

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 18 March 2003  
*(Morning)*

Session 1

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## SUBORDINATE LEGISLATION COMMITTEE

### 11<sup>th</sup> Meeting 2003, Session 1

#### CONVENER

\*Margo MacDonald (Lothians) (Ind)

#### DEPUTY CONVENER

\*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)

#### COMMITTEE MEMBERS

\*Bill Butler (Glasgow Anniesland) (Lab)

\*Colin Campbell (West of Scotland) (SNP)

\*Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab)

\*Murdo Fraser (Mid Scotland and Fife) (Con)

\*Gordon Jackson (Glasgow Govan) (Lab)

#### COMMITTEE SUBSTITUTES

Jackie Baillie (Dumbarton) (Lab)

Mr Kenny MacAskill (Lothians) (SNP)

Mr Brian Monteith (Mid Scotland and Fife) (Con)

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

\*attended

#### CLERK TO THE COMMITTEE

Alasdair Rankin

#### SENIOR ASSISTANT CLERK

Steve Farrell

#### ASSISTANT CLERKS

Joanne Clinton

Alistair Fleming

#### LOCATION

Committee Room 3

## Scottish Parliament

### Subordinate Legislation Committee

*Tuesday 18 March 2003*

*(Morning)*

[THE CONVENER *opened the meeting at 11:54*]

**The Convener (Margo MacDonald):** I welcome everyone to the Subordinate Legislation Committee's 11<sup>th</sup> meeting of the year and its penultimate meeting of the session. We have a good number of instruments to get through.

## Executive Responses

### Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003 (SSI 2003/135)

**The Convener:** We should draw several fairly serious points about the regulations to the attention of the lead committee and the Parliament. Do members agree?

**Members** *indicated agreement.*

**The Convener:** There is a serious point relating to the Data Protection Act 1998, so even at this late stage in the game, we should impress on the Executive the fact that serious stuff could go through on the nod.

### Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Amendment Regulations 2003 (SSI 2003/138)

**Murdo Fraser (Mid Scotland and Fife) (Con):** The regulations are defectively drafted at four points. We should draw that to the attention of the lead committee and the Parliament. We also required further explanation, which the Executive supplied.

### Act of Adjournal (Criminal Procedure Rules Amendment) (Proceeds of Crime Act 2002) 2003 (SSI 2003/120)

**The Convener:** The next instrument is an act of adjournal, which is SSI 2003/1020—I mean 120; it only feels like 1020. A legal slip-up was made. The final dispatch of the electronic version of the instrument might have had some corruption.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Is that corruption in the court?

**The Convener:** No.

**Colin Campbell (West of Scotland) (SNP):** It was electronic corruption.

**The Convener:** I think that we can accept the explanation, because we are in that sort of mood this morning. Is that agreed?

**Members** *indicated agreement.*

**Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab):** Well done, Lord President.

**The Convener:** What a sook.

## Instruments Subject to Annulment

### **Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Scotland) Regulations 2003 (SSI 2003/139)**

**The Convener:** No points arise on the regulations.

### **Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Order 2003 (SSI 2003/140)**

**The Convener:** The order is serious. We want an explanation from the Executive of at least five points, including a question about timing.

**Murdo Fraser:** We have received a response from the Executive on the points that have been raised. We need to refer the Executive's responses to the lead committee. The order has some defective drafting, which we will mention in our report.

**The Convener:** Okay.

### **Non-Domestic Rating (Rural Areas and Rateable Value Limits) (Scotland) Amendment Order 2003 (SSI 2003/141)**

**Ian Jenkins:** We could raise a wee point by informal letter.

**Brian Fitzpatrick:** I agree.

**The Convener:** We should also ask the clerk to say in our informal letter that the order raises accessibility questions.

**Brian Fitzpatrick:** It contains gobbledegook.

**The Convener:** The order is the sort of thing that people should be able to understand.

**Colin Campbell:** Another point is that the print for the footnotes is a bit small.

### **Non-Domestic Rating (Former Agricultural Premises) (Scotland) Order 2003 (SSI 2003/142)**

**Bill Butler (Glasgow Anniesland) (Lab):** The order seems fine.

**The Convener:** All right.

### **Valuation (Stud Farms) (Scotland) Order 2003 (SSI 2003/143)**

**Colin Campbell:** The order is okay.

## Cinematograph (Safety) (Scotland) Amendment Regulations 2003 (SSI 2003/144)

12:00

**The Convener:** The regulations that the instrument amends have existed since 1955 and have been amended five times, so perhaps we should ask the Executive whether it plans to consolidate those regulations, but not before the end of the session. It is possible that the 1955 regulations are awfully good and do not need to be amended, but we should still ask the Executive about the matter.

**Murdo Fraser:** We have asked the Executive that question. It said that it would bear the matter in mind.

**The Convener:** That is very reassuring.

**Brian Fitzpatrick:** One of those retrospective seasons might present a good opportunity. "Sunset Boulevard" has been re-released.

### **Fish Labelling (Scotland) Regulations 2003 (SSI 2003/145)**

**The Convener:** The regulations raise serious questions, but all that we can do is report on them.

**Colin Campbell:** The Executive is a year late in implementing the relevant European Community regulations.

**The Convener:** The regulations refer to penalties that must be paid, but do not explain which penalty will apply.

**Brian Fitzpatrick:** Which is the lead committee on the instrument?

**The Convener:** The fish labelling committee.

**Colin Campbell:** It must be either the Rural Development Committee or the Health and Community Care Committee.

**The Convener:** The regulations are not about growing fish, but about saying whether the fish are good or stinking. That is a health matter.

**Bill Butler:** If you say so, convener.

**The Convener:** The Health and Community Care Committee will receive the instrument.

### **Pollution Prevention and Control (Scotland) Amendment Regulations 2003 (SSI 2003/146)**

**Murdo Fraser:** The Executive has acknowledged defective drafting on a couple of points.

### **Council Tax (Supply of Information) (Scotland) Regulations 2003 (SSI 2003/147)**

**The Convener:** The laying of the instrument was delayed. The regulations were made on 3 March and were not laid until 10 March, but it is a statutory requirement to lay instruments as soon as possible after they have been made. We will ask the Executive to explain the delay.

**Ian Jenkins:** The committee asked the Executive some questions informally, before the meeting. The Executive has had a chance to reply, as Murdo Fraser said.

**The Convener:** So, the delay was another administrative oversight.

**Brian Fitzpatrick:** An oversight of a week is quite short. Administrative oversights are usually prayed in aid when somebody has not responded for three months.

**The Convener:** I think that the Executive is taking us for granted.

**Brian Fitzpatrick:** Is it? Nobody would take you for granted, surely—as some have learned to their cost.

**The Convener:** Some have tried.

### **Regulation of Care (Registration and Registers) (Scotland) Amendment Regulations 2003 (SSI 2003/148)**

**Murdo Fraser:** The regulations are defectively drafted.

**The Convener:** We will draw that to the Executive's attention.

### **Regulation of Care (Requirements as to Care Services) (Scotland) Amendment Regulations 2003 (SSI 2003/149)**

**Murdo Fraser:** The Executive has failed to comply with proper legislative practice.

**Colin Campbell:** I agree.

**Murdo Fraser:** We will refer to that in our report.

### **Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Regulations 2003 (SSI 2003/150)**

**The Convener:** A large number of questions—six—arise from the regulations.

**Brian Fitzpatrick:** All the questions are clarificatory.

**The Convener:** The regulations might have an element of defective drafting. When we went through the instrument, we decided that a great deal of work could still be done on it. Perhaps the

committee should draw to the attention of the lead committee the procedure for correcting the instrument between now and the end of the session—and beyond. The committee may be unaware of that and may feel that it must say yes to the instrument because we are so near to the end of the session.

### **Regulation of Care (Applications and Provision of Advice) (Scotland) Amendment Order 2003 (SSI 2003/151)**

**The Convener:** This instrument is okay.

**Brian Fitzpatrick:** We are saying that, *mutatis mutandis*, the same points apply.

### **Regulation of Care (Fees) (Scotland) Order 2003 (SSI 2003/152)**

**The Convener:** There is no indication, either in the instrument or in the explanatory note, of the scale of the increase in fees. We will certainly comment on that.

### **NHS Health (Scotland) (Transfer of Officers) Regulations 2003 (SSI 2003/153)**

**Brian Fitzpatrick:** We are content with the instrument.

**The Convener:** The regulations are fine.

### **Health Education Board for Scotland Amendment Order 2003 (SSI 2003/154)**

**The Convener:** The instrument changes the name of the Health Education Board for Scotland. This raises a question that we have considered once before: must the board be stood down before a new board can be elected, or can a statutory instrument be used to make the change in one fell swoop? To be honest, I am not desperately concerned about the instrument. Although the Executive may have proceeded inelegantly, I am inclined to allow the instrument to go ahead. We should simply note the fact that we have queried this matter because we have queried it in the past.

### **Adults with Incapacity (Management of Residents' Finances) (Scotland) Regulations 2003 (SSI 2003/155)**

**The Convener:** This is the doozie.

**Murdo Fraser:** There is a serious error in the instrument, suggesting that the regulations may not be *intra vires*. However, the Executive is taking steps to correct and reissue the instrument.

**The Convener:** The Executive has undertaken to correct the instrument.

**National Assistance (Assessment of Resources) Amendment (No 2) (Scotland) Regulations 2003 (SSI 2003/156)**

**The Convener:** The instrument raises an obvious question. Given that this is the 19<sup>th</sup> amendment to the principal regulations, does the Executive intend to consolidate the regulations? The Executive has indicated that it has no plans to do so. We have asked the question and the Executive has answered it.

**National Health Service (Dental Charges) (Scotland) Regulations 2003 (SSI 2003/158)**

**The Convener:** We have serious concerns about this instrument. The Executive has acknowledged that there are three drafting errors in the regulations. The committee should note in its report that it can be argued that the regulations breach the social security reservation.

**Brian Fitzpatrick:** The legal adviser has set out a cogent argument on that point.

**The Convener:** We are again dealing with the interface of devolved and reserved powers. Everything depends on the piece of legislation that one decides to use. Clearly, the Executive thinks that it can use health legislation. We are wondering whether this issue falls within the social security reservation. We will simply report the matter.

There are umpteen problems with the instrument. It seems to have been drawn up in a hurry.

**Non-Domestic Rates (Levying) (Scotland) Regulations 2003 (SSI 2003/160)**

**Colin Campbell:** The regulations are okay.

**Ian Jenkins:** No points arise.

**Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 2003 (SSI 2003/162)**

**The Convener:** The lawyers present will be pleased that the act of sederunt is okay.

**Brian Fitzpatrick:** I do not think that there are any solicitors present.

**The Convener:** I am so sorry. [*Interruption.*]

**Brian Fitzpatrick:** I am sorry. One lawyer may be pleased.

**Advice and Assistance (Scotland) Amendment Regulations 2003 (SSI 2003/163)**

**The Convener:** The point that we want to make relates to style and a gripe from the committee.

The Executive acknowledges that the principal regulations should have been amended to take account of a point made in relation to the Civil Legal Aid (Scotland) Regulations 2002.

**Brian Fitzpatrick:** I remember this matter—it is very interesting.

**The Convener:** The Subordinate Legislation Committee spotted the error. Do members know who was given the credit for that? You will never believe it.

**Brian Fitzpatrick:** That woman.

**The Convener:** No, the Justice 1 Committee.

**Brian Fitzpatrick:** That woman.

**The Convener:** I cannot think to whom the member refers. My nose was fair put out, but it is fine now.

**Brian Fitzpatrick:** In your heart of hearts, you know that you were responsible for pointing out the error.

**The Convener:** Aye—we spotted the issue of cohabiting couples.

**Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2003 (SSI 2003/164)**

**The Convener:** We have not started to make wine yet.

**Brian Fitzpatrick:** We do—Moniack.

**The Convener:** I have never heard of it.

**Murdo Fraser:** It is made at Beaulieu, beside Inverness. However, it is not vintage wine.

**The Convener:** The record should indicate that the member screwed up his nose.

**Brian Fitzpatrick:** It is an acquired taste.

**Murdo Fraser:** I have now offended all my relatives who live in Beaulieu.

**The Convener:** This is all very serious, because the regulations originate from the European Union. We could raise many quibbles about the instrument.

**Brian Fitzpatrick:** Is this a spoof? Have we been set up?

**The Convener:** No—the instrument is for real.

**Gordon Jackson (Glasgow Govan) (Lab):** What about the reference to Osama bin Laden? You are kidding us on.

**The Convener:** No. Surely members do not want me to explain why Osama bin Laden should figure in the affairs of the Subordinate Legislation Committee of the Scottish Parliament?



**Gordon Jackson:** But these regulations relate to wine.

**Ian Jenkins:** It is a mistake.

**The Convener:** I know—the man does not even drink.

**Gordon Jackson:** Are you sure that the regulations are not meant to refer to Oddbins?

**The Convener:** Osama bin Oddbins. [*Laughter.*]

The regulations have a serious purpose—we think that the Executive has made a mistake. However, why does the Executive believe that it is necessary for us to bother with this issue now? We do not have much recourse to the wine industry.

**Murdo Fraser:** Speak for yourself.

**The Convener:** We can ask the Executive about the matter.

**Brian Fitzpatrick:** Given climate change, we should note that Scotland is not yet a major wine-making country.

**The Convener:** Just as it is not yet a major mink-producing country.

**Murdo Fraser:** We banned fur farming.

**Brian Fitzpatrick:** That was very important.

**The Convener:** Let us pass the wine.

### **Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2003 (SSI 2003/165)**

12:15

**The Convener:** The instrument is fine.

**Brian Fitzpatrick:** Did we get a name check in the Executive's response?

**The Convener:** No.

**Brian Fitzpatrick:** That is a shame and a pity.

**The Convener:** I agree.

### **Prohibition of Fishing with Multiple Trawls (No 2) (Scotland) Amendment Order 2003 (SSI 2003/166)**

**Brian Fitzpatrick:** The return of the nephrop.

**The Convener:** We put the usual question to the Executive, concerning all the necessary consents, and the Executive's reply was that they had been obtained.

**Ian Jenkins:** Is this the regulation that was drawn to our attention in an e-mail from a fishermen's organisation?

**The Convener:** I think that it must be.

**Ian Jenkins:** We think that the comments apply largely to the policy and should not necessarily detain this committee long.

**The Convener:** Members may have received electronic communications from various fishing industry interest groups—fish processors and whatnot. It is obviously a serious matter. Those groups have taken heart from the proceedings in the chamber. On the basis of three SSIs on fishing, there was a debate on the general policy. I think that the fishermen hope that the same thing could happen on the basis of this instrument. However, that is not within the remit of this committee: it is for the lead committee to decide that.

**Brian Fitzpatrick:** Should we send the order to the lead committee?

**The Convener:** Aye, we will draw it to the attention of the lead committee. The instrument breaches the 21-day rule, but do not they all?

**Brian Fitzpatrick:** How did we receive that communication from the fishermen's organisation?

**The Convener:** Electronically.

### **Anti-Pollution Works (Scotland) Regulations 2003 (SSI 2003/168)**

**Murdo Fraser:** There is quite serious defective drafting in the instrument.

**The Convener:** There is serious defective drafting, and we had to seek clarification from the Executive. The Executive has clarified the matter to its satisfaction, but we still have doubts. That will go into our report.

**Ian Jenkins:** There are questions about convention rights and defective drafting. We should draw the matter to the attention of the lead committee.

**The Convener:** Okay.

### **Action Programme for Nitrate Vulnerable Zones (Scotland) Amendment Regulations 2003 (SSI 2003/169)**

**The Convener:** The instrument is okay.

### **Waste Incineration (Scotland) Regulations 2003 (SSI 2003/170)**

**Colin Campbell:** The regulations should have been implemented by 28 December 2002. That is not very good, is it?

**The Convener:** No, it is not. However, it is a case of somebody going through their files and deciding that we had better get the regulations implemented. Is the instrument okay in substance?

**Members:** Yes.

**Waste Management Licensing Amendment (Scotland) Regulations 2003 (SSI 2003/171)**

**The Convener:** Again, this is a question of consolidation.

**Brian Fitzpatrick:** Are these EU regulations?

**The Convener:** Yes. Are the regulations okay in substance? As the regulations are European, there are pages and pages of suggested drafting changes.

**Colin Campbell:** The instrument is in translation.

**The Convener:** Yes. So, there may be some defective drafting.

**Police Grant (Scotland) Order 2003 (SSI 2003/172)**

**The Convener:** The instrument is okay.

**Financial Assistance for Environmental Purposes (Scotland) Order 2003 (SSI 2003/173)**

**Colin Campbell:** There is no Executive note with the instrument. Not sending such a note may be a breach of proper legislative practice.

**Murdo Fraser:** The administrator was on holiday when the documents were prepared.

**Colin Campbell:** Really?

**The Convener:** Did you not read the response? It said that the administrator was on holiday.

**Colin Campbell:** I presume that there was a substitute.

**Brian Fitzpatrick:** The response does not say that the administrator was on holiday; it says that they were on leave. That might mean something different.

**The Convener:** The same difference exactly. The work does not get—

**Brian Fitzpatrick:** They might have been on leave on an Executive note-drafting course.

**Colin Campbell:** In which case, there should have been a substitute Executive note drafter.

**The Convener:** Okay. We are in that sort of mood. The Executive may have a reasonable excuse, as the person may have been away finding out how to do the job.

**Murdo Fraser:** That is very generous.

**Zoo Licensing Act 1981 Amendment (Scotland) Regulations 2003 (SSI 2003/174)**

**The Convener:** These regulations must go to the lead committee with a big “NB” attached. They are European regulations. The instrument is late and there is confusion over when the licences would have to come into effect. There is also confusion in the drafting.

**Murdo Fraser:** There is confusion over the vires as well.

**The Convener:** Our strong recommendation is that the lead committee should be very careful with the instrument.

**Planning and Compensation Act 1991 (Amendment of Schedule 18) (Scotland) Order 2003 (SSI 2003/175)**

**Colin Campbell:** The instrument is all right.

**Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003 (SSI 2003/176)**

**The Convener:** This instrument is probably just wrong, according to the advice that the committee has received. It refers to the student discount for council tax and seems to have confused the position. We could not work out whether it applies only to Scottish students or to foreign students and whether it applies only here or abroad. There was confusion over residency issues.

**Ian Jenkins:** We gave the Executive informal notice of the kind of questions that we had to raise. However, the Executive's response fails to address the main issues concerning the application of the regulations and the discounts to students from other countries who are living here and to Scottish students who are studying abroad. Legal precedent suggests that the regulations, as drafted, are out of order under European convention rights.

**Murdo Fraser:** You mean under Community law.

**Ian Jenkins:** I am sorry—I meant under Community law. We need to make that clear to the lead committee and point out that there is serious doubt about the vires and justice of the order.

**Colin Campbell:** Referring to the Grzelczyk and D'Hoop cases might be appropriate.

**Ian Jenkins:** Yes. We will make it go through D'Hoops.

**The Convener:** We should emphasise to the lead committee that the matter is not only about defective drafting, but that the order might be seriously flawed. Is that agreed?

*Members indicated agreement.*

**Rural Stewardship Scheme (Scotland)  
Amendment Regulations 2003  
(SSI 2003/177)**

**The Convener:** The Executive has acknowledged that the wrong power has been cited. The regulations should have been made under section 2(2) of the European Communities Act 1972. The Executive says that the enabling powers could cover it. There is no doubt that the Executive has the powers to make the regulations, but technically, we consider the matter to be ultra vires. At the very least, there is defective drafting. Is that agreed?

*Members indicated agreement.*

**Civil Legal Aid (Scotland) (Fees)  
Amendment Regulations 2003  
(SSI 2003/178)**

**Gordon Jackson:** No points of substance have been noted on the instrument.

**Instrument Not Subject to  
Parliamentary Control**

**Sea Fish (Specified Sea Areas) (Regulation  
of Nets and Older Fishing Gear) (Scotland)  
Amendment Order 2003 (SSI 2003/167)**

**Ian Jenkins:** The order was mentioned in the submission that I mentioned earlier. I have been advised that the lead committee should examine the details.

**The Convener:** Similar points were raised about SSI 2003/166. The Executive has said that it has all the necessary consents. We had a question about enabling powers.

**Instruments Not Laid  
Before the Parliament**

**National Health Service (Functions of the  
Common Services Agency) (Scotland)  
Amendment Order 2003 (SSI 2003/159)**

**The Convener:** No points have been identified on the order. However, we should ask why we have to push through the order now when we are trying to get so many other orders through. It is because we are the safest in the family.

**Brian Fitzpatrick:** Given that the transformation from the Health Education Board for Scotland to NHS Health Scotland has been nodded through, it would be odd if the functions were not transferred.

**The Convener:** Oh, all right.

**Pollution Prevention and Control  
(Designation of Landfill Directive)  
(Scotland) Order 2003 (SSI 2003/185)**

**Murdo Fraser:** The same applies in respect of this order.

**Brian Fitzpatrick:** Indeed.

**Murdo Fraser:** The Executive has had four years to make the order.

**The Convener:** The question is why the Executive is bringing it forward now.

## Legacy Paper

**The Convener:** Before members run away, I want to say something about the legacy paper. Members should contact the clerk by Thursday with any comments that they want to make on the paper, so that we can sign it off next week. Is there anything else on the agenda?

**Colin Campbell:** No. We are looking forward to the final meeting.

12:30

**Ian Jenkins:** Having dealt with such a long agenda, I want to say that it is not fair on our legal advisers that there should be such a traffic jam at the end of the session. The processing of a large number of instruments that have been brought forward at the last minute has greatly added to the burden on the legal advisers, the Parliament and parliamentary staff and has not assisted the scrutiny process.

Today's meeting has been mind-boggling. We have considered questions to the Executive at the pre-meeting and the Executive's responses. We have considered our original legal advice, the Executive's responses and legal advice about those responses. It has been difficult for the committee to go into detail. Indeed, the *Official Report* will be almost incomprehensible to anybody who is trying to work things out from what we have said. We have juggled a lot at the end of the session to get things through so that committees do not need to have extra meetings and so that we can report to committees in time. We should make it clear, strongly, what has happened. I hope that what I have said is made clear in the legacy paper, if nowhere else.

**The Convener:** I agree. The way in which we have proceeded is not the way to do business—it is massively unfair on those who service the committee. We have previously drawn the matter to the Executive's attention. I was not being entirely facetious when I said that we are the safest in the family. We have ended up with the agenda that we have today because we have been so understanding. The agenda is the easy part of the process—the preparation behind it is more difficult.

I thank Ian Jenkins for raising the matter. We will let the Executive know that the committee does not approve of overloading people in such a way.

**Brian Fitzpatrick:** One or two issues have obviously been ducked in the legacy paper. One such issue is, what is the purpose behind a Subordinate Legislation Committee that embraces all the remits of parliamentary committees? Would it be more appropriate for committees that have an

oversight of the relevant subject matter to consider subordinate legislation?

Secondly, I do not know how to square the circle on this matter, but I would like some thought to be applied to it. I am tempted to say that we should recognise that there is sometimes an absurdity in respect of the committee. We are ably represented by our legal advisers and clerks, who do an important part of the committee's work, but anybody who reads the *Official Report* should recognise that a lot goes on in the background. I do not know how to show that a sieve has been used. For example, the legal advisers pick up important typographical points as well as the issues that we discuss. Might it be possible for the committee to build in a way of showing that such points have already been sifted out? I do not know how such a process can be managed and the committee still have democratic scrutiny and oversight, but it strikes me that there is a role in there. We should consider how the committee might function better if an omnibus Subordinate Legislation Committee is wanted.

**The Convener:** The matter relates to what the Conveners Group has said about membership of committees. There must be stability in the membership of committees so that expertise can be built up.

**Brian Fitzpatrick:** I do not think that anybody could pretend to—

**The Convener:** We will recommend training. Much earlier, we said that that would be part of our legacy paper. I do not know how to square the circle. I agree with most of what Brian Fitzpatrick has said, but I do not have an answer. I do not know how subject committees could undertake Executive scrutiny.

**Brian Fitzpatrick:** The Welsh experience was mentioned. I know that the Welsh are different from us, but are they finding what we are finding in respect of the volume and subject matter of work? Is there a briefing paper?

**The Convener:** It is the volume of work, as much as anything else, that kills us; that is why we rely so heavily on the legal advisers and clerks who service the committee. That makes our experience rather different from the Welsh experience. However, I thank Brian Fitzpatrick for raising the matter.

Thank you all for your attendance, and I will see you next week.

*Meeting closed at 12:35.*

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