

STANDARDS COMMITTEE

Tuesday 26 September 2000
(Morning)

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STANDARDS COMMITTEE

14th Meeting 2000, Session 1

CONVENER

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

DEPUTY CONVENER

*Tricia Marwick (Mid Scotland and Fife) (SNP)

COMMITTEE MEMBERS

*Lord James Douglas-Hamilton (Lothians) (Con)

*Patricia Ferguson (Glasgow Maryhill) (Lab)

Karen Gillon (Clydesdale) (Lab)

*Mr Adam Ingram (South of Scotland) (SNP)

*Des McNulty (Clydebank and Milngavie) (Lab)

*attended

CLERK TO THE COMMITTEE

Sam Jones

ASSISTANT CLERK

Jim Johnston

LOCATION

Committee Room 1

Scottish Parliament

Standards Committee

Tuesday 26 September 2000

(Morning)

[THE CONVENER *opened the meeting at 10:33*]

The Convener (Mr Mike Rumbles): Good morning and welcome to the 14th meeting this year of the Standards Committee. Before we move to item 1, on lobbying, I have apologies from Karen Gillon. I believe that Tricia Marwick may have a clash of times between this and the Equal Opportunities Committee.

Lobbying

The Convener: At our most recent meeting, the committee agreed to progress its inquiry on lobbying by inviting written evidence from various lobbying organisations. The clerks have circulated to members an issues paper that considers how to take that consultation exercise forward. It is clear from the clerks' preliminary work—done in conjunction with the Scottish Parliament information centre—that taking the matter forward will be an immediate undertaking.

We need to address two issues. First, we need to establish the parameters of the consultation exercise. Our discussion last week concluded that we wanted to consider lobbying by interest groups and professional lobbying companies.

Secondly, we need to agree on the methodology of the consultation. The clerks and SPICe have indicated that there are two possible approaches. First, the committee may consider that it is necessary to contact as many lobbyists as possible. However, given the lack of comprehensive data on lobbying organisations in Scotland, that would be a major undertaking. The clerk's paper notes that that would have significant resource implications for the committee's clerks and for SPICe. If we took that road, we might need to consider the appointment of a committee adviser for the consultation.

In contrast, the committee might feel that it is sufficient to collect a representative sample of the views of lobbyists who operate in Parliament. That approach would entail collection of the views of a representative sample of lobbyists via the various umbrella organisations and through advertisement of the consultation exercise. That option would not preclude the participation of any organisation or group that wanted to participate.

With that introduction, I throw the discussion open to members. Do members have comments on the paper before them?

Lord James Douglas-Hamilton (Lothians) (Con): While colleagues are thinking about what to say, I suggest that the appointment of a committee adviser on the matter would be of great assistance. We need to produce a short and highly effective report. We do not want to produce something that purports to be the last word—one can never produce the last word on a subject that changes all the time. We do not need a 100 per cent success rate on consulting every lobbyist in creation—we need to go for those who are reasonably well known to get a good, effective, rough and ready picture.

The Convener: Which of the two options do you suggest we go for? Should we contact as many lobbyists as we can or should we contact umbrella organisations?

Lord James Douglas-Hamilton: We should contact as many lobbyists as we can, but we do not need to go to the last ditch. Many small lobbying organisations are unknown outwith their locality.

Mr Adam Ingram (South of Scotland) (SNP): I agree that a representative sample approach is best. There is a history of consideration of lobbying in various legislatures in the world. The committee would get bogged down easily if we tried to take the comprehensive approach. We want as short a process as possible before we come to a reasonable conclusion on lobbying.

Des McNulty (Clydebank and Milngavie) (Lab): In the past, public concern about lobbying has related to paid lobbying organisations. When we considered that problem, we widened our scope because we thought that it would be difficult to establish clear boundaries between paid lobbying organisations and other lobbying organisations.

We could consider a broad range of organisations—including small advocacy organisations—but a review of Parliament's accessibility and the way in which it interrelates with different civic organisations might be more interesting to Parliament. That would not concern solely the Standards Committee.

We may need to deal with the particular issue of paid lobbying, which we could do in a fairly bounded way. We could then, in conjunction with other committees—such as the Procedures Committee—consider the broader issues of accessibility and lobbying, as part of a more sustained process of investigation. An adviser would undoubtedly be helpful for that.

I am concerned that, if we follow the suggestions

in the paper, we could fall between two stools: defining lobbying widely; and consideration of lobbying without a broader debate about how Parliament responds to different kinds of organisations. We probably need to conduct two different exercises. One would be a relatively narrow exercise that dealt with paid lobbying companies. The other would be a broader exercise, which would consider lobbying accessibility. It would be helpful for the committee to conduct that broader exercise in conjunction with, for example, the Procedures Committee.

Tricia Marwick (Mid Scotland and Fife) (SNP):

I welcome the paper, which has helped to sort out one or two of the issues that were in my mind. However, I am concerned that we are taking such a long time to deal with the matter. It is almost a year since the committee was involved in the so-called lobbygate inquiry—a great deal of concern was expressed then. Committee members expressed the view that there should be a comprehensive review, but now—a year down the line—we have not come up with anything on the issue to put before Parliament. Frankly, I do not think that it is acceptable that we delay any longer. I would like the committee to set an end date for the matter, by which we will have presented a report to Parliament. We should set such a date and work towards it.

We are in serious danger of making our investigation or consultation so wide that we would not gain anything extra from the exercise—we might, instead, delay the process even further. There could be dangers for the committee and for Parliament if we allow ourselves to be caught up in the minutiae of the matter. We should consider inviting representative organisations to speak to the committee. We would welcome submissions from any organisations that felt particularly strongly about the matter. However, there is a difference between welcoming submissions and trawling the length and breadth of Scotland trying to get them.

We need to carry out our functions and we need to conduct that investigation, but we must bear in mind that we have a wider responsibility to the Parliament to develop a view on lobbying. We cannot delay much more than we have. I suggest a four-month deadline for submission of a report to Parliament. That is the maximum time that the committee should take to form a view.

Patricia Ferguson (Glasgow Maryhill) (Lab): I agree broadly with Tricia Marwick, although I also have some sympathy with what Des McNulty said. We already have a marker, in that we have a code of conduct for members. We therefore know how we expect members to behave with respect to lobbying. It is the other side of that relationship that is not so settled—or, at least, we do not have

a settled process for dealing with it.

We need to hear from representative organisations, but we need an end date for the inquiry. I would go so far as to say that we should notify the conveners liaison group that we are looking for a date in the parliamentary calendar when we can discuss the matter in the chamber. It might be necessary to tie ourselves down in that way. We might want to examine the broader issue of access later, but in the meantime we must get something on lobbying tied down fairly quickly.

Lord James Douglas-Hamilton: The mood of all members is very much in favour of hearing a representative sample of the views of lobbyists who operate in Parliament. Such views could be obtained relatively quickly and without too much difficulty, regardless of whether the inquiry might involve greater focus on umbrella organisations.

The Convener: To sum up, we should proceed by collecting a representative sample of the views of lobbyists who operate in Parliament. We should collect those views from representatives of those lobbyists in the various umbrella organisations and we should get on with that relatively quickly. We shall invite people to make submissions to our inquiry if they wish.

Members are keen to set a time limit for the inquiry. The Christmas and new year break is three months from now—if we keep to a four-month limit and focus on an end date, we will be more likely to make progress. Would an end date at the end of January give the clerks sufficient time?

Sam Jones (Clerk to the Committee): If the committee can agree soon on the consultation paper and questionnaire that we will send out, such a date would be feasible. It will be a month until the next committee meeting, but if members will agree to an end date, we can push on.

10:45

The Convener: If members are content for the clerks and SPICe to draw up a consultation document, we could discuss it at the next meeting.

Sam Jones: That is four weeks away.

The Convener: We shall therefore draw up the document and send it to members before the next committee meeting. Once we have reached agreement on that document, we can proceed along the lines that I suggested. We shall set an end date of the end of January and I shall pursue with the conveners liaison group the matter of presenting our report to Parliament.

Des McNulty: I am content with that. One of the dangers of conducting an entirely comprehensive inquiry is that we could end up—as the Neill

committee did—discussing how many angels can dance on the head of a pin. We need to form quickly a mechanism for regulating the work of major lobbying organisations. Beyond that, I maintain that there is a broader issue of accessibility, which this and other committees might want to address as part of a different and more extensive exercise. For the purpose of the lobbying inquiry, however, I am content to pursue a narrow and focused, but quick, process for establishing the parameters within which lobbyists will be expected to work.

The Convener: I remind members that the inquiry will be a fact-finding exercise. Its objective—as stated in paragraph 13 of the paper—is to find out from lobbyists how they organise and what they do. The first part of the exercise was to consider the role and conduct of MSPs; consulting lobbyists is the second part of that exercise. We shall try to complete the work before the end of January.

Cross-party Groups

The Convener: At the committee's previous meeting, the clerks were asked to provide a full list of cross-party groups that have been approved by the committee and those that have been referred back to the conveners of proposed groups. In reviewing the current status of applications for cross-party group recognition, the clerks have also taken the opportunity to revise the guidance notes and application forms that are sent out to the proposers of the groups. Those papers have all been circulated to members.

Des McNulty: I think that cross-party groups 21 and 32 on the list are the same, but that neither title is quite right. It should be called the cross-party international development group of the Scottish Parliament.

The Convener: Thank you, Des. You are absolutely right. Nothing escapes Des.

We must consider two applications for recognition as a cross-party group. The first application is a proposal to establish a cross-party group on the Campaign for Nuclear Disarmament. Members will recall that the committee agreed on 28 June to refer the application back to its proposer, Dorothy-Grace Elder. The committee felt that the group should consider renaming itself in order to distance itself from too close an association with an external single-issue interest group.

I have written to Dorothy-Grace Elder and copies of my letter and her response have been circulated to members. Members will note that Dorothy-Grace has proposed a new title for the group: cross-party group in the Scottish Parliament on nuclear disarmament campaigning. I invite the committee to reconsider the application in the light of the new proposal. Do members have any comments?

Lord James Douglas-Hamilton: I regret to say that I have to oppose this application on principle. I would not have the same objection if the title included the words "multilateral disarmament". I note also that the fourth purpose of the group is:

"To act as a forum for networking and support led by MSPs sympathetic to the aims of this group."

I am convinced that that would amount to lobbying in opposition to Government policy. The group would lobby for a purpose or purposes that were almost certainly opposed—not only by the Conservatives, but by the majority of MSPs. Such a group would be a front for CND and not, in my view, a properly constituted cross-party group. I have no objection to the group acting as a campaign group and holding meetings in the

Parliament—arranged by colleagues who are sympathetic to its aims—but it cannot be allowed to campaign as a cross-party group.

The Convener: Is your objection that the proposed group is still too closely linked to the interest group, despite the name change?

Lord James Douglas-Hamilton: The fourth purpose of the group as set out in its application indicates that it would campaign for CND's purposes. Neither the group's title nor its purposes are clear enough to suggest that its purpose would be multilateral disarmament. The group would act as a front for lobbying in opposition to the Government's policy.

Patricia Ferguson: I am sorry that we are discussing this group again; I thought that we would be able to sort out the issue without having to bring it back before the committee. I disagree with Lord James about the role of the Standards Committee in opposing on principle a cross-party group. I do not agree with the aims of other cross-party groups that have been set up. However, it is not for me or the committee to pass judgment on the subjects that such groups want to discuss.

I have a couple of procedural issues to raise. I notice that the group is to be administered by CND. That suggests that the group will operate along the lines that concern Lord James. We should make it clear that that arrangement is not satisfactory.

I also note that the application says that subscriptions are to be paid by MSPs. I am not sure whether that is a verbal confusion, but the statement is certainly incorrect according to the terms of the guidance on cross-party groups. My understanding of that guidance is that all members—not only MSPs—should pay subscriptions. If members of cross-party groups do not pay subscriptions, they do not have voting rights within the group.

The other issue that I want to raise is a potential procedural weakness. I note that the group would meet on Wednesdays—it has been clear on that point and has e-mailed all MSPs. However, our procedure deliberately prevents cross-party groups from meeting between lodging of the application for approval to set up as a cross-party group and receipt of that approval. That is the weakness. We have referred back to the proposed group issues that concern its establishment. How can we expect the group to deal with those issues without meeting? That is something that we should consider in relation to the code for cross-party groups.

The Convener: Patricia Ferguson's last point was well made. If we send an application back to a group it is obvious that the group needs to meet to address the points that we have raised. We must

re-examine the guidance on that matter.

Lord James Douglas-Hamilton: Could Patricia Ferguson clarify the first point that she made?

Patricia Ferguson: In response to Lord James's point, I do not think that it is for the Standards Committee to police the topics that a cross-party group might be set up to discuss. We might have concerns about the way in which a group operates, but I hope that any such group would abide by the code that we have created, which gives guidance on how groups should be run. My basic objection to Lord James's comments is that it is not for the committee to object to the topics or issues that a group has been set up to pursue.

The Convener: Patricia Ferguson also said that she is uneasy that the group is to be administered by CND.

Tricia Marwick: One of my concerns is that previous applications gave the impression that the proposed cross-party group might well be a branch of CND. That concern was expressed at our previous meeting.

As it stands, the proposed group is a bit closer to our understanding of what a cross-party group should be, but there are one or two issues that are outstanding. I wish that Dorothy-Grace Elder had taken up the convener's invitation to meet and discuss the issue. This is the third time we have considered this application; we are spending an awful lot of time on one application. It would have been better if Dorothy-Grace Elder had met the convener or the clerks to fine-tune the application. There is broad sympathy in the committee—with the exception of Lord James, who can speak for himself—for setting up such a group. As Patricia Ferguson says, it is not the committee's role to police the subjects of cross-party groups. It is, however, our responsibility to ensure that such groups meet the requirements that were developed by the Standards Committee and accepted by the Parliament.

There are still some outstanding points. Patricia Ferguson raised the question of subscriptions—she is right about that problem. I disagree with Lord James's point that a cross-party group must include a member of every political group in the Parliament. We have already dealt with that issue. Where there is broad support, a cross-party group need not have members from every political party. The Scottish Green Party and the Scottish Socialist Party have also signed up to the proposed group—it therefore meets the requirements for cross-party support.

I am reluctant to knock back the application yet again, but perhaps the convener could suggest a meeting with Dorothy-Grace Elder to fine-tune the application so that we could rubber-stamp it at the

next meeting of the Standards Committee.

Lord James Douglas-Hamilton: It is not my purpose to police groups in every detail. However, the title of the proposed group makes it clear that it is a group on campaigning. CND has campaigned against successive Governments and there is every reason to believe that it will continue to do so. I do not think that that should be the role of an all-party group. My second question is about who will administer the proposed group.

The Convener: I will write to Dorothy-Grace Elder again to ask for a meeting. The group's new title is the cross-party group in the Scottish Parliament on nuclear disarmament campaigning. Is it the word "campaigning" that you object to, Lord James? If that word were dropped, would that satisfy your concerns?

Lord James Douglas-Hamilton: I made it clear in my opening comments that I would have no difficulty with the group if the words "multilateral disarmament" were used in its title. MSPs across the political spectrum support multilateral disarmament.

The Convener: Would you be satisfied if the word "campaigning" were removed?

Lord James Douglas-Hamilton: I take my stand on multilateral disarmament. I see Tricia Marwick shaking her head. I have no doubt that she believes in the purposes of CND.

Tricia Marwick: I shake my head because it is open to Lord James to set up a group on multilateral disarmament if he believes that there is a need for such a group. There are MSPs across the political spectrum—excluding the Conservative group—who are happy to support unilateral disarmament. It is right and proper that they have a voice and forum for that support. It is equally open to those who share Lord James's point of view to set up their own group.

Mr Ingram: The title of the proposed group does not specify unilateral disarmament, but refers simply to nuclear disarmament. I assume that multilateral disarmament falls into that category. I cannot agree with Lord James's interpretation.

11:00

Patricia Ferguson: I agree with the points that Tricia Marwick and Adam Ingram have made. It is not for us to suggest to cross-party groups alternative titles or alternative topics for discussion. I am conscious of the fact that, although there may not be any cross-party groups that say in their title that they are campaigning groups, most of the groups that we have approved involve some element of campaigning. Indeed, the second group whose application we will be considering today clearly states that its purpose is

to campaign. The convener should meet the convener of the proposed Scottish Parliament cross-party group on nuclear disarmament campaigning to sort out the outstanding issues. Those are issues of process rather than principle. We can then rubber-stamp the application.

The Convener: I am seeking clarification from the one member of the committee who has objections to the establishment of that group, because I would like to reach unanimity on the issue.

Lord James Douglas-Hamilton: I oppose the application on principle. I do not regard this as a cross-party group that is engaged in lobbying on various issues. It has a clear theme and is associated with a campaign that has been under way since the 1960s. There is no evidence that the group would support multilateral disarmament. I believe that it would campaign against the Government and the wishes of the majority of MSPs. One group in the Parliament would be excluded from membership—perhaps of its own choosing, but excluded nevertheless.

Des McNulty: I understand that CND campaigns for both multilateral and unilateral disarmament. It would be better if the word "campaigning" were not included in the proposed group's title. Campaigning is explicitly one of the purposes of a number of groups, including the groups on tobacco control and autism, but we have not approved a group that includes the word "campaigning" in its title. It would be better if that word did not appear and if this were entitled the cross-party group on nuclear disarmament. That makes clear what it is about; the word "campaigning" is probably superfluous.

The procedural issues should be addressed in the way that Patricia Ferguson suggested, so that we can approve the application. We do not want to be seen as too picky, but it is important that we do our job and deal with the outstanding issues. Lord James has raised a genuine issue of principle, which we will not be able to deal with without dividing on it. However, the will of the overwhelming majority of the committee is that this group's application be approved, subject to the changes that we have suggested.

The Convener: I will contact Dorothy-Grace Elder again to say that we have deferred a decision on the application until our next meeting. We will work with Dorothy-Grace to address the three problems that have been identified. The first issue is that of subscriptions; the second is the perception that this group would be administered by CND; and the third is the use of the word "campaigning", which does not appear in the title of any of the other groups that we have approved.

The second application is for a cross-party

group on autistic spectrum disorder. Do members have any comments on the application?

Patricia Ferguson: At the risk of being picky again, I wish to draw the committee's attention to a couple of procedural points. The first relates to the number of outside agencies that are involved compared with the number of MSPs. The second point is that the group's officers include only one MSP and not two, which is the minimum that is set down in our regulations.

Would it be appropriate to ask the clerks to conduct a preliminary vetting of applications, to ensure that procedural issues are dealt with before applications come before the committee? That would avoid the unnecessary delay that results from our having to defer decisions. We would find that helpful.

The Convener: Do members have any other comments?

Des McNulty: The point about there needing to be a balance on groups between MSPs and external members has been made before. I tend to think that, provided that a significant number of MSPs are actively involved in a group, it does not matter whether many other people wish to be involved. We are not seeking an arithmetical ratio between MSPs and others. We simply have to assure ourselves that there is significant interest in a group from MSPs. My main concern would be if we ended up with a group that was made up of only two or three active MSPs and a series of other people.

Patricia Ferguson: I seem to have glanced at this application too quickly and to have made a mistake. I notice now that one of the vice conveners is an MSP, so there are two MSP officers. I was thrown by the fact that two vice conveners are listed.

The Convener: I was just about to bring that to members' attention—well done, Patricia. Nineteen MSPs have indicated their willingness to serve as members of this group. When applications come in, the clerks should ensure that there is a balance between the number of MSPs and the number of other members of a group. Are members content to approve this application?

Members indicated agreement.

The Convener: I will write to the convener of the group to inform them of our decision.

Standards Adviser

The Convener: The third item on our agenda is consideration of a paper that sets out details of the working arrangements to be adopted in implementing the temporary adviser's role and remit. The paper is based on the specification for the post that the committee agreed at its meeting on 31 May. Do members have any comments on the paper?

Des McNulty: The first bullet point of paragraph 8 states:

"The Adviser will provide regular updates to the Clerk on the complaints which he/she has received to enable the Clerk to ensure that the Convener is apprised of particularly serious or sensitive complaints which may need to be brought to the attention of the Committee at an early stage."

It is for the clerk to report to the committee, rather than to the convener, in these matters. We should modify the paper to reflect that. Clearly, she will report to the convener, but we should have it written down that the clerk will report to the committee.

The Convener: We will alter that. However, practically speaking I will be the clerk's first point of contact.

Des McNulty: Yes, but it should be written down that the clerk will report to the committee.

The Convener: Do members have any other comments?

Des McNulty: There is a contradiction in paragraph 9. It states:

"Correspondence should be addressed to the Adviser via the Standards Committee Clerks."

However, we then note on the Parliament's website that

"the Adviser has his/her own web page."

Are those two points not contradictory? Should we not say that all information should come to the adviser via the clerks, who will be responsible for running the web page for the adviser and passing necessary information on to them?

The Convener: I am not sure what is on the web page, but I will ask the clerk to address Des McNulty's point.

Sam Jones: The web page does not yet exist. We will meet Garry Watson on Thursday. The clerks could have access to the e-mail account, if members want everything to reach the adviser via the clerks.

Des McNulty: There is logic in that. Apart from anything else, we will be paying the adviser for every item of work that he does. The clerks should

therefore be the first port of call for information. They can then pass necessary items to the adviser. We will be able to scrutinise the process through the clerks' reports. That is the right way to do it.

The Convener: That is most appropriate.

On a related issue, the committee's report on models of investigation will be published later this week. Members may consider it appropriate for a press release to accompany the publication of the report. Are members happy for that to take place?

Patricia Ferguson: I have no problem with that. However, it would be appropriate for the adviser and the committee to meet. Perhaps we could ask him to come to our next meeting. He should be settled in by then.

The Convener: That is a good point. I will speak to the clerks about inviting the adviser and about the press release on the publication of the report.

Register of Staff Interests

The Convener: The final item on the agenda is consideration of a draft motion on our report on establishing a register of interests for members' staff. The debate is scheduled for the meeting of the Parliament on 4 October. The draft motion, which has been circulated to members, proposes that the provision should come into effect on 23 October, which is the first day after the October recess. Are members content with the draft?

Tricia Marwick: Is it envisaged that there will be a debate or will there be a take-note motion?

The Convener: There will be a short debate of approximately 45 minutes. It would be helpful to organise speakers and so on, but we can discuss that later.

Tricia Marwick: Have the final proposals been circulated to allow the various staff groups and individual members of staff early sight of them?

The Convener: I have been informed that the proposals were published in July and have gone to the interested parties. Are members content with the draft?

Members indicated agreement.

The Convener: Thank you. I close the meeting.

Meeting closed at 11:13.

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