SUBORDINATE LEGISLATION COMMITTEE

Tuesday 13 September 2005

Session 2

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SUBORDINATE LEGISLATION COMMITTEE
24th Meeting 2005, Session 2

CONVENER

*Dr Sylvia Jackson (Stirling) (Lab)

DEPUTY CONVENER

Gordon Jackson (Glasgow Govan) (Lab)

COMMITTEE MEMBERS

Mr Adam Ingram (South of Scotland) (SNP)
*Mr Kenneth Macintosh (Eastwood) (Lab)
*Mr Stewart Maxwell (West of Scotland) (SNP)
*Mike Pringle (Edinburgh South) (LD)
*Murray Tosh (West of Scotland) (Con)

COMMITTEE SUBSTITUTES

Alex Johnstone (North East Scotland) (Con)
Maureen Macmillan (Highlands and Islands) (Lab)
Stewart Stevenson (Banff and Buchan) (SNP)

*attended

CLERK TO THE COMMITTEE

Ruth Cooper

SENIOR ASSISTANT CLERK

David McLaren

LOCATION

Committee Room 5

Scottish Parliament

Subordinate Legislation Committee

Tuesday 13 September 2005

[THE CONVENER *opened the meeting at 10:38*]

Delegated Powers Scrutiny

Environmental Levy on Plastic Bags (Scotland) Bill: Stage 1

The Convener (Dr Sylvia Jackson): I welcome members to the 24th meeting this year of the Subordinate Legislation Committee. I have received apologies from Adam Ingram.

Mike Pringle, who is both a member of the committee and the instigator of the Environmental Levy on Plastic Bags (Scotland) Bill, had only late notice that our delegated powers scrutiny of the bill was on the agenda today, and the bill team has not been able to liaise with him. Mike has therefore asked whether we would be happy for any questions that we might have for him about the bill to be answered in writing, rather than having a cross-examination during the meeting. Do we agree, under the circumstances?

Members *indicated agreement*.

The Convener: The bill contains several delegated powers. The first is in section 1(2); it establishes a levy on the provision of plastic bags and is subject to the affirmative procedure. The supporting argument is that increases in the plastic bag levy should be made without resorting to primary legislation. In addition, use of the affirmative procedure will ensure extra parliamentary scrutiny. Are we happy with that?

Members *indicated agreement*.

The Convener: The second power is in section 2(4) and is about changing which bags are exempt from the levy. Section 2 identifies those bags that are subject to the levy and those that are exempt. The powers in sections 2(4)(b) and 2(4)(c) allow ministers to amend the scope of the exemptions. Given the fairly restricted manner in which the powers can be exercised, and given that they are exercisable subject to the affirmative procedure, there appears to be no need for concern, but I ask members for any other points.

Mr Kenneth Macintosh (Eastwood) (Lab): I have a general point. The bill uses what I believe are described as Henry VIII powers, which would allow the bill to be amended by subordinate legislation. Why was the bill drafted in that way? The bill provides for eight different subordinate legislation powers, which implies that it contains a large number of provisions that may require to be changed over time. If that is the case, logic implies that perhaps the bill should be an enabling bill, and that all the provisions should be changed annually—for example in line with inflation—by Executive direction. I query why the bill has been drafted in this way, rather than as an enabling bill, with all the prescriptive measures and detail being included in subordinate legislation, rather than in the bill.

The Convener: That is a good point, and there is no problem with putting it in the letter to Mike Pringle. Obviously, more specific questions might be answered by the memorandum, to which I am sure Mike Pringle will allude. However, it is perfectly acceptable to ask your question.

Mr Stewart Maxwell (West of Scotland) (SNP): I have a point on section 2(4), which allows only for removals from the list of exemptions. We should get clarification from Mike Pringle as to why the power goes in only one direction and not both. I presume that it is a policy matter, but we should seek clarification from him.

The Convener: That was the other point that I was going to raise. If there are no further points, we move on to section 4, on registration with local authorities, which obliges a prospective supplier to register with the local authority for the area in which the bags are supplied. It sets out the information that the supplier must give when registering under section 4(1). Section 4(3) confers a power on ministers, by regulation subject to the negative procedure, to make further provisions for registration. Are there any questions? If not, are we content with that?

Members *indicated agreement*.

The Convener: Section 5 is on provision for returns and payments, and states the requirements that are to be placed on suppliers when submitting their returns and payments of the levy to the local authority in their area. Section 5(5) confers powers on ministers to make further provisions by regulation in relation to the returns that are to be made and the times and methods of payment. The power is subject to the negative procedure. Are there any further points? If not, are we content?

Members *indicated agreement*.

The Convener: Section 6 details provisions for record keeping, and confers a duty on suppliers to keep accurate records of the number of non-exempt bags that are provided to customers and the amounts of levy collected. The mind boggles as to how they will do that. Section 6(3) allows ministers, by regulation subject to the negative

procedure, to make further provisions as to the records that are to be kept and the form and manner in which they are to be kept. Are we happy with that, or are there any further questions?

Mr Maxwell: We should ask why the period of five years was chosen. It might be helpful for that provision to be further explained, because on the face of it keeping all that information for a minimum of five years would be an onerous and bureaucratic task for businesses. Maybe Mike Pringle could explain the reasons for that provision and what exactly he expects businesses to keep.

10:45

The Convener: If there are no other points to raise, that course of action is agreed.

Section 7 is on the collection of the levy and information that is to be provided by the local authority to suppliers. Section 7(3) gives ministers the power, by regulation subject to the negative procedure, to make further provision as to the collection of the levy and the form and manner of the provision of information to suppliers. Are there any further questions? Are we happy with that?

Members *indicated agreement*.

The Convener: Section 8, on the power to issue guidelines on the allocation of the levy, provides that local authorities must spend the money that is raised by the levy only on environmental projects, meeting criteria that are set out in guidance that is to be issued by ministers. Ministers will be required to issue such guidance, as the local authority obligation to allocate the levy to environmental projects will be unworkable in the absence of such guidance; therefore the section creates a power to issue guidance, but also an obligation to do so. The question is whether the power to issue the guidance might more appropriately be set out in a statutory instrument. The committee will remember that normally one can have regard to guidance, whereas the bill sets out that the guidance will be more or less mandatory. Is the bill the most appropriate method of doing that?

Mr Maxwell: We should ask about that, and ask for the reasoning behind choosing this particular method, rather than setting out the provision in an instrument.

The Convener: We could also tack on to that the observation that if a statutory instrument was used it would be subject to parliamentary scrutiny.

Section 10 is on the powers of authorised officers. Section 10(4) confers a power on ministers, by regulation subject to the affirmative procedure, to make provision as to the exercise of the powers of authorised officers. Any exercise of the power may add to the interference with people and property that the schedule already permits. However, the memorandum gives no indication as to how or in what circumstance it is anticipated that the power may be used in practice. Members will note from our briefing that it is suggested that we ask for more information on that. Are there any other points? If not, is that agreed?

Members *indicated agreement*.

The Convener: We move to section 14, which enables local authorities to issue civil penalties when a person fails to do the things listed in section 14(1). Section 14(3) states that the penalty will be £100. Section 14(7) confers on ministers a power, by order subject to the affirmative procedure, to increase the amount of the penalty. The memorandum argues that the power to increase the penalty is likely to be exercised to reflect inflationary increases, which is an issue that Ken Macintosh raised earlier. As it is a Henry VIII power, it ought to be subject to the affirmative procedure. That seems reasonable. I take on board what Ken said originally about the general question. Are we agreed?

Members *indicated agreement*.

The Convener: That brings us to the end of agenda item 1. We look forward to your responses, Mike.

Executive Responses

Mental Health (Specified Persons' Correspondence) (Scotland) Regulations 2005 (SSI 2005/408)

10:48

The Convener: Members will remember that we asked the Executive why the term "specified person" was defined in regulation 2, given its definition in the parent act, while the term "relevant item" in regulation 5(2) was not defined. Members will see from the explanation that we received that the reason was that the term "specified person" was used in two different contexts within the parent act, therefore it was thought necessary to define the term in the regulations to avoid confusion. The term "relevant item" was used in only one way in the parent act, therefore it was perfectly clear. Is that acceptable?

Members *indicated agreement*.

Mental Welfare Commission for Scotland (Procedure and Delegation of Functions) Regulations 2005 (SSI 2005/411)

The Convener: Members will recall that we had an issue with the use of "may" in paragraph 1(2) of the schedule to the regulations, as we felt that it ought to be changed to "shall". That has been agreed by the Executive, which has also agreed to bring forward an amended instrument to rectify that defect. Are we agreed that that should be reported to the lead committee and to Parliament on the basis of defective drafting?

Members *indicated agreement*.

Mental Health (Period for Appeal) Regulations 2005 (SSI 2005/416)

The Convener: The committee asked the Executive to explain why the word "Scotland" does not appear in the title. The Executive's reply says that that was an oversight and that it will bring forward an amending instrument to rectify that detail. Well spotted again.

Regulation of Scallop Dredges (Scotland) Order 2005 (SSI 2005/371)

The Convener: The committee asked the Executive whether the order had been notified to the European Commission under the technical standards directive, given that the order appears to impose technical standards. We received rather an interesting letter in reply. What are members' comments on that?

Mr Maxwell: I appreciate the Executive's difficulty on the order, but it is clear that it imposes technical standards. The Commission should have been informed three months in advance, and the Executive failed to do that. I note that Westminster failed to do the same thing in relation to England and Wales. An obvious difficulty for the Executive is that if it leaves the order in force it may be open to challenge in court. If it withdraws the order to start the process again, it will bring into question the order that is in force in England and Wales. However, having said that no matter which way the Executive goes there are difficulties, the order does impose technical standards and should be withdrawn. The Executive should start the process again because it will be open to court action if it does not. We should report on that basis.

The Convener: The order is currently in force. The particular issue in Scotland, as opposed to England and Wales, is the fact that section 57(2) of the Scotland Act 1998 provides that Scottish ministers have no power to make any subordinate legislation that is incompatible with community law; hence the obligation to go to the European Commission.

Murray Tosh (West of Scotland) (Con): That leaves no latitude. To say that withdrawing the order would somehow compromise measures in England and Wales is no defence for our having defective legislation. If the English and Welsh measure is affected in some way by a legal challenge then so be it. We must ensure that the legislation passed in our Parliament is competent.

Mr Macintosh: The Executive is not offering that as an excuse or an explanation; that is just one interpretation of what is happening. It is not excusing itself because of the situation in England, but it is taking it into consideration. We should highlight our concern.

The Convener: The Executive has said that it is looking into the issue and that it will come back to us, which is fine. As there is no lead committee, various options are open to us. We agree that we should take those points forward, as Stewart Maxwell suggested. We can report to Parliament, as we normally do, but perhaps we should also write to the minister in charge of the order to point out the issues, because they are quite serious.

Members *indicated agreement*.

Instruments Subject to Approval

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 9) (Scotland) Order 2005 (SSI 2005/421)

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 10) (Scotland) Order 2005 (SSI 2005/431)

10:54

The Convener: No points arise on the orders.

Instruments Subject to Annulment

10:54

The Convener: Before we discuss this item and the next, I would like to draw the committee's attention to the fact that, although no major points arise on the Regulation of Care (Prescribed Registers) (Scotland) Order 2005 (SSI 2005/432), the Further and Higher Education (Scotland) Act 2005 (Commencement) Order 2005 (SSI 2005/419) and the Civil Partnership Act 2004 (Commencement No 1) (Scotland) Order 2005 (SSI 2005/428), we will be writing to the Executive about some minor drafting points.

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 (SSI 2005/420)

Regulation of Care (Prescribed Registers) (Scotland) Order 2005 (SSI 2005/432)

The Convener: No points arise on the instruments.

Food Safety (General Food Hygiene) Amendment (Scotland) Regulations 2005 (SSI 2005/435)

The Convener: No points arise on the regulations, but members may like to note that the Executive has done as we asked and recited the consultation obligation under article 9 of European Community regulation 178/2002 in the preamble to the instrument. We will come to that later when we discuss the letters from the Executive, but we can note that with pleasure.

Instruments Not Laid Before the Parliament

Further and Higher Education (Scotland) Act 2005 (Commencement) Order 2005 (SSI 2005/419)

Regulation of Care (Scotland) Act 2001 (Commencement No 6) Order 2005 (SSI 2005/426)

Civil Partnership Act 2004 (Commencement No 1) (Scotland) Order 2005 (SSI 2005/428)

Criminal Justice (Scotland) Act 2003 (Commencement No 6) Order 2005 (SSI 2005/433)

10:56

The Convener: No points arise on the orders.

Tuberculosis (Scotland) Order 2005 (SSI 2005/434)

The Convener: There are two main points on the order. They are fairly straightforward, but members may want to add to what I say. The first point deals with the drafting of article 11(3), which talks about a notice

"served under paragraph (1)(b) or (2)".

That phrasing appears to mean that only article 11(1)(b) is relevant, rather than the whole of article 11(1). The nub of the issue is whether the Executive has got that right or whether it is defective drafting.

Mr Maxwell: The previous order, which this order replaces, said "paragraph 1". The current order says 1(b), which is only part of paragraph 1. On the face of it, it looks like a small error. It is right that we should point it out.

The Convener: The second point is a minor one. The references in article 8(6)(b) to "paragraph (a)" and in article 8(6)(c) to "paragraph (a) or (b)" should be to sub-paragraphs, because that is what they actually are. Is it agreed that we should ask the Executive about that defective drafting?

Members *indicated agreement*.

Executive Correspondence

10:58

The Convener: Members will recall that in the lead-up to the summer recess we wrote to the Executive about some general issues.

The first letter that we will consider expressed the committee's concern about the number of instruments that were laid prior to the summer recess. I have picked out three main points. The first relates to the effect of the 21-day rule. All negative instruments that were due to come into force on 1 July had to be laid by no later than 9 June and those that were due to come into force at any time during the summer recess had to be laid no later than 10 June. In consequence, instruments that could otherwise have been laid over the summer had to be brought forward. That illustrates how the 21-day rule operates.

On our second point, the Minister for Parliamentary Business wrote to us:

"My officials give warning, to your Clerks and the Chamber Desk, of the deadlines for laying SSIs prior to the recess."

That is okay but, as we know, the clerks and the staff in general cannot do anything until they actually get the instruments. The warning—

Mike Pringle (Edinburgh South) (LD): Is no good.

11:00

The Convener: No, it is not much good unless we receive the instruments in a more progressive manner—not necessarily earlier—rather than getting a whole batch of them together.

The third point is about the high volume of instruments causing difficulties for lead committees' work programmes. I think that Murray Tosh raised this point previously—I am not sure whether you wish to comment now, Murray. I suggest that we ask committee conveners a bit more about this as part of our review so that we ascertain what the difficulties are in more detail.

Murray Tosh: We could do. In general terms, the Executive has knocked back our complaints, but it was gracious enough to accept our compliment. Technically, we could consider that a draw.

The Convener: The second letter was sent to the Executive following a question raised by Christine May at the committee's meeting of 24 May about the way in which Henry VIII powers are sometimes dealt with under the negative procedure. It was the committee's view that such powers should always be subject to the affirmative procedure. The Executive has accepted that it would be required to provide an explanation for its position when the affirmative procedure is not used. That seems to be a wee bit of a step forward.

Mr Macintosh: The Executive said that it "will normally" use the affirmative procedure but that, on those occasions when it does not, it will explain why. The Executive has accepted the argument.

Murray Tosh: The Executive has done what we asked.

The Convener: We should be happy with that.

Members *indicated agreement.*

The Convener: The third letter to the Executive concerned the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No 2) Regulations 2005 (SSI 2005/179), which the Committee considered at its meeting on 19 April 2005. We asked the Executive for general background information about its co-ordination with United Kingdom departments on the drafting and laying of Scottish statutory instruments. This might be another issue that was raised by Murray Tosh. We also asked for information on whether the equivalent English NHS regulations broke the 21-day rule at Westminster. Does Murray Tosh have any comments to make?

Murray Tosh: The Executive observes that the UK departments have

"greater flexibility than is available to the Executive"

in otherwise

"identical circumstances".

It might be worth thinking further about whether our approach could be freed up. It could be that we are too tightly bound, by the Scotland Act 1998 and by our agreed procedures, to develop that flexibility. It might be appropriate for those south of the border to bind themselves in more tightly. Judging from the Executive response, there does not seem to be anything further to be said on the relationship between Scotland and the UK when it comes to departmental co-ordination. The Executive maintains that

"There are no formal protocols governing the process of coordination."

I do not know whether there should be or not. That would require further thought, evaluation and information.

The Convener: I do not know how much we can push the point with respect to liaison between the Scottish Parliament and Westminster to make Westminster more aware of the need to work a little more closely with us.

Murray Tosh: The Executive has not nibbled at the opportunity to say that. It does not seem to be particularly concerned. I cannot remember this particular issue arising before. If it did, we did not react to the same depth and extent.

The Convener: The 21-day rule has had to be broken before. That has definitely arisen quite a few times.

Murray Tosh: We did not quite pick up the apparent lack of communication to the same extent, however.

Mr Maxwell: Was there not an issue with the Food Standards Agency in the south working to a different timetable or to a timetable that was not as tight as that of the Food Standards Agency Scotland? The problem seems very much the same in this instance. Those south of the border were working to and met their own timetable, but without taking proper cognisance of the tighter timetable applying to us. That has led to such problems arising a few times.

Murray Tosh: As part of our on-going work, we could perhaps do an internal review of how frequently that comes up and ascertain whether it is indeed the same issue on each occasion. It might be worth rattling the cage another time.

The Convener: Possibly. If it is not too onerous a task, I would like Ruth Cooper to find out for us the number of times that the same issue has arisen. We could then compose a letter making the point that there could be more liaison between the Scottish Parliament and the UK Government.

Murray Tosh: As the Executive has given us its observation that

"There are no formal protocols",

we could ask why not. Perhaps "protocols" is too grand and refers to something at a higher level, but there ought to be some sort of procedural agreement in place.

The Convener: The Executive indeed states:

"There are no formal protocols governing the process of coordination."

We should ask for a bit more movement on that and ask why there are currently no such arrangements. Is that agreed?

Members *indicated agreement.*

The Convener: We come now to our fourth letter, which was sent to the Executive following the committee's consideration of the drafting of the Additional Support for Learning (Appropriate Agency Request Period and Exceptions) (Scotland) Regulations 2005 (SSI 2005/264). We requested that the Executive provide general clarification on its approach to the calculation of the date on which a request is made—and I emphasise "made".

I think that the Executive's answer is a good one, and goes into a lot of angles. The Executive explains that it has no hard and fast rules, and the response perhaps explains why that is the case. There is a lot of case law behind the Executive's approach. Should we raise any further points on the issue, or are members quite happy with the response?

Murray Tosh: I do not remember this absolutely, but I think that our discussion raised the issue of some sort of procedure for the recording of delivery. The end of the letter says:

"it would be open to the recipient of a letter to prove that it was actually received at a later date."

How on earth could someone prove that unless the letter had to be signed for at the door? When information is being sent out from the Executive, it is not clear that it is being sent on that basis—that it has to be signed for and accepted by the recipient or the recipient's agent. In the absence of such a procedure, the burden of proof would be impossible.

Mr Maxwell: I am trying to think back to the earlier discussion. We came across two or three instances of the problem at the same time, or at least close together. We could not tell which interpretation the Executive was using in which case. In some cases, it was using the principle of the time when it sent a letter; in other cases, it was a question of when letters were received. Part of the problem was understanding which procedure was being used. That was not clear from what we had in front of us.

I agree with the point about how to prove receipt. However, part of our problem was being unable to interpret what the Executive actually meant, and there were no notes to explain what it meant in different cases. As there are no hard and fast rules, how are we supposed to know?

The Convener: I cannot find the reference at the moment, but I am sure that, somewhere in the letter before us, the Executive says that it will endeavour to make things clearer. I cannot find the right place.

Mr Macintosh: It is in the last sentence of paragraph 2.

The Convener: Thank you. It states:

"the Executive will seek to use the appropriate wording in any particular context to make the intention clear."

We should welcome that, because that is what we are asking for.

Murray Tosh's point is interesting. Given case law, I thought that "reasonable" would be appropriate. I was thinking of the case where

someone goes on holiday and comes back two weeks later, and the letter has laid there for two weeks. That would be a reasonable explanation for why they had not seen it. However, I am not a legal person. I did not know whether recorded delivery would always be necessary.

Mr Macintosh: It would clearly be a matter of contention if it got to that level. However, I am more concerned about the lack of clarity in the first place. There is no point in creating anxiety or a dispute when it can be avoided. If everyone is clear about what is meant by "made" in the first place, there is less likely to be confrontation.

Convener, it is interesting that you brought that up in the context of the Additional Support for Learning (Appropriate Agency Request Period and Exceptions) (Scotland) Regulations 2005 (SSI 2005/264), the whole point of which and of the code of practice is to defuse the confrontation that sometimes occurs between parents, local authorities and Government. That is why greater clarity would be welcome.

We could write to the Executive and flag up the issues. The last sentence of paragraph 2 is forward looking and backward looking. It implies that the Executive tries to use appropriate wording, but if the committee has been concerned on a number of occasions, it cannot be as clear as the Executive suggests. We should write to the Executive and state that we think it could be even clearer in legislation from now on.

The Convener: Yes. We can welcome the Executive's comment about seeking to use appropriate wording and making it clearer. We are all agreed on that. Murray Tosh raised the issue that the Executive makes it clear that the relevant date will be when a person receives a letter or communication, but how will it determine that in practice?

Mr Maxwell: I accept the point about being on holiday or being in hospital, but someone could probably prove that they were somewhere else in those circumstances. However, is the time at which they received the letter critical? For example, does it matter whether they got it in the morning before they left for work or in the evening or a day later? While a fortnight might make a difference, I find it difficult to think of an example where the fact that someone left before the postman arrived would make a critical difference.

Mr Macintosh: The point is that we do not know when the period starts. It is unfortunate if a letter is delivered when someone is on holiday, but the point is that at least they know that that was the point when the clock started ticking.

Mike Pringle: That is all very well if the letter is delivered. The Post Office has improved its performance, but I do not know how many million pieces of mail get lost every year. If the letter never arrives, what does the person do? The only way of being sure is by using recorded delivery or registered mail. That is the only way you can be certain that someone gets the letter. You cannot be sure they get the letter if you just post it and rely on it being delivered.

The Convener: Absolutely.

Murray Tosh: That is my point. The last paragraph of the letter makes it clear that you have received a letter the day after it is posted first class. Even if you never receive it you have, in fact, legally received it. That seems a bit onerous. I dare say that in many instances it would not matter if you did not receive the letter, but there must be some documentation going out that has implications for individuals, including potential legal implications. Therefore the assumption that you received it the following day unless you can prove otherwise is a bit onerous.

Mr Macintosh: I am sure that there are plenty of disputes centred on the receipt or otherwise of mail, and there are probably procedures for resolving them. In this case, the request is not made of parents; it is parents making a request of local authorities. It is not parents or families receiving letters through the mail; it is Government departments or public authorities receiving them. Plenty of mail goes missing in public authorities too, but the point is that this is a parent making a request of the Government. The clock starts ticking from when the parent makes the request of the Government, not the other way round. It is a problem for the local authority, not the parent. My concern is that both sides should be clear about when the request has been made. Most public authorities stamp mail when they receive it—that is straightforward.

11:15

Murray Tosh: With respect, we did not raise the issue only in relation to the procedure for placement requests. Indeed, one of the legal judgments quoted in the Executive letter is

"Camden London Borough Council v ADC Estates Limited".

It is a general ruling about the range of Government communication with the public at large. It may well be that the way in which school placings work places the burden on public authorities rather than on individuals. That may or may not be all right, but what we sought to illuminate and explore were the general rules determining how Government communicates with the public. The answer is not very reassuring about the general way in which procedures operate.

The Convener: There are two main points. One is that we welcome the fact that the Executive will look for clarity in relation to the use of the word "made" and whether it means when a letter is sent or when it is received. The second issue is the many different circumstances that we were thinking of in relation to this matter. I accept what Ken Macintosh is saying about that particular instance, which was the one that we used when we raised the matter, but we had other considerations as well. The point needs to be made that the fact that there is not really a check that a person has received the correspondence is not particularly reassuring. I would like to raise that issue and to ask how the Executive thinks we could get around it. Those are good points.

Members *indicated agreement*.

The Convener: We move on to the final letter, which expressed the committee's concern that the consultation requirement contained in article 9 of regulation EC 178/2002 is not referred to in the preamble of relevant regulations. We have seen today that that is now happening. That is a good note on which to end.

Members *indicated agreement*.

Meeting closed at 11:18.

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