Members indicated agreement.

The Convener: The next petition is PE326 from Stella Anderson, on behalf of the Scottish People's Mission, and calls for the Scottish Parliament to return the stone of Scone to the community of Scone. We agreed to refer the petition to Perth and Kinross Council for its comments. We have received a response from the council, which says that it agrees to reaffirm its previous decision—that the stone should be returned to Scone—and supports the petition's call for the return of the stone to Perth museum and art gallery.

It is suggested that now we have that response, we should approach the Executive for its views before we consider the matter further.

Dr Winnie Ewing: One of my complaints was

about being charged to see the honours of Scotland. I do not know whether that point was followed through. There should be no charge for seeing the honours of Scotland; they belong to us.

The Convener: We can raise that issue when we write to the Executive.

Dr Ewing: I am not suggesting any particular policy on charging for museums, but I think that the honours of Scotland and the stone of Scone are rather special and that people should not have to pay to see them.

The Convener: We will ask specifically for the Executive's response to that point.

Dorothy-Grace Elder: The Executive might respond by talking about the security angle. I examined the matter at the time of the return of the stone in 1996. Security was the major reason—or excuse—for the addition of the stone to the collection at Edinburgh Castle. Edinburgh Castle has umpteen goodies and the stone would be of more use back in its native area. We do not want some bland reply that merely repeats what has already been said about the security issue. We want the costs to be spelled out and so on.

The Convener: We will ask the Executive for its views on the charge to see the honours of Scotland and the stone of Scone. If it believes that it is necessary to charge to see them, we will ask for a breakdown of the costs involved.

Are we agreed?

Members indicated agreement.

The Convener: The next petition is PE332, from Mr Steve Ratcliffe, which calls on the Scottish Parliament to create controls to require MSPs to declare to the Standards Committee details of members of their staff to ensure that, in instances where they have recruited a relative, that person is the most suitable person who could be hired for the post.

We passed the petition to the Scottish Parliamentary Corporate Body, asking it to respond directly to the petitioner. We also passed the petition to the Equal Opportunities Committee for information only. We have received a memorandum from the SPCB, saying that it is not responsible for the recruitment of MSPs' staff. It recommends that an amendment to the code of conduct would be a more appropriate way of achieving the petitioner's aims.

The clerk to the Standards Committee has responded by stating that the register of interests of the staff of MSPs, which was endorsed by the Parliament, covers the parliamentary duties of staff under the members' allowances scheme, but that there are no provisions on the recruitment procedures for MSPs' staff. The clerk states that

the Standards Committee would view the employment relationship between MSPs and their staff as essentially a private matter in which the committee would not want to become involved. However, the clerk is happy for the petition to be forwarded formally to the Standards Committee should the Public Petitions Committee so decide.

It appears that neither the SPCB nor the Standards Committee really wants to become involved in the matter. We need to consider whether we should therefore take no further action and whether the clerk should write to the petitioner to explain the reasons behind that decision. Another option would be to forward the petition to the Standards Committee for its formal consideration.

Dr Ewing: We should not take any further action. I do not employ any members of my family, but I know that those who do often get far more working hours out of a member of their poor family than they would ever get if they employed someone on the open market.

The Convener: That sounds like exploitation.

Dr Ewing: I have a lot of sympathy for the idea that this is a private matter. I deplore the insult that is contained in the suggestion that MSPs are not doing their public duty if they happen to employ a member of their family.

Rhoda Grant: Under equality legislation, if people feel that someone has been appointed over them on unfair grounds, they can go to an industrial tribunal.

Dr Ewing: I do not understand how a person who is not employed by an MSP could take the matter to an industrial tribunal.

Rhoda Grant: If the person applied for a job and felt that—

Dr Ewing: That would require MSPs to advertise publicly for staff, which we do not have to do.

Rhoda Grant: I think that we are encouraged to do so, are we not?

Dr Ewing: We are not obliged to do so, and I do not think that many members do.

The Convener: The Equal Opportunities Committee received the petition for information and it has been considering terms and conditions of employment in the Scottish Parliament. If it felt that any action had to be taken, it could do so on the back of the petition. It has not informed us of any decision to take any action, so I feel that we should just reply to the petitioner in the terms that have been suggested.

Members indicated agreement.

The Convener: The final part of this agenda item is to consider a summary of petitions that are being considered by various committees. Petition PE51 from Friends of the Earth Scotland, on the release of genetically modified crops, went to the Transport and the Environment Committee which, in response, has published a report on genetically modified organisms. The final page of paper PE/01/02/2 summarises the action that is being taken on PE51, and on petitions PE96 and PE242.

Dr Ewing: What interests me about PE51 is whether the matter should be dealt with by the planning departments of local authorities. I would like to think that local authorities would be consulted about planning permission before any change from ordinary crops to GM crops took place. That is not the position at the moment.

Rhoda Grant: As I understand it, under European legislation, local authorities are not able to withhold permission to plant GM crops. The matter could not come under planning procedures, because planning departments would have to adhere to European legislation. I know that the matter is being discussed in Europe at the moment, and I hope that things may change.

Dr Ewing: I do not think that it is law yet—I will look into that.

The Convener: The Transport and the Environment Committee has responsibility for planning law. It will be interesting to read its report, which I have not had a chance to read.

Dr Ewing: Will we just have to wait?

The Convener: Yes.

The next petition, PE96, calls for a public inquiry into the adverse environmental effects of sea cage fish farming. The Transport and the Environment Committee has considered a report on the petition and has agreed to its recommendation that the Executive be asked to establish an independent inquiry into the issue. That action is being taken.

11:15

Dr Ewing: I find it strange, because the usual objection to cage fish farming is that there is shallow water and insufficient tidal movement. There must be a massive environmental improvement if the cages are at sea. I raised the matter at question time and received a sympathetic answer from the Executive. Northern Ireland is encouraging sea cage fish farming. To my knowledge, the only place that we have it in Scotland is an experimental site in Shetland. I think that sea cages are better than loch cages.

The Convener: The Transport and the Environment Committee considered the petition and agreed to ask for an independent inquiry.

Dr Ewing: Fair enough.

The Convener: The final petition, PE242, is on asylum seekers' rights of access to various support services. The Social Justice Committee has approved a report, which I have not seen, in relation to the petition.

New Petition

The Convener: We return to petition PE339. We hoped that the petitioner, Mr John Lyon, would turn up in the course of the morning. He does not appear to have made it, so we will have to consider the petition in his absence.

Mr Lyon calls on the Parliament to introduce provisions that would restrict hedge trimming and heavy rolling of pastures and fields during certain periods of the year, in order to protect wildlife. The protection of wildlife is a matter for Scottish Natural Heritage. We could agree to seek SNH's views or to take no further action. I favour seeking the views of SNH.

Dr Ewing: One of the tragedies in our rural areas has been the replacement of hedges by fencing, as it has taken away the habitat of little birds. All over the country, we can see that where hedges have been kept, there are far more little birds. I am sympathetic to the petition—we should seek the views of SNH.

The Convener: Do we agree to seek the views of SNH, and to then bring the petition back before the committee?

Members *indicated agreement.*

Inadmissible Petitions

The Convener: We have one inadmissible petition, which is from Mr John Arnott. He called on the Parliament to make representations to Highland Health Board to ensure that a general practitioner remains in Helmsdale. We should note that it is not for the Parliament to interfere with or overturn the executive decisions of local health boards in Scotland. It is recommended that the petitioner be advised that the petition is inadmissible and that he should seek the assistance of local elected representatives in resolving the matter.

Dr Ewing: I know of some work that is being done on the matter. Questions are being asked about whether the job was advertised, whether it was sufficiently advertised and whether enough notice was given. Elected members are taking up the matter.

The Convener: That is fine, but the committee cannot become involved, for the obvious reasons. Is that agreed?

Members *indicated agreement.*

The Convener: The convener's report is on the agenda, but I do not think that there is anything to report. A conveners liaison group meeting that was scheduled for yesterday had to be cancelled because only five conveners turned up.

Dr Ewing: Perhaps I can sue if I catch a cold.

The Convener: I thank everybody for their patience this morning.

Meeting closed at 11:18.

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