

# **TRANSPORT AND THE ENVIRONMENT COMMITTEE**

Wednesday 2 February 2000  
*(Morning)*

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## TRANSPORT AND THE ENVIRONMENT COMMITTEE

2<sup>nd</sup> Meeting 2000, Session 1

### CONVENER

\*Mr Andy Kerr (East Kilbride) (Lab)

### DEPUTY CONVENER

\*Nora Radcliffe (Gordon) LD)

### COMMITTEE MEMBERS

\*Helen Eadie (Dunfermline East) (Lab)

\*Linda Fabiani (Central Scotland) (SNP)

\*Robin Harper (Lothians) (Green)

\*Janis Hughes (Glasgow Rutherglen) (Lab)

\*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

\*Mr Kenny MacAskill (Lothians) (SNP)

\*Des McNulty (Clydebank and Milngavie) (Lab)

\*Tavish Scott (Shetland) (LD)

\*Mr Murray Tosh (South of Scotland) (Con)

\*attended

### CLERK TEAM LEADER

Lynn Tullis

### SENIOR ASSISTANT CLERK

Richard Walsh

### LOCATION

Committee Room 3



## Scottish Parliament

### Transport and the Environment Committee

*Wednesday 2 February 2000*

*(Morning)*

[THE CONVENER *opened the meeting at 09:34*]

**The Convener (Mr Andy Kerr):** I welcome members to the second meeting this year of the Transport and the Environment Committee. I introduce Alastair Macfie, who will join us in the near future, to take over David McGill's role as assistant clerk.

We are in a small room today, which is unfortunate as there is not much room for the public. We will have a rolling visitation from petitioners as we deal with each petition in turn. There is a sound feed into another room, in which people can hear what is going on in the committee, but there may be some disruption as people enter and leave the room.

I remind members of the committee and the public alike that items 3 and 4, discussion of the work programme and the telecommunications development inquiry, will be taken in private as agreed at a previous meeting. When we reach that point, all members of the press and public will be asked to leave this room and room 4, where the sound feed can be heard.

### New Petitions

**The Convener:** There are five new petitions. The first, PE51, is from Friends of the Earth Scotland, calling for the Scottish Parliament to

“exercise its powers not to permit the release of GM crops into the environment by way of trials or commercial planting”

and to

“establish a mechanism in Scotland which will address the concerns regarding the impact of such releases on the environment and human health”.

We have also received a petition, PE60, from the Scottish Green party, calling for the Scottish Parliament to hold a debate on genetically modified food and crops.

I suggest that we consider those two petitions jointly.

The Public Petitions Committee has advised that, in dealing with those petitions, we should take account of the views of both the Health and

Community Care Committee and the Rural Affairs Committee. The clerk will make the necessary arrangements for that. As members will see from the papers that have been distributed, the Scottish Parliament information centre has produced a research briefing on the topic, which discusses trials of GM crops, their commercial release and the role of the Advisory Committee on Releases to the Environment.

We may want to defer full consideration of those petitions until we have had an opportunity to consider the SPICe briefing note and the views of the other two committees, but that is simply a suggestion. The petitions have just arrived with us, so I expect that members have not had the chance to read up on them.

**Helen Eadie (Dunfermline East) (Lab):** I would be happy to go with the suggested options, to get more information and to get the views of the Rural Affairs Committee and the Health and Community Care Committee. Before we can arrive at any conclusions, we must ensure that we are well informed.

**Linda Fabiani (Central Scotland) (SNP):** I agree with Helen. I would also like a time scale for when we will get information back from those committees, so that we can set our agenda.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I have no problem with seeking the advice or views of other committees, but I do not want people to think that that is some sort of fudge, or some way of putting off a decision. I have had a number of representations on GM food and crops from my constituents. At some stage, there will have to be a debate on the issue in Parliament. I support the idea of getting more information, but with the caveat that that should not be a way of losing the petition.

**The Convener:** Absolutely. The Rural Affairs Committee will consider the matter on 29 February.

**Robin Harper (Lothians) (Green):** The two petitions have been sent also to the Health and Community Care Committee. Has that committee timetabled its consideration of them yet?

**Lynn Tullis (Clerk Team Leader):** Not that we are aware of. However, we can request that committee to consider the petitions within a time frame similar to our own.

**Robin Harper:** Can we ask the Health and Community Care Committee to consider the petitions as a matter of relative urgency? We should not put off to the end of June our consideration of them.

**Tavish Scott (Shetland) (LD):** How will the food standards agency fit into this? Its work will be important, as will our timetable, as Cathy

Jamieson rightly pointed out. I understand that the agency will have a role to play in this matter, so when the clerks are drawing together their work on the petitions, consideration should be given to that role. If we are to take evidence, we should hear from the agency.

**The Convener:** There is no suggestion that we should defer our consideration of this matter indefinitely. We want a fairly sharp interface with other relevant committees, after which we should discuss the matter and produce recommendations. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE59, which was submitted by Frank Harvey. The petition calls on the Parliament to take certain steps to improve passenger safety on public transport. In particular, it is concerned about the number of passengers and the presence of potentially dangerous dogs on public transport. In referring this petition to us, the Public Petitions Committee suggested that the Transport and the Environment Committee note the petition—there is no request for us to consider it further. Members know that the matter of passenger safety is reserved to Westminster.

**Helen Eadie:** The more I read of Mr Harvey, the more I like him. His name has come up quite often at the Public Petitions Committee.

The issue of overcrowding, which Mr Harvey raises, is close to my heart. ScotRail is investigating an incident that took place a fortnight ago when, because of overcrowding, one of my constituents had her head caught in the train doors as they closed.

Overcrowding is a matter of absolute concern to my constituents—all the letters that I receive are about either overcrowding or the appalling level of service, with trains being delayed or cancelled altogether. If we can, we should ensure that people receive the quality of service that they rightly deserve. After all, it is already policy that no more than five people may stand on buses and moves are being made towards the installation of seat belts on moving vehicles. It has always amazed me that that policy does not apply to trains and that the number of people who travel on trains is not limited.

I would like to follow the options suggested to us and obtain the rail industry's policy on overcrowding. However, I understand that we should bring the petition to the attention to the relevant Whitehall department, as it is not competent for the Scottish Parliament to progress the petition. None the less, I hope that we can put across our very strong views to the Whitehall department. We should also seek further information from the Scottish Executive.

**Tavish Scott:** I do not disagree with Helen's comments about overcrowding and her proposal to limit the number of passengers travelling on public transport in Scotland. However, the petitioner's proposal to ban passengers from taking dogs on public transport, with the exception of guide dogs, would cause practical difficulties. He refers to the tube in Glasgow—I am not aware of problems there, although others will be—but banning dogs from public transport in certain parts of Scotland would create practical difficulties. For example, sheepdogs would have to stay in the back of the Land Rover during ferry crossings, such as the crossing that I make every weekend. I am not in favour of a blanket ban, but we should consider particular problems that arise in particular areas.

**The Convener:** Those issues would be addressed during our investigation of the petition.

**Mr Murray Tosh (South of Scotland) (Con):** To answer Tavish's concern, perhaps the petition covers only dangerous sheep.

Incidentally, a "tube" has an entirely different meaning in Glasgow from that which it has in more sophisticated metropolitan environments, with which Tavish is obviously familiar. [*Laughter.*] Sorry about that.

Legislation exists for dealing with dangerous dogs—perhaps we should investigate the circumstances that are covered by that legislation. I am not sure whether one is entitled to have a dangerous dog in a public place—if one is not so entitled, that part of the petition may be redundant.

We should also consult rail users on the question of limiting passenger numbers. I am not advocating circumstances in which passengers get their heads caught in doors, but if I were going for a certain train and someone handed down a fiat that only a certain number of people could board that train, I would not be too thrilled to have to wait an hour for the next one. We must consider the matter from a consumer's point of view. Nobody has to board an overcrowded train; the people who choose to do so have decided that they would rather do that than wait for the next train. Personal preferences come into play to some degree. We should consider what consumer groups have to say on the matter.

09:45

**Janis Hughes (Glasgow Rutherglen) (Lab):** Having travelled on the Glasgow underground this morning, I am qualified to comment. As far as I am aware, there are no limits on the number of people who can stand. At rush hour, the underground resembles the Tokyo train system—people are literally packed in and body parts often get caught in doors and so on.

The service runs every seven minutes and, as Murray Tosh said, people do not have to board an overcrowded train as another will be along soon. However, people choose to get on and there do not seem to be many staff available to supervise the situation. I would not like to be the staff member who tried to ensure that people were not squeezing on to the train. We can take advice on the rules.

**Mr Kenny MacAskill (Lothians) (SNP):** I have sympathy for Mr Harvey; this is a serious issue. However, we should remember that we are a national Parliament and that such issues should be dealt with by the appropriate authority, such as the transport authority or the local authority. It is not for us to deal with the details about the number of people who can get on a train. We should be setting down the legislative framework to allow the people at the coalface to decide what limitation, if any, should be imposed.

It is a sign of the Parliament's success that Mr Harvey chose to write to us, but we should try to be the conduit to allow those who are responsible to address such issues. If there were no legislative framework, we would deal with the matter, but it is not for us to decide the minutiae.

**The Convener:** There are a variety of views on further action. I tend to agree with Kenny regarding the appropriateness of the Transport and the Environment Committee and the Scottish Parliament dealing with the matter. Helen Eadie made the point about seeking further information on rail policy and I am tempted to say that that would be an appropriate course of action. I suggest that we leave the other areas in abeyance. Do we agree on that?

*Members indicated agreement.*

**The Convener:** The National Farmers Union of Scotland submitted both PE65 and PE68. PE65 calls on the Parliament to take action on several measures relating to vehicle excise duty. The petition was also referred to the Rural Affairs Committee, whose views we are asked to take into account. The Rural Affairs Committee has undertaken initial consideration of the issue and has agreed to obtain briefing from the information centre on the legal powers of the Scottish Parliament in relation to the matter.

The Enterprise and Lifelong Learning Committee has begun an inquiry on differential petrol pricing in rural Scotland. It took evidence on Monday and the meeting was widely reported in the press. Some members of this committee attended that meeting.

We might want to defer consideration of the petition until we have heard from the Rural Affairs Committee and the Enterprise and Lifelong Learning Committee. At that point, we may want to

contact the relevant bodies.

**Mr Tosh:** It is not just the level of fuel duty that causes concern to the haulage industry: there is a problem in the variable rate of the excise duty on vehicles. That has led to people re-registering vehicles in other countries to take advantage of lower rates of taxation. We should consider the implications of that, either alone or jointly with the Rural Affairs Committee. We should not restrict ourselves to the issue of petrol—our hauliers are operating under a further, substantial disadvantage.

**The Convener:** Point taken.

**Mr MacAskill:** I sympathise with what Murray Tosh is saying and accept that other committees are considering this matter. However, I would not like discussion of it to be postponed until an unspecified date. Much depends on what happens in the budget, over which we have no control. Perhaps we should indicate to the National Farmers Union that we would like to defer discussion of this petition until our last meeting in March or our first meeting in April. By that time we will know what is proposed in the budget—which may or may not have an effect—and have some indication of the position of the Rural Affairs Committee and the Enterprise and Lifelong Learning Committee. That period is long enough to allow information to be gathered from the three sources that I have mentioned, and short enough for the NFU not to feel that we are simply passing the buck and keeping this off our agenda. The NFU should have no cause for complaint if we are delaying consideration for two months so that we can take cognisance of three critical factors.

**The Convener:** We never pass the buck on petitions—we will shortly provide updates on petitions that we have received. I suggest that we do as Kenny MacAskill suggests. I will take advice from Lynn Tullis, but I understand that the Rural Affairs Committee and the Enterprise and Lifelong Learning Committee will have reached a conclusion on this matter by late March or early April, which will allow us to discuss it fully. Are we happy to proceed on that basis?

*Members indicated agreement.*

**The Convener:** PE68 is also from the NFU Scotland. It calls

“for the agriculture sector to be exempted from the proposed Climate Change Levy”.

The Rural Affairs Committee considered this petition yesterday, and the clerks will provide us with an update in due course. It may be better for us to await that update before considering the petition fully. As members are aware, the implementation of the climate change levy is a reserved matter and consequently the options for

the committee are fairly limited. After we have heard from the Rural Affairs Committee, we should write to the Scottish Executive setting out our concerns and seeking consideration of the options. That means that, after we have taken cognisance of the views of the other committees, we should return to the petition and discuss it more fully.

**Mr Tosh:** Substantial changes to the climate change levy were announced in the chancellor's November budget statement. Although it is impossible for us to know about this in detail, we were given the clear impression that the Scottish Executive had exerted a great deal of pressure to bring about those changes. It would, therefore, be appropriate for us to discuss this issue. We need to analyse the peculiar impact of the levy on agriculture in Scotland and to convey our views to the Scottish Executive, so that it can feed those in to the Westminster Government. This issue is not directly within our remit, but given that the Executive appears to see itself as the champion of Scottish industry, it would be sensible for us to encourage it to assume the same role on behalf of Scottish agriculture.

**The Convener:** That is a fair comment.

**Robin Harper:** Rather than asking for a blanket exemption for Scotland that might upset English farmers, many of whom also have to cope with severe climatic conditions in highland areas, we might ask for the levy to be modified by a rebate based on regional climate variations. That would ensure that farmers across the UK are treated fairly.

**The Convener:** We will proceed on that basis.

## Petitions (Progress)

**The Convener:** The second item on our agenda is a report on the progress of the petitions that we have discussed recently. I must say that the report is not laid out in the way that I would have liked. In future, we will try to present the information in a more user-friendly way, but pressure of work dictated the present layout.

We requested further information on six of the petitions. We may wish to focus on those items and consider whether the information received corresponds to what we requested and is an adequate basis on which to take a decision.

Petition PE2, from the Ayrshire Chamber of Commerce and Industry, relates to the upgrade of the A77. We have asked the petitioners whether there are any outstanding issues in their petition that they wish to raise, but we have not received a response—given the outcome of the strategic roads review, we might expect that.

**Cathy Jamieson:** The petitioners will be pleased by the decision in the strategic roads review. A number of people who were involved in the petition have participated in subsequent press activity. I am sure that the petitioners will come back to us if progress is not made at a satisfactory rate.

**The Convener:** Do we agree that no further action is required?

**Members indicated agreement.**

**The Convener:** The next update is on the petition from the Hospitalfield area residents association. Members will recall that the petition refers to Seed Crushers (Scotland) in Arbroath and that, when we began to investigate this matter, a legal case came into play. Members will see in the report the advice of the parliamentary law officers, who say:

"It is considered that it would be inappropriate to examine the petition further at the present time and deferral of consideration to a later date would be the most appropriate course of action."

We are caught in the same legal issue as before.

The next update is on the petition from Mr R H Guild on Edinburgh's transport and traffic. After we copied the petition to the City of Edinburgh Council, the council consulted Mr Guild and sent him a copy of the local transport strategy. We are not aware that Mr Guild wishes us to examine any further matters.

**Helen Eadie:** That seems to be a good example of the Public Petitions Committee securing action for an individual. We should inform the Public Petitions Committee of the action that has been



taken, which closes the case. That is a good result.

**The Convener:** No further action is required.

Petition PE8, from the Scottish Homing Union, is on the effects of birds of prey on homing pigeons. As we are still waiting for the Department of the Environment, Transport and the Regions report on raptor predation, which is expected to be published in early February, we should discuss this matter further when that report is available.

**Helen Eadie:** That suggestion is helpful. There will be a presentation by Scottish Natural Heritage about raptors. I think that the whole issue of birds of prey will be addressed.

**The Convener:** Not that I am aware.

**Helen Eadie:** I will show you the correspondence on the matter after the meeting.

**The Convener:** Okay.

Petition PE16, which was received from Jimmy Oswald, calls for urgent action to reverse the decline of the capercaillie in Scotland. The report gives a long explanation of the response to this petition. The Scottish Executive is carrying out further research. Although we do not want to be seen to be passing on issues without monitoring progress, it would be advisable to wait for the outcome of that research. Is that agreed by the committee?

**Members indicated agreement.**

**The Convener:** The next update is on petition PE17, from Western Isles Council, on discounting options for western isles residents, and on petition 27, from Skye and Kyle Against Tolls, which calls for the introduction of toll concessions for the transport of livestock and other haulage across the Skye bridge. We have received a letter from the Scottish Executive, copies of which were circulated to members; the letter gives a fairly full explanation of the systems and schemes that are in operation. Are we content with the Executive's response or do further areas need to be investigated?

**Helen Eadie:** Again, we should inform the Public Petitions Committee about the response that has been made, which is acceptable.

**Mr MacAskill:** Until we know what is happening about Caledonian MacBrayne, the western isles situation is fluid. I think that we should indicate to Western Isles Council that matters should not be viewed in isolation and that, if there are going to be proposals about how Caledonian MacBrayne is constituted, all matters should be up for grabs. We should continue simply to note matters.

The Executive's letter deals with one matter, but everything depends on the form in which the

operator continues to exist—whether it is a wholly owned public body, whether there is a management buy-out, whether it is privatised, or whether it is sold off piecemeal. We should note our concern and ask the Executive whether it is proposing in the near future to make a ministerial statement on Caledonian MacBrayne.

10:00

The petition from Skye and Kyle Against Tolls is a separate matter. The passage of the subordinate legislation resulted in criticism of me and, implicitly, of this committee and the Subordinate Legislation Committee. For the record, I should say that I did not oppose the legislation because, given that we were unable to amend it, it seemed better to freeze tolls than to leave open the possibility that they could be increased.

We need an opportunity to discuss the whole concept of tolls. There is a festering sore in Skye, the western Highlands and throughout Scotland about the Skye bridge and, sooner or later, the issue must be debated in this Parliament. Members from a number of parties have lodged motions on the issue. We should intimate to the Parliamentary Bureau that we want a debate, if only as part of members' business, on tolls and the operation of the Skye bridge. The fact that we passed SSI 1999/196 is neither here nor there. If we had not passed it, the Executive could have continued to increase tolls. It is better that tolls are frozen, although I would prefer to see them abolished.

**Cathy Jamieson:** Members who feel strongly about this issue can lodge a member's motion. It would be inappropriate for the committee to recommend a particular course of action for members' business.

**Tavish Scott:** Kenny MacAskill is right to say that members from the area have lodged motions. It is for the bureau to consider those and, I hope, to provide the time for them to be debated.

I am sure that at last week's question time Sarah Boyack was asked a question about CalMac and stated quite clearly that the Executive had no plans to privatise the organisation. After George Lyon had asked a question about Harold Mills, an SNP colleague asked the minister whether the Executive intended to privatise CalMac; she gave a very clear answer.

**The Convener:** We can investigate that matter. However, we must decide whether the Executive's response on the petitions meets our needs.

**Mr Tosh:** I was disappointed, convener, that you did not attempt to pronounce Western Isles Council in Gaelic.

**The Convener:** What is it?

**Mr Tosh:** Comhairle nan Eilean Siar.

When we met in the Signet Library, people from Skye raised the question of livestock transport. There is a gap in my knowledge here, but the people who spoke to me at that meeting maintained that there were livestock exemptions under the previous fare regime on the ferries. The letter from the transport division of 24 January states that the Executive's policy is to pursue a tolling regime

"based on the published fare structure formerly used by Caledonian MacBrayne on the ferry crossing."

I do not know whether there are still livestock exemptions on other routes in the Scottish isles. Whether there are or are not will affect how we respond to the Executive's answer. The conditions should be the same for everybody. If there are no livestock exemptions elsewhere, the petitioners will have to accept that that the current arrangement is fair. If there are, we will have to revisit the issue. I should know whether there are still exemptions, but I do not.

**The Convener:** Neither do I, so it would be appropriate for us to find out. I am happy to take up Murray Tosh's question with the Executive. With that qualification, are we content with the response that we have received?

**Mr MacAskill:** I am not content. I do not think that it is satisfactory in terms of the broader issue. It deals with one matter, not the underlying problem.

**The Convener:** We have been asked to address the issue that is raised in the petition. Members can interrogate the Executive and lodge motions on behalf of their parties. There are plenty of opportunities to raise the issue. We are trying to deal with the petition at this point and we are trying to establish whether we are content with the response within the parameters of the question.

**Helen Eadie:** That is reasonable. The route that you are following should ensure that we have all the information. I am happy to go along with the summary that you have given.

**The Convener:** The majority of the committee consider the responses to be appropriate.

Petition PE21, from Penicuik and District Community Council, calls for a concessionary bus fare scheme to be operated nationally by the Scottish Executive. We are considering further work on this matter and the petitioners have been notified that the issue is being addressed.

Petition PE22, from the Island of Cumbrae Tourist Association, outlines concerns about the fare structure of Caledonian MacBrayne for the ferry to Cumbrae island and calls for more detailed financial information to be made available. We

have before us the response from the Executive. Do members want to express their views on that response?

**Linda Fabiani:** The minister's response shows that there is a fundamental problem within CalMac. The fact that we have agreed to discuss it proves that raising the matter was worth while.

**Helen Eadie:** I support Linda Fabiani's view. I am pleased that we will discuss sea transport. The commercial operators' cherry-picking attitude towards the routes that they want to operate must be challenged.

**The Convener:** I am not content with the information that we have received on the fare structures. Bearing in mind the fact that we will discuss the matter further, we should note that the response does not meet the petitioners' request to provide a breakdown of the fare structure. We should continue to pursue the matter with CalMac and the Executive.

**Mr Tosh:** As the Parliament is built on principles of transparency and openness, and we are—quite rightly—questioning oil companies on their pricing structures and trying to establish transparency in the fixing of retail prices for petrol, we should not be seen to be sparing the Executive from similar pressures. I accept what the minister said about the revenue receipt data and the difficulties with providing a full explanation of the fare structure, but the information must be obtainable. It would add to the knowledge of the people in the area, who, I suspect, will see the Executive's actions so far as a refusal to give an answer. We should press the minister to give that information, to make a statement about the other factors that should be taken into account and to set in train some public analysis and explanation of their impact, even though that might take some time to evaluate and might not be precisely measurable.

**The Convener:** I see a general nodding of heads. We will ask the minister for further information, based on the correspondence that we have received, to gain a further insight into fare structures. Is that agreed?

**Members indicated agreement.**

**The Convener:** We are awaiting information on petition PE28, from the 999 Clear Roads Campaign, on petition PE23, regarding the clearance of litter and rubbish, and on petition PE29, from Mr Anderson, which calls for a debate on section 87 of the Environmental Protection Act 1990.

**Robin Harper:** Before we move on, I would like it recorded that I support Kenny MacAskill's position on petitions PE17 and PE27.

**Cathy Jamieson:** Convener, you mentioned earlier that you would like this information to

appear in a more user-friendly format. However, I like it in this format, as it is short, sharp and to the point. I thank the clerks for preparing it.

**The Convener:** I just felt that the information was dense and tightly packed. If members are happy with it, far be it from me to change the format.

I ask members of the public to leave, as we are moving to a discussion of our work programme, which we will deal with in private.

10:10

*Meeting continued in private until 11:06.*



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