

# **TRANSPORT AND THE ENVIRONMENT COMMITTEE**

Wednesday 1 March 2000  
*(Morning)*

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## TRANSPORT AND THE ENVIRONMENT COMMITTEE 4<sup>th</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

### WITNESSES

Sarah Boyack (Minister for Transport and the Environment)  
David Eaglesham (Scottish Executive Transport Division)  
Bill McQueen (Scottish Executive Transport Division)

### CLERK TEAM LEADER

Lynn Tullis

### SENIOR ASSISTANT CLERK

Richard Walsh

### LOCATION

The Hub



## Scottish Parliament

### Transport and the Environment Committee

Wednesday 1 March 2000

(Morning)

[THE CONVENER opened the meeting at 10:06]

**The Convener (Mr Andy Kerr):** I welcome members of the public and the press who have joined us for the fourth meeting of the Transport and the Environment Committee in 2000. I also welcome the Minister for Transport and the Environment and her colleagues, Bob Tait, John Dowie and Neil MacLennan.

### Integrated Transport Bill

**The Convener:** I am grateful for your attendance today, minister. As you know, we will discuss the integrated transport bill. Following our usual pattern, I offer you a short time to make introductory remarks.

**The Minister for Transport and the Environment (Sarah Boyack):** Thank you, Andy. I am pleased both to be back with the committee and that we have reached the stage of beginning to get into the bill. I welcome the opportunity to speak to the committee this morning, which is also an opportunity for committee members to ask me questions.

I hope that members have had time to study our paper, "The Integrated Transport Bill: The Executive's Proposals". I do not intend to go into detail, but I wish to emphasise a few key points.

The key message is that the proposals in the bill are intended to empower local authorities to address the problems of congestion, air quality and inadequate public transport and to ensure greater accessibility for some of the most vulnerable groups in society.

There is no doubt that the car has transformed the lives of millions of Scottish people, bringing with it unparalleled freedom of movement. However, road traffic is projected to grow by more than 50 per cent over the next 30 years. History suggests that today's traffic projections turn into tomorrow's congestion. Therefore, the bill must strike a balance between the undoubted benefits of motorised travel and the costs that unrestrained use impose on us all.

Our legislative proposals must be seen in the wider context of action across all modes of

transport—investing in roads and public transport, delivering our national public transport timetable, addressing the distinctive needs of Scotland's rural areas and working with the UK Government on reserved matters. All those issues play a part, but the bill will focus on a key part of our agenda.

There has been extensive debate and consultation over several years, starting with the election of the Labour Government in May 1997 and the white paper that was published in 1998. Since July 1999, I have toured the country and spoken to a wide range of transport operators, local authorities and community groups. The package of proposals in front of members has benefited from those discussions, which I want to continue in the run-up to debating the bill.

We now have a Scottish approach. Devolution has enabled us to identify distinctive Scottish responses to Scottish circumstances. Although many of the proposals are similar to those in the UK Transport Bill, there are many differences, especially in relation to transport authorities and concessionary fares.

I will now discuss some of the key issues. Our proposals for regional partnerships, buses and charging are intended to give us a menu of measures from which local authorities can choose, to arrive at a balanced strategy that is appropriate for their area. I do not want to prescribe measures for local authorities—I want to work with them.

Equally, central Government cannot deliver on its own. We must work with transport operators, experts in this sector—who produce innovative ideas—and local authorities to give us services that match the best in Europe.

I will focus on four key areas: regional partnerships; bus services; concessionary fares and road charging. I think they are the key issues that the committee will want to get its teeth into.

On regional transport partnerships, it is important to accept that local authority boundaries—or indeed Scottish boundaries—do not fit easily with transport demands and transport patterns. We must have a co-ordinated and integrated approach to transport. I will move ahead with voluntary partnerships, which will enable us to have locally designed integrated solutions.

In my statement on 10 February, I said that parliamentary orders will designate public bodies to prepare joint plans to address a named transport issue in their area by a given date. That will enable local authorities to focus their efforts—and those of other key partners—on the important issues that are shared across boundaries. That will be especially relevant where local authorities have key issues in common but lack a framework for brokering some of the difficult decisions. The

transport partnerships will enable them to do that.

I envisage the first use of those new powers will be to require local authorities in and around Glasgow and Edinburgh—working with the local authorities and Strathclyde Passenger Transport Authority—to prepare strategies for managing travel in and out of those cities. Before I introduce an order, I would like to discuss with local authorities and others the precise detail of the designation and the definition of the problem to be addressed. I want to move forward on the basis of consensus, without dictating to local authorities. Scottish ministers would have call-in powers if there were not a consensus at local level, so there would be the ability to pull people together.

I also want to establish a new joint board with responsibility for cross-Forth transportation issues. The board would be established under the Local Government (Scotland) Act 1973. It would have a wider strategic focus, although the first call on its expenditure would still be maintaining the Forth road bridge. The new board would be able to use charging revenues to fund expenditure on public transport alternatives, roadworks and traffic management measures related to Forth crossings.

The intention is that the provisions on membership and responsibilities of the new body will be introduced in the order to establish the joint board, and that we will consult interested parties before we introduce our proposals.

On the Highlands and Islands, I would like us to respond positively to the consultation exercise on the regional transport authority, which could take on board issues relating to Caledonian MacBrayne, Highlands and Islands Airports Ltd and perhaps other matters. Everyone in the area accepts that this is a complex issue. We must take a step-by-step approach that brings everyone on board, to consider these issues in detail so that we get it right.

Working jointly with local authorities and Highlands and Islands Enterprise, we will appoint consultants to investigate these issues, with the aim of being in a position to take the decision later this year. It is a complex matter, but I want to move forward with the key partners on board. Primary legislation would be required to set up a transport authority.

Our overall objective is to improve the quality and range of bus services throughout Scotland. We will do that by giving legislative backing to statutory quality partnerships and, where necessary, quality contracts to ensure high-quality services tailored to local needs. We will promote simple, flexible ticketing systems and clear, reliable passenger information. I will also give the traffic commissioner enhanced powers to crack down on bus operators that fail to meet the

required service standards.

We want bus services to be an attractive option rather than a last resort. Increased bus usage would help us to tackle congestion, improve air quality in inner cities and improve accessibility for people in rural areas. It would mean higher-quality buses and higher-quality journeys; low-floor buses with increased accessibility; low-emission buses and a less polluted environment; greater availability of high-quality travel information; and greater stability and reliability of services. We can also improve journey times by linking in with local authorities and approving bus priority measures. This is a strong package, and I am sure that the committee will want to focus on it.

10:15

I want to talk briefly about concessionary fares, in the knowledge that the committee will have the opportunity to talk to two of our transport officials about the detail of the consultation and the study that I want to commission. I am trying to deliver improved concessionary fares across Scotland. We already have 50 per cent reductions or better in all local authority areas, but I want to get a better deal for pensioners and those with a disability, to let them access services and visit friends and relatives, whatever their income.

Through the bill, I intend to require a minimum level of concession, which the Executive could raise over time, as circumstances allow. The purpose of the research is to provide us with detail on the best mechanisms—to consider the costs and options that can be delivered efficiently and effectively. A consultants report should be ready by July. Local authorities would be able to provide a more generous concession than the one I specify, if they so wished. I hope that the committee will find the discussion useful. If it would like to raise particular issues of detail or to talk about the research specification, now is the time to do that with officials.

The last issue I would like to discuss is congestion charging. It has attracted the most public interest and it is important that we get it right in the bill. We want to legislate to give local authorities powers to tackle the growing congestion and environmental problems in major towns and cities. I emphasise that that is where we expect the legislation to be appropriate. These proposals are necessary against the background of what seems an unrelenting projected growth in traffic, the time and unreliability costs that traffic jams impose—not just on commuters, but on business—and the increase in pollution. The charging powers will allow local authorities to raise revenue to improve local transport and give people a real alternative to car use.

We know that if the proposal is to be accepted by the general public, we must win the trust of Scotland's motorists. I have given key commitments that I hope will enable us to do that. All revenue from charges will be ring-fenced for local transport; all schemes must be consulted on and win local support; all schemes must clearly identify a pressing congestion and/or air quality problem to be tackled; and all schemes must secure the approval of Scottish ministers. I think that those safeguards will let us move ahead.

The powers will be enabling only. It will be up to each local authority to identify the severity of the problems in its area and the appropriateness of congestion charging. Congestion charging is not unique. Many cities across Europe and the rest of the world already have charging systems or are working to develop them, for precisely the same reasons as we are. We want to keep in touch with those developments.

We have allowed until 24 March for formal responses from members of the public and organisations. I am hoping to use the next few weeks to consider the consultation process, both through the National Transport Forum for Scotland with its sub-groups on buses, charging and regional partnerships—the first two of which have already made helpful contributions to developing the thinking behind the principles of our bill—and through other parties that have expressed an interest. Officials have already made presentations to the transport partnerships in the south-east of Scotland, the west of Scotland and the Highlands and Islands. We have tried to ensure that the discussion has gone on throughout Scotland. Once the consultation is complete, we will finalise the bill and introduce it formally to Parliament. Our target date is the middle of May.

I hope that that was a useful outline of the structure of what we are doing, the key principles of the bill, and where we go from here. I am conscious of the time, so I will conclude now.

**The Convener:** To hold the discussion together, we have considered different question areas.

I remind the committee that asking questions is not compulsory. However, members are welcome to make contributions as appropriate

The first area we want to examine is how the bill process will work.

**Linda Fabiani (Central Scotland) (SNP):** It is clear that the Executive abandoned its plans to tax motorways and trunk roads. It is obvious that the problems the minister expected that policy to address still exist. What do you propose to do to address them? Has the attempt to find solutions been abandoned?

On the bill's progress, I am sceptical about why

we are not having pre-legislative scrutiny. Is that because of the fuss that was created by the U-turn on road charges?

**Sarah Boyack:** We had consultation in the summer. The purpose of consultation is to elicit views and comments. I met all the local authorities in the central part of Scotland who requested meetings and had concerns about motorway and trunk road tolling. I also met motoring organisations and business and interest groups, such as the Confederation of British Industry. My statement in November was a reflection of the comments I received from those groups. Our multi-modal studies on the M8 and A80 are examining the continuing problems of congestion on those routes and the options for improving public transport and traffic management in those areas. We have not abandoned the challenges of tackling congestion on our key trunk roads.

The purpose of pre-legislative consultation is to let the people of Scotland feed their views through to me, the Minister for Transport and the Environment. I have acted on those views and the package that we have come up with lets us tackle our most pressing problem, which is the congestion in cities and major towns. The charging proposals in the bill would enable us to tackle that problem.

**Mr Kenny MacAskill (Lothians) (SNP):** I notice from a parliamentary answer that the Executive has spent £2.6 million on consultants since July. At least two more consultations are to take place: one in respect of concessionary fares, another in respect of the Highlands and Islands transport authority. There will also be consultations by local authorities. How much do you estimate will be spent on consultants in relation to the bill?

**Sarah Boyack:** I have just answered a detailed parliamentary question that you lodged on that subject. My answer gives a detailed account of all the work that we have done that has involved consultants, not only to do with this bill but across my brief. I hope that that will answer your question in detail.

**Mr MacAskill:** Your answer does not deal with the Highlands and Islands transport authority.

**The Convener:** Kenny, would you speak through the chair?

**Sarah Boyack:** Your question dealt with work that had already been commissioned, Mr MacAskill. I will be happy to give answers on the other matters in which you are interested when we appoint consultants.

If we want to get this bill right, we need the best possible information and that information must be subject to public scrutiny. The discussion that you will have on concessionary fares will ensure that

the detail of what we are doing is examined in public. We have to get this right, as it has to stand the test of time during the next 10 years or more. Our facts must be right and key transport operators must be brought into the discussion.

**Robin Harper (Lothians) (Green):** I am sorry to put this question to you again—I am aware that I have asked it before, although in a different way.

The “Scotland the Sustainable” document that was published by the Scottish Office in March 1999 made recommendations on sustainable development. Suggestion 6 in the action points says that sustainability aims, objectives, targets and time scales should be set. Given that the Government has given up on the fuel duty escalator and the latest UK climate strategy is to be published this month, what contribution to meeting the Kyoto targets and Labour’s target of reducing CO<sub>2</sub> emissions by 20 per cent does the Executive predict will be achieved by the strategies implemented between now and 2010 as a result of the measures in this bill?

**Sarah Boyack:** Thank you for highlighting the fact that a climate change strategy will be announced this month.

Work that I have commissioned on sustainable development will help us to pin down the exact rate of change across Scotland. There is also the issue of identifying road traffic reduction targets that each local authority feels are appropriate to its area. It is important to take an approach that is not just prescriptive for me, as Minister for Transport and the Environment, but which local authorities can work with through their local transport strategies. That work is on-going, and they will report back to me later this year on their progress towards those targets.

**Robin Harper:** So responsibility for assessing the present contribution and for achieving reduction is now in the hands of local authorities? Those responsibilities will be passed on to them through this bill.

**Sarah Boyack:** The specific question that you asked was, “What will this bill deliver, in terms of reducing CO<sub>2</sub> emissions?” Until the bill has been approved by Parliament, and until we know exactly which provisions are voted through, it is impossible to give an estimate on that.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I welcome the minister’s commitment to changing things in the light of consultation. Can she say a wee bit more about the continuing consultation process? We are trying to achieve joined-up government. I am concerned that there are several areas in which we have not considered how the transport bill would fit in with some other policies—particularly in relation to social inclusion and health services. Can the

minister assure us that specific consultation will be undertaken on those issues, and that some of the groups that traditionally are not consulted will be invited to participate in, and will be assisted in participating in, that process?

**Sarah Boyack:** Your points about social justice are well made. We are meeting organisations such as the Scottish Old Age Pensioners Association and disability groups. I intend to keep up that dialogue. I recognise that it is important to talk not only to the people who provide services, but to those who use services.

**Mr Murray Tosh (South of Scotland) (Con):** The minister has said that she is willing to amend the proposals in the light of consultation, but the document makes clear that the response to much of what has been proposed is very negative. The majority of motorists and motorists’ organisations oppose the central thrust of congestion charges. Most local authorities have said that they will not impose such charges, although they might accept their use in one or two cities.

Essentially, the Executive has not significantly amended its proposals for congestion charging in the light of consultation. What confidence can we have that further consultation will have any significant impact? What confidence can we have that the local authority consultation, which is stressed in the bill, will be more meaningful than the consultation that was carried out by the Executive?

It would be useful to know, for example, what hurdles local authorities will have to overcome to show that they have won the consent of motorists and other travellers in their areas. I hope that they will set higher standards than the Executive.

**Sarah Boyack:** Motoring organisations want congestion to be tackled. They want improved journey times, and they do not want disproportionate costs for motorists. We have had that discussion. Motorists want the money that they pay through congestion charging to be directed into new transport investment. That is the most important issue on which they want clarification, and I have given that clarification.

The transparency of the process that local authorities will have to go through in reporting to me and local communities and business interests will be particularly important. I have made it clear that annual reporting mechanisms will be transparent and reported on. Accounting arrangements will be equally transparent, and will be carried out for each congestion charging scheme. There will have to be transparency, to reassure people that funds that are raised will be invested more widely in transport. There must be fair treatment both for motorists who live within a cordon scheme and those who live outwith it. We



have made that clear in the consultation process.

In this paper, I have specified a series of measures that local authorities will have to go through during a two-stage process of consultation and ministerial approval. They will have to get, in principle, approval from me and local communities and businesses to kick off the process. Is there a key problem? Is congestion charging the way to go forward, or are workplace parking levies the way forward?

Local authorities will then have to work out the details of schemes—such as the exact hours during which they will operate and their exact boundaries—so that people are absolutely clear about how they will work. They will have to consult formally on those proposals and submit their proposals to me as minister. That is a rigorous process that takes on board the key concerns of motoring and business organisations.

I do not pretend that everybody will always be pleased with every proposal, but we need to have a process that is transparent and accountable so that people who have made contributions can see what has happened to them. We have been open about that in the bill.

The point about most local authorities not using the charges has been raised. The whole point about enabling legislation is that it lets local authorities use charging if their congestion problems are so severe that it is appropriate. The local authorities in Aberdeen, Edinburgh and Glasgow are the three that have expressed an interest in using some of the congestion powers in the bill. I would not expect local authorities throughout Scotland to use them, because they do not all have the same problems. The purpose of this bill is to give powers where they are needed and to let local authorities work with local organisations and groups to develop strategies in each area that are appropriate and focused—those are the key tests. If you read through the paper, that is absolutely clear.

10:30

**Mr Tosh:** I did read through it, and I am afraid that it is not at all clear. I do not know from the document or from what the minister has just said precisely what a local authority will do to test or measure local consent to prove that consent exists. I do not know what mechanisms will be appropriate, what tests the minister will apply, or what local authorities will have to do to satisfy her that consultation has been carried out and that consent has been given.

**Sarah Boyack:** I refer you to page 31 of the paper, where it says that Scottish ministers will

“make regulations stipulating the procedure to be followed in promoting orders. The Executive will expect authorities to

consult separately on both the principles and the details of any proposed charging scheme. However, regulations will allow authorities to vary the extent of consultation to fit the scale of the proposal; the more ambitious the charging scheme the more extensive the consultation.”

I think that that is absolutely clear.

**Mr Tosh:** No it is not—

**The Convener:** We have exhausted that point, Murray. You have had two chances and two answers.

**Mr Tosh:** The point has not been answered.

**The Convener:** I will move on to Des McNulty's question.

**Des McNulty (Clydebank and Milngavie) (Lab):** I would like to highlight two areas of concern. The first is almost a mirror image of Murray's. I am concerned that the amount of administrative effort that will be involved in consultation on these schemes will use up a disproportionate amount of resources. Local authorities will have to make a calculation of whether there will be a benefit to them, given the amount of time that they will have to put into consultation and administration. Has that been considered?

As a former local authority person, I welcome the idea of partnership with local authorities—that is important. However, following the reorganisation of local government that Murray's party put through some time ago, we now have a fragmented system of local government, so many proposed schemes will involve people in several different local authorities. My second concern is about how authorities can be held accountable for a scheme if the lead agency is a single local authority that is accountable to only a few of the people who are affected by the scheme.

There may be a link between that issue and the idea of joint transport plans, but those plans do not require authorities to go beyond their own boundaries when establishing schemes, as I understand it. It would have been much easier to go ahead with the Executive's proposals if we still had regional councils; but there are now real problems because of the kinds of authorities that we have and their territorial responsibilities.

**Sarah Boyack:** As a former employee of a regional council, I understand cross-boundary transport flows. In the south-east of Scotland, for example, the transport partnership that is already up and running involves Scottish Borders Council, City of Edinburgh Council, Fife Council and all the other authorities that cover that travel-to-work area around Edinburgh.

Authorities already recognise that they need to work together. The bill gives me the power, in discussion with local authorities, to identify key

issues, such as commuting, which is probably the prime issue in and around Edinburgh. We can then examine cross-boundary flows and identify improvements that could be made to transport not only between Edinburgh and the Borders, but in an area extending up to Fife and Falkirk. It is important that we get that right.

We need to consider a Highlands and Islands transport authority, because there the key issues are dispersed communities and lifeline services. In the central belt and between Aberdeen and Aberdeenshire, by contrast, the main issue is commuting. Solutions need to be appropriate for the local area.

I accept the point about bringing authorities together. If there were a simple solution to this problem, we would have found it before or it would have been included in the bill. We cannot have a one-size-fits-all solution—it must be flexible.

I made clear in my statement that where authorities are working up schemes for congestion charging and want financial support from us to take them to the development stage, we are prepared to discuss that. City of Edinburgh Council has taken the lead on this. It has started the consultation process, analysed the initial results, and considered carefully what could be included in a package of congestion-tackling measures and what public transport investment could flow from that. We are prepared to help authorities over the initial hurdle.

**Helen Eadie (Dunfermline East) (Lab):** The issue that Des McNulty raised is really one of overlapping circles. I was vice chair of the south-east of Scotland transport partnership for nearly three years. We were concerned about not only the flows of traffic between Fife, Edinburgh and the Borders, but the flows of traffic to Aberdeen and beyond. When I was on the board, I argued that Fife should also have membership of another transport authority, so that it could influence the bigger strategic picture. I have always contended that we have let the private operators off the hook on such issues.

Let us take the campaign for rail electrification between Aberdeen and Edinburgh as an example. Local authorities have back-pedalled on that and are now talking about enhancement rather than electrification. There has to be a mechanism that allows us to be more prescriptive on big issues of that sort. Electrification of the line between Aberdeen and Edinburgh is not just a local authority issue for the south-east of Scotland, but an issue for the Highlands and Islands. It is a nonsense that we are allowing companies such as Great North Eastern Railway and Railtrack to decide that the east-coast main line should finish at Edinburgh, rather than Aberdeen or Inverness. Places such as Fife should be able to address

that.

My other point relates to something that is missing from the bill—disability. I attended a meeting of the Scottish Accessible Transport Alliance, which was very concerned by some of the proposals. Yesterday, a friend of mine who was on two sticks arrived at Edinburgh bus station but had to walk down to Princes Street to get a bus to Dalkeith. That is a nonsense—the walk took the poor fellow half an hour. He was then put off the bus—which was a Lothian Regional Transport bus—because he did not have the right fare, and had to get on a FirstBus bus. We need to ensure that people with disabilities, pensioners and other vulnerable groups are helped by this bill.

We also need to be prescriptive about the Edinburgh airport rail link. We have identified congestion as the main issue in Edinburgh, but it is a nonsense that people have to come into Edinburgh city centre to get transport out to Edinburgh airport, or else go by car—which raises the issue of congestion on the Forth road bridge.

**The Convener:** Helen, please remember that we are discussing the bill process.

**Helen Eadie:** Finally, having heard the arguments for and against motorway tolls, I do not want Fife to be faced with congestion because of road toll charging, putting the area at a disadvantage. The joiners from Cowdenbeath who came to work on the desks in the Scottish Parliament had to pay £2,000 in road tolls. I hope that there will be some mechanism for putting a limit on tolls. That is a major concern for the people in Fife, whose main concerns relate to economics and accessibility, rather than congestion.

**The Convener:** That was a fairly wide range of questions. Perhaps you could respond to some of those subjects.

**Sarah Boyack:** Helen Eadie is absolutely right about the overlapping circles of responsibility. Some authorities—Fife, West Lothian and Falkirk—have a direct interest in more than one traffic flow and commuting route. I have spoken to people in Falkirk and West Lothian and they have an interest in east-west flows that are not just about journeys to Edinburgh. In the draft proposals, we have made it clear that it will be possible for authorities to be part of more than one transport partnership. If an authority has an interest in both the east and west, we will take that on board. The flexibility of partnerships allows us to do that, rather than tying parties into permanent agreements.

My job is to ensure that we have a Scottish perspective on railway issues. That will not happen through the integrated transport bill, because such matters are reflected in the UK

Transport Bill. However, I am keen to ensure that we have a major input through the strategic rail authority.

Helen Eadie said that disability issues are missing from the bill. The bill does not have powers relating to disability issues because such matters come under the Disability Discrimination Act 1995. All public transport operators are required to provide accessible facilities and infrastructure. The key issue is how to deliver those. I am keen to have quality partnerships and contracts that ensure that disabled access is on the agenda, whether that means low-floor buses or new infrastructure. Stirling bus station provides an excellent example of accessible public transport and information.

I am meeting the Scottish Accessible Transport Alliance and I am sure that it will raise similar issues. I have met a range of groups that have an interest in ensuring that public transport is accessible. I am addressing those issues.

It is important to ensure that no one area is at a disadvantage. That is why members of the Forth bridge board must be drawn from the local authorities. It will not be for me to be prescriptive about the way in which the board works. It will be up to the board to determine the appropriate toll for crossing the Forth road bridge and how the resources are spent. The board will decide the key priorities. I will be involved in discussion with the board, as I have been with Forth transport infrastructure partnership, but I will not tell it what to do. I want to give the board greater powers and flexibility—it will be up to the board to decide how to use both.

**Tavish Scott (Shetland) (LD):** I, too, want to ask a question on the loose theme of the bill process.

**The Convener:** That would be your loose theme, not mine.

**Tavish Scott:** Striking a balance between the strategic approach described by Helen Eadie and that of a local output for local people is important. I take the point about the difference between reserved and devolved powers, but I would have thought that in areas of strategic importance there should be Scottish solutions to Scottish problems. Those should be included in the bill.

Murray Tosh is right about the need to win local support. As a member of the European Committee, I am obsessed with trying to get actual outputs for real people. The bill will fail if it does not achieve outputs for local people. It is therefore key that it should win support through what local authorities do. Can you describe how local authorities will be supported? When I was a member of a local authority transport committee, piles of paper came to us from the centre, so, like

Des McNulty, I do not want there to be tiers of bureaucracy. The bill needs to concentrate on finding structures that help local authorities deliver transport solutions for local people.

10:45

**Sarah Boyack:** I ask members to look again at the chart that sets out the time scale and process for consultation by local authorities of neighbouring authorities and business interests on the principle and then the detail of potential schemes.

We suggest that those who are preparing a strategy should consult the private sector and other interests at appropriate stages of the process. The bill would empower me to specify by order any arrangements that are considered necessary for publicity, the hearing of objections and related matters. The key issues and concerns will quickly become clear during discussion of the principle of local authorities introducing congestion charging in their areas. They can be addressed at the first consultation stage and in more detail when we produce detailed proposals. It will be possible to specify in the order that the key objections that have emerged be addressed. There will be a double lock—on principle and on detail—which will safeguard people's interests.

**Linda Fabiani:** I was concerned some time ago to learn that the "Review of Scottish Travel Data Sources", which was published by the Scottish Office in 1998, criticised the extent of available data on travel patterns and behaviour. The review

"confirmed a lack of data of sufficient detail and sample size to provide the basis for understanding travel patterns and behaviour in order to inform national and local transport policy."

I presume that that lack of data has been addressed. Will you place in the Scottish Parliament information centre the results of the research that has been carried out since then to inform your transport policy?

**Sarah Boyack:** We will be able to plug in information from the Scottish household survey. I do not know whether Linda Fabiani is suggesting that we employ more consultants.

**Linda Fabiani:** Absolutely not. I presume that before you produced your paper you ensured that you had sufficient data to inform your decisions. I ask that you place that data in the information centre so that we can all examine it when we consider the bill.

**Sarah Boyack:** I assure you that that information will be available in SPICe.

**The Convener:** We will focus the next questions on regional transport plans.

**Helen Eadie:** I will return to the overlapping circles. You mentioned that there would be discussions outwith the bill about the strategic rail authority. How will the regional partnerships develop issues such as Eurostar? There was a commitment to bring Eurostar to Scotland, but there is no sign of it happening.

You mentioned the Forth transport infrastructure partnership and the Forth road bridge joint board. The bill talks about the Kincardine bridge and the Forth road bridge, but there is no mention of the Forth rail bridge. About five or six years ago, at a European level, the rail bridge was left off the Scottish map. We saw headlines in yesterday's *Edinburgh Evening News* about the bridge not being maintained. Painting has stopped for the first time in 100 years. Do you have any way of embracing the Forth rail bridge into your plans? I know that Railtrack owns the bridge but, frankly, leaving it in Railtrack's ownership is not in the interests of the Scottish people. There has to be some compulsion for the bridge board to require Railtrack to service and maintain the bridge urgently.

**The Convener:** I will let that question go, Helen, but if you do not stick to the subject there is little point in our trying to structure this discussion.

**Sarah Boyack:** We have made it clear that not just the existing Forth road bridge is relevant to Forth crossings; there is a need to take a wider view.

I am in charge of ensuring that our interests are heard throughout the strategic rail authority. Following discussions with the transport partnerships, it will be important for me to get the local and regional perspective. It would not be our intention to take the Forth rail bridge from Railtrack and to bring it under the strategic rail authority's powers.

**Mr Tosh:** I would like to ask about the regional approach to transport issues. How can consultation be conducted with the public across larger regions? The SESTRANS—south-east Scotland transport partnership—model covers eight council areas. How can we assess the attitude of the public, the motorist, the commuter and other public transport users to regional policy, regional strategy and detailed regional plans?

What would happen in the event that the population of one or more council area in the partnership was clearly opposed to the strategy? For example, one might envisage people in Fife being hostile to charges for crossing the Forth. People in the Borders might be unwilling to pay congestion charges—or any other charges—in advance of a rail link being provided to that area. We could get into severe difficulties in some sectors of those regions. Will those concerns all

be swept away by the decisions that will be taken in Edinburgh, or will a mechanism be built in to allow a genuine regional partnership?

**Sarah Boyack:** It will be a regional partnership. The authorities will have to agree with each other. Democratic accountability will emerge from the fact that the representatives and partnerships will all consist of elected councillors. We are trying to get authorities to engage with each other and agree among themselves about congestion charging schemes, for example. The lead authority would have to be engaged in consultation, which would not necessarily come via the transport partnerships.

I would not envisage each regional transport plan going out for consultation in the same way as a structure plan goes out for consultation, but I expect each authority that has an input to ensure that it has consulted on its input into its plan, and that it is happy with its input—it would have to be in order to sign up to it.

**Mr Tosh:** I understand that, but what happens in the consultation, specifically with regard to the workplace and congestion charging? The Executive document says that, by some consultation mechanism, support has to be generated. If support cannot be generated for an Edinburgh charge for outside the city boundaries, what happens? How do people in the surrounding local authority areas get to voice their opinions and influence this process?

**Sarah Boyack:** When I met representatives of West Lothian Council, I made it clear that I would expect them to be consulted by the City of Edinburgh Council. I also met representatives from the City of Edinburgh Council, who made it clear that they will consult West Lothian Council. I make this point in the paper, on equity and consultation. It is not just about those within a cordon; it is also about others who have an input.

**Mr MacAskill:** The purpose of this is to prepare plans on a micro and macro long-term scale, but there is no mention in the document of funding—directly from the Executive or indirectly from local authorities or partnerships. I want to know whether any such funds are predicated upon a fuel duty increase hypothecated for transport.

**Sarah Boyack:** No, they are not predicated on a fuel duty increase for transport. If there is such an increase above the rate of inflation, the Executive is committed to ensuring that it is channelled into transport investment.

You asked about regional transport partnerships. We have established a rural transport fund of £14.5 million and a public transport fund of £90 million over three years, which will help local authorities make the best possible use of public investment.

**The Convener:** We will now consider the Forth bridge joint board.

**Nora Radcliffe (Gordon) (LD):** How can levying charges on the Forth road bridge above the level required to maintain it be different from motorway tolling? The tolls do not affect only those who live on either side of the bridge; they affect those whose goods and services are channelled across the Forth. When motorway tolling in the central belt was proposed, there was concern in my part of the world, as all our goods come north through those links and all our exports go south through those links. Can you explain why bridge charges are not motorway tolling?

**Sarah Boyack:** At the moment, the bridge board has powers to raise revenue to spend on the maintenance and upgrading of the existing Forth road bridge. The bill enables the authorities involved in the Forth road bridge to invest those resources more widely around the transport infrastructure in that area.

The optimum number of vehicles crossing the Forth road bridge is around 60,000 a day. We already reach that optimum level regularly. There were some 800,000 vehicle crossings in January 2000. There are cost implications for business every time a truck is delayed, whether it is going north or south across the bridge. For each transport company, that cost is quantifiable. Alternative routes can be used, such as the M9, and some trucks take a diversionary route across the Kincardine bridge, leading to congestion there. Choices are available, but businesses pay huge costs because they are stuck on the run-up to the bridge on either side.

We have a problem, and we cannot simply sit back on our hands and allow the congestion to increase. There is general agreement among local authorities in the area that we must act. Long-distance road hauliers identify the Forth road bridge as a problem that must be tackled.

Between 2 and 3 per cent of the vehicles crossing the bridge are buses. We have the opportunity to give single-occupant car users a real alternative, whether a ferry-toll bus park that gives them fast access, or improved rail services—I know that Helen Eadie is committed to improving rail services in Fife. There are many ways of offering people choice, but we must allow the Forth road bridge board to invest to address the key pinch points in the area and to tackle congestion. That is why Forth road bridge charges are distinct. We must focus on the matter and give the board the appropriate powers to spend the money wisely, keep infrastructure up to scratch and give people choices in how they cross the river Forth at every crossing point.

**Robin Harper:** It has always seemed slightly

odd to me that the penalty for taking goods across the Forth, which is a good thing, is far greater than for personal transport, which seems rather less good when buses and trains are available.

**Sarah Boyack:** I am sure that the Forth road bridge authority will want to reflect on that observation, but I will not prejudge the outcome of its discussions.

**The Convener:** We now come to the transport authority in the Highlands and Islands.

**Tavish Scott:** I know that the minister is aware of the different needs of different parts of the Highlands and Islands. For example, a grouping based in Inverness is not necessarily the best solution for the western isles, Orkney or Shetland, from where there may be more direct links to Glasgow or Aberdeen. I am sure that that will be reflected in the feasibility study.

Has any thought gone into the constitution of the transport authority and the membership of the board? Transparency is the key to this issue. We do not need replications of structures such as the North of Scotland Water Authority model, for example, which have no accountability to local people. Furthermore, we need to do better than the current board of Highlands and Islands Airports Ltd, which seems impossible to influence on decisions that might help people to create new air services in the area. Some existing models need to be improved. I seek assurances from the minister about the structure of the transport authority. Will it be a board, or will it be made up of local authority representatives? Will we be able to bring in some real business experience to pull the whole thing together? Or are you leaving such decisions until the end of the feasibility process?

Finally, minister, did you say that we need primary legislation to set up the authority?

11:00

**Sarah Boyack:** Yes, it will take primary legislation to set up the authority.

As for giving assurances about the nature of the transport authority, I want to take the time properly to consult local authorities and transport interests in the Highlands and Islands. For example, Shetland Council was least convinced about the need for a transport authority, which was a recognition that the relationship with Aberdeen is almost as important as the relationship with Inverness or Wick. In a sense, that meets Helen Eadie's point about overlapping circles; there are different areas and spheres of influence.

Strathclyde Passenger Transport Authority, which is a local authority-led body and includes representatives from each local authority in the area, provides the standard model for transport

authorities in Scotland. One of the reasons I want to consult is to find out whether interests in the Highlands and Islands are happy with such a model. The Highlands and Islands transport partnership has involved a wide range of business interests and transport operators in its discussions. I want to use the consultation process to get the matter right.

**Tavish Scott:** Time and again, the key question that is raised with anyone who represents that part of the world is the cost of travel. The committee has already received a petition about fare levels, particularly CalMac fares. Will the board be able to set fare levels in its area?

**Sarah Boyack:** We will want to consult on that issue.

**The Convener:** Will this new tier add to transparency of fare structures and their implementation, or will it provide a barrier?

**Sarah Boyack:** If you are referring specifically to CalMac, I have already commissioned a fares review. As I said, the SPTA provides the other model for transport authorities in Scotland, and I want to examine SPTA's experience when considering the correct mechanisms for a Highlands and Islands transport authority. We should take existing models into account and decide what is particular about the Highlands and Islands that might require differences to be made.

**The Convener:** I call Linda Fabiani, to be followed by Murray Tosh.

**Linda Fabiani:** Convener, you stole my question.

**The Convener:** I do apologise.

**Mr Tosh:** Yesterday, I spent some time with a ship operator who trades primarily with the western isles communities. He told me that since the tariff rebate scheme was withdrawn, about a dozen ships have given way to one, which is now trading at a loss. He projected the end of his business as a result of that. A huge amount of traffic that formerly accessed the isles by ship now goes by road to Ullapool and uses short ferry routes. His point was that subsidies to CalMac, combined with the withdrawal of subsidy for his operation, made shipping uneconomical and had caused a huge modal shift to roads. Will the proposed transport authority have the power to tackle that issue, either through controlling CalMac subsidies or investigating the interrelationship between CalMac and coastal shipping services? Is the matter urgent enough for the minister to examine the issue herself before such an authority is set up?

**Sarah Boyack:** There are two issues. One is tariff rebate subsidy; the other is shipping powers that any potential transport authority would have. I

have suggested that CalMac is one of the issues that should be looked at. I have already corresponded with Tavish and some of his colleagues about tariff rebate subsidy. If you would like to put a particular issue in writing, I would be happy to address it Murray.

**Mr MacAskill:** I have two points regarding the Highlands transport authority. You mentioned SPTA as an example. It has significant powers over rail. Would you envisage any Highland authority having the same powers over rail transportation? If so, would it receive the same level of financial support, and from which budget?

With regard to the Clyde, and Argyll in particular, how do you envisage being able to provide between, say, Gourock and Dunoon the sort of interaction that was described as existing between Aberdeen and Shetland? The Inverclyde area is as important to some parts of Argyll as Inverness or Fort William are to the Highlands. How do we ensure that we get joined-up integrated transport on the Clyde?

**Sarah Boyack:** The Scotrail Ltd franchise is one of the issues that we want to look at over the next year to see to what extent there should be an involvement in the Highlands and Islands transport authority, should we set one up. I have been clear about that. Integrated transport is an issue throughout the country. You gave a specific example. We are trying to deliver integrated transport through a range of mechanisms.

**The Convener:** We will now move on to bus services, which is an issue close to all our hearts.

**Des McNulty:** I have two questions, minister. The Executive's approach prefers quality partnerships and sees the use of quality contracts only in exceptional circumstances. Why did you not consider a system that does not view quality contracts in a penal sense, but as an alternative to quality partnerships? Why did you not look for a mechanism that allowed contracts and partnerships to exist under different circumstances, rather than one being a penalty for not operating?

The other issue is bus information, of which I have personal experience. Each morning, I stand at a bus stop that 12 months ago provided all sorts of bus information, such as how many minutes it is until the next bus will arrive. For the past six months it has not had that information. The previous system was a pilot. The bus operators are not now providing the information or the resources to make the information available to passengers. What mechanisms will exist to ensure that bus operators contribute information and resources to passenger transport authorities to allow them to make information available to passengers? I am not clear about that.

**Sarah Boyack:** We have set out the key tests that would have to be applied if a local authority wanted to move down the quality contract route, but it comes back to your point about bureaucracy, Des. If we are to have contracts, that will involve local authorities in a huge amount of background effort to work out specific routes and tendering. If they go down that route, the key issues that we have identified will be whether the benefits are likely to meet the extra costs involved in that process, investment in new bus services, giving bus operators a degree of certainty, how long the contracts will operate, and stability. We have set out the sorts of factors that would be likely to figure in any assessment.

To answer the question about whether there is evidence of excessive fares or profits and natural monopolies, we must ask what the local circumstances are. That is fundamental. Before any local authority went down the route of quality contracts, I would want assurances on those matters.

In a sense, the contracts act as a mechanism to persuade bus companies to engage properly in quality contracts, with the knowledge that if they do not, and the local authorities make a good case to me, I will approve the establishment of a quality contract. It gives the bus operators and the local authorities a choice. There is evidence of good work being done in partnerships, which are the preferred way forward, but quality contracts have a place and could meet the requirements in certain circumstances.

**Des McNulty:** I agree that partnerships are preferable. However, if authorities decide that a contract is a better option—to dispense with the bureaucracy of applying to you and gathering all that information—would ministerial approval be required to go down the contract route rather than the partnership route? Could that be adjusted according to local circumstances? That seems to be where the bureaucracy comes in, the extra stage of getting national approval.

**Sarah Boyack:** I do not think that quality contracts should be an automatic choice for local authorities, which should think about the issue carefully. There is no bureaucratic imperative, but local authorities should be able to justify their case to me. That is not a bureaucratic effort; it is a straightforward matter of weighing up the options and being able to make a strong case.

The other issue that you asked about concerns bus information. You are absolutely right that that is a critical issue for people, if we are to encourage them to use buses. The mechanisms that we have set out are to replace existing provisions, with a duty on the authorities—or, in the Strathclyde area, Strathclyde Passenger Transport—whether acting jointly or alone, to ensure that bus

information is widely available to the public and to satisfy themselves that that information is being provided by operators.

If the information is not being provided, we would provide local authorities with the powers to recover reasonable costs from the operators, which would address the issue that you raised of not getting information. We want to encourage the bus operators to work with the authorities, but the bill provides a power for the local authorities to act if they do not receive that information.

**Cathy Jamieson:** Des McNulty has asked part of the question that I was going to ask. In the past few weeks, I have had a considerable amount of contact with people who are users of public transport, or who would use bus services if they could find them at a time when they want to travel and to places that they want to travel to. It has been put to me forcibly that people are concerned that even the proposal of quality partnerships will not be enough to ensure a balance between the profit motive of the private operators and the social need, particularly in rural communities. Can you say how the bill would ensure that that balance is achieved?

The other point that I want to raise relates to the points that have been made about the fact that the powers in the bill would enable local authorities to exclude underperforming operators from certain facilities. Can you say a wee bit about what that would mean in practice? Can you also talk about the power to exclude certain operators? I am not sure what that would mean in practice either.

**Sarah Boyack:** The first issue that you raised is a key issue. Regardless of whether local authorities want to go down the partnership route or the contract route, we need to improve the regulation of the bus industry. It was deregulated. We have a lot of experience, and we know where it needs to be tightened up.

Regardless of which of the two routes the authorities go down, this bill would require greater advance notification to be given of changes in bus services—56 days rather than 42 days. The issue is the stability of services, and the bill seeks to ensure that people will be able to rely on bus services. Any new registrations or modifications to existing registrations would be required to operate for a minimum of three months. The aim is to provide more certainty and to get more of a commitment from bus operators.

The bill also abolishes the concession that allows bus services legitimately to run up to five minutes each side of their publicised schedules. There is nothing more infuriating for people than finding out not only that they have missed the bus, but that they have missed it because it was early. The aim is to try to discipline bus operators to

deliver services as they have timetabled them. The problem that we face at the moment is poaching between bus operators. That seems like a minor change, but in practical terms it is hugely important.

I also want to secure a new requirement on bus operators to give a minimum of 56 days' notice to passengers when they remove or change a service, through prominent notices on buses or at the stops on the route concerned. The provisions are important, because they tighten the system up, though not unreasonably, and give bus operators a bit more social responsibility for informing passengers about changes to the services that they use.

Giving the traffic commissioner more powers and flexibility in dealing with operators is an important enforcement provision. At the moment, the traffic commissioner can only fine operators who fall foul of the bus regulation 20 per cent of their fuel duty rebate. That is a heavy fine, which is potentially disproportionate to the offence, which may be minor. I want to give the traffic commissioner more flexible powers so that a fine might not be imposed at all. Together, the provisions should allay many of the concerns raised.

11:15

**Janis Hughes (Glasgow Rutherglen) (Lab):** I too welcome the suggestion that quality partnerships are the way forward, except in exceptional circumstances, when quality contracts may be better for an authority. However, if a quality partnership is implemented and fails, and a quality contract is then awarded, what powers will local authorities have to monitor single operators that have exclusive franchise rights over routes in the area?

The proposals for enabling local authorities to provide for higher service frequencies on low-patronage routes—in rural areas, for example—are welcome. However, is it not the case that such use of subsidy by authorities could be seen as inhibiting competition and therefore could be open to legal challenge?

**Sarah Boyack:** Authorities will ensure that single bus operators meet their commitments through the contract. In signing the contract, the bus operator will give certain commitments to which they can subsequently be held.

On service frequencies, there is a balance to be struck between competition and regulation. However, we need to give a bit more flexibility to authorities to use subsidy on key routes where a service is provided that is not economically viable for the bus operator. That might seem like a marginal issue, but it could be important on key

routes. Rural routes have already been mentioned, but key routes could equally be suburban. Local authorities need more flexibility.

**Mr MacAskill:** There seems to be a lot of stick and little carrot. Might not this be an opportunity to extend the fuel duty rebate to assist operators and local authorities? Given that this is a devolved matter, could we think about increasing the level of support from 69 per cent? More important, for local authorities and operators, could we consider extending the scheme to cover school buses, which are a significant cost in local authority areas, and community transport, where the scheme does not apply to non-scheduled services?

**Sarah Boyack:** The fuel duty rebate system and the level at which it is set is not an issue for this legislation; it is an issue for Executive action. We would have to take a view on relative cost priorities. School buses are under review. We want to see whether the approach could be improved.

**Helen Eadie:** I apologise for disrupting your schedule of questions. I thought that I might not get back in during the last batch of questions. I was nervous.

I want to come back to the issue of quality partnerships versus quality contracts and draw on my experience with the south-east Scotland transport partnership. One of the parting shots of the work done there was to consider experiences across the partnership area—to draw on and pool information—because there was great concern that the partnership had gone beyond the route of quality partnerships. There was a perception among all the participants that the private sector had been given a chance and had not delivered and it was felt that it was time to consider quality contracts.

I know from my area, Fife, that bus operators—primarily Stagecoach, but also FirstBus—come along and cut services without any notice. In this day and age, that is not acceptable. Fife is 78 per cent rural and, as Cathy Jamieson pointed out, we need to make absolutely certain that people are able to get buses very early in the morning and, if they are shift workers, very late at night. That is the case whether people have a social need or a jobs-related need. Disabled people and pensioners also need to be able to get buses into Edinburgh. Only 0.3 per cent of the traffic that crosses the Forth road bridge consists of buses. We want to change that. What can we do to ensure that the money that is spent by local authorities—and millions of pounds are spent in this area—delivers for people?

**Sarah Boyack:** That is exactly what we are trying to ensure through this transport bill. Helen



Eadie has made some good points about the need to improve services.

In response to Cathy Jamieson and Janis Hughes, I talked about tightening up some of the regulatory powers through this legislation, creating a more level playing field for bus operators and requiring them to abide by the regulations, with the traffic commissioner being the potential enforcing agent. The commissioner has fined bus companies in the past for not meeting the current regulatory requirements. I see the commissioner's powers as an important backstop, both for local authorities and for individual members of the public who may wish to take a complaint to the commissioner.

I am sure that Helen Eadie was involved with the joint ticketing pilot study that is currently being carried out by SESTRANS. The Scottish Executive has put money into that, and we are happy to support such initiatives. We want to improve joint ticketing, as well as timetabling information. With the new powers that I will give authorities, the transport partnerships will be in an excellent position to ensure that information is spread more effectively. Ultimately, it will be built into a national transport timetable.

**Mr Tosh:** I want to ask about why you want to move quality partnerships from their current voluntary basis to a statutory one. In Aberdeen, the example that you give, the voluntary partnership has led to relatively modest increases in bus usage. Is there any evidence from research to suggest that introducing a statutory system will lead to a significant modal shift, or is this largely aspirational?

I also want to ask about contracts. Many of the local authorities that I have spoken to are keen to start on quality contracts and are not all that interested in quality partnerships. I do not know that they have thought through all the resource implications that the minister outlined earlier. However, one significant difference between a partnership and a contract is that in a partnership, anyone who meets the partnership criteria can compete, but a contract involves establishing local territorial monopolies that other people cannot break into. I have written to the minister about the impact of the Competition Act 1998 on our water authorities. Might it not also make the principle of quality contracts extremely difficult to uphold?

**Sarah Boyack:** We want to allow competition, where it is appropriate. However, where there has been a particular problem in a local area—I have identified the tests in our paper—local authorities will have to justify contracts to me. That is why I am not encouraging local authorities automatically to take the quality contract route. There are benefits in taking the partnership route for both the authorities and the bus companies involved. The

bus companies are now investing significantly in our big cities. They are doing that voluntarily, because the partnerships are beginning to provide them with better facilities. That is what can be achieved when local authorities work with the bus companies.

Murray Tosh was right to refer to the need to get more information on the practical impact in terms of modal shift, of moving to a statutory system. These are early days for quality partnerships. I am studying the Glasgow overground system with keen interest to see what impact it has on local congestion as well as modal shift. The Edinburgh greenways scheme was implemented through a partnership agreement, and I know that there is evidence of increased bus usage on that route.

There is no simple solution. This is about getting the authorities to work together, improving the quality and reliability of services over time, and tackling congestion. That is where a partnership approach is useful, because it pulls together all the available powers and creates a common interest. If the partnership approach has not worked, it will be possible to take the contract route, but that would not be the first choice.

**Mr Tosh:** Could you comment on the Competition Act 1998 and how that might apply to contracts?

**Sarah Boyack:** We will ensure that the provisions that we are introducing in the new legislation will abide by the terms of the Competition Act 1998. That is not a show-stopper for the transport legislation. A similar approach is being taken in England and Wales.

**The Convener:** I want to ask about the concessionary travel scheme, in which the committee has had an interest since our first meeting last August. Is there scope for the Transport and the Environment Committee to influence the Executive's research proposals at this stage?

**Sarah Boyack:** There is scope for the committee to influence the proposals, within tightly defined boundaries. It is important to be clear: I intend to take powers in the legislation with relation to pensioners and people with disabilities. There are other groups of concessionary travel interests for whom I am not proposing to take powers in the legislation. To that extent I am circumscribing our research.

If the committee thinks that there are particular issues in relation to those two groups that we should consider, it can discuss those with officials who will report back to me. I will then reflect on those issues. The committee may have issues that we have not included in our brief, but which it is appropriate to consider.

**Janis Hughes:** It is anticipated that local authorities will have the power to vary the concessionary rate within certain limits. What will happen if a journey goes through separate local authorities with different rates?

**Sarah Boyack:** That is one of the things that we are considering. Our commitment in "Partnership for Scotland" was to improve concessionary travel for pensioners and those with disabilities. I am keen to consider a range of ways to deliver that.

**The Convener:** Thank you for that response on concessionary travel. The committee's interest was slightly broader than the outline that you have just mentioned as it included social inclusion issues, such as concessions for the unemployed and for people living in deprived areas. We will discuss that later.

I will be in touch to discuss whether we would like you to attend the next committee meeting to pick up on some of the areas that we have not had a chance to address today.

**Sarah Boyack:** Thank you.

11:27

*Meeting adjourned.*

11:34

*On resuming—*

## Concessionary Travel Inquiry

**The Convener:** I am pleased to welcome Bill McQueen and David Eaglesham, who have a pressing appointment and will have to leave us by 5 to 12 at the latest. Is that correct, gentlemen?

**Bill McQueen (Scottish Executive Transport Division):** We have an appointment with the First Minister.

**The Convener:** I did not want to mention that, but there you go.

I refer members to the background information for this discussion. We have a paper on possible terms of reference for an approach to a committee inquiry. Members will recall the discussion that we have had already on the subject. We also have a letter from the minister that sets out the details of the Executive's proposed research into concessionary travel and the covering note from the clerk setting out the latest position on the committee's proposed inquiry.

I ask our witnesses to make some initial comments on the scope and the time scale of the research.

**Bill McQueen:** The proposals in the Executive's document set out the minister's intent. This morning, she confirmed that she hoped that the results from the research study would be back with her in July. At that point, she will consider the findings of the study. We expect that if we go in the next week or so to a shortlist of established contractors who have done this type of economic analysis, we ought to be able to place a contract in March or early April. Members will appreciate that that gives us a short time in which to cover the ground that is set out in the research specification.

**Mr MacAskill:** I will ask the same question that I asked the minister: what is the budget that is set aside for consultants' costs?

**The Convener:** We expect the contract to be in the region of £20,000 to £25,000, excluding VAT. The department has a research budget for transport projects and, when we put projects out to tender, we often give an indicative range so that consultants have an idea of the kind of budget with which we are working. That sum should be sufficient for the three or four months' work that is entailed.

**Helen Eadie:** Will that research reflect only views in the UK, or will models in other parts of the world be taken into account?

**David Eaglesham (Scottish Executive Transport Division):** The contract makes clear that the contractors will be expected to review what is available in Europe.

**Tavish Scott:** With regard to the letter that the convener received from the minister about the options for various levels of concession across all land or sea based forms of transport as well as inter-island air travel in Scotland, I would like to clarify the phrase "inter-island". Will air travel from the islands to, say, Aberdeen or Glasgow be considered? I have informed the minister that I have had letters from people who are partially sighted or who are disabled to a similar extent, pointing out that the alternative to air travel from Shetland could be a journey of as much as 14 hours on a boat.

**Bill McQueen:** The intention in the specification as drafted was that the research would consider inter-island travel to the administrative capital of the island areas—Stornoway, Lerwick or Kirkwall. I think that the concession scheme for Shetland already includes an element for international ferry travel—international in this context meaning to Aberdeen. [*Laughter.*] Perhaps that phrasing was unfortunate. The air concession in Shetland is confined to the services to Sumburgh and probably Tingwall. I do not think that the specification as drafted would cover the sort of flight that you describe, but I see the point that you are making. The minister promised to consider points raised by the committee.

**Tavish Scott:** So it is not ruled out, and could still be part of the work?

**Bill McQueen:** I would have to put that back to the minister.

**Tavish Scott:** Okay. Thank you.

**Robin Harper:** I would like you to clarify a point that arose from Helen Eadie's question. Is it your intention to consider the best examples from Europe?

**David Eaglesham:** I do not know the exact paragraph, but it is set out that we will consider the literature of schemes in Europe.

**Robin Harper:** That is important for future discussion.

**Bill McQueen:** The study as drafted in this specification is a desk-based exercise, and does not involve primary surveys. We want consultants to consider examples from all over Europe where there is documentary evidence of things such as the generation factors. If the minister is thinking of expanding the potential width of concessions, evidence from abroad may yield better information than the evidence that we have in the United Kingdom, where schemes are typically for one local authority or for one passenger transport

authority area.

**David Eaglesham:** The paragraph that I referred to earlier is paragraph 17i of TE/00/4/3.

**Robin Harper:** Thank you.

**Mr Tosh:** I would like to ask a question about the geographical scope, which naturally has to be restricted to Scotland. A particular difficulty arises in the south of Scotland, where the terminals for rail journeys are Berwick and Carlisle, which are outwith Scotland. That means that people can get bus travel concessions as far as Carlisle, for example, but cannot then take advantage of three-day or 10-day rail tickets for trains running from Carlisle. Is there any way that we can bring in Berwick and Carlisle, so that people can get rail concessions? They would be able to get those concessions if there were a station in Galashiels, but they cannot get them in Berwick and Carlisle, which seems anomalous.

**David Eaglesham:** There are difficulties with cross-border travel, as we discovered when we set up the scheme offering free travel to the blind. Great North Eastern Railway and Virgin Trains were concerned that concessions would be available only to Scottish travellers going to Berwick and Carlisle, and not to people living in Berwick and Carlisle, because of the different system in England. At the moment, the minister is talking just about travel in Scotland, but that does not exclude the possibility of individual local authorities trying to enhance that provision. It could be considered further.

**Mr Tosh:** It is an area in which it would clearly be impossible to legislate, but the persuasive power of Government sometimes works at the margins.

**David Eaglesham:** As Mr McQueen and I well know, when the scheme for blind people was being considered, a number of representations were made to GNER and Virgin Trains, and we could not shift them. However, we could give further thought to that.

**Helen Eadie:** I am interested in that point. Perhaps when we renegotiate the franchises with GNER and others, we can bring some pressure to bear in relation to concessionary schemes.

Will you consider making contact with Professor Felix Fitzroy of the University of St Andrews or with Alan Bryan, the head of the transport department at Fife Council? We considered the example of the partnership ticket used in Freiburg in Germany. That system had the effect of halving the cost of public transport and doubling its use. An additional and especially attractive aspect of the system was that the ticket was interchangeable among family members, and was not only for a pensioner. That allowed, for

example, a young person to use the father's ticket in the evening.

**Bill McQueen:** We will certainly take all the evidence that we can get from suitable schemes. I reiterate what the minister confirmed this morning: that her commitment in the published proposals is for concessionary fare schemes for the disabled and the elderly.

**Mr MacAskill:** I wonder what current research is available from the Department of the Environment, Transport and the Regions, given that the Transport Bill in England brings in the concessionary fares scheme. Presumably, the DETR would not have embarked on that bill without having done some research. Has that been handed over or passed for consideration? If so, can we get sight of it?

**Bill McQueen:** We have a copy of the latest Transport Research Laboratory work on concessionary fares and trip generation among elderly passengers. We can make that available to the committee.

The commitment by English ministers is, I believe, to a minimum 50 per cent travel scheme within the local authority areas. That commitment may not go as far as that which our ministers here have in mind. We perhaps need to consider research that goes beyond what may have been done already.

11:45

**Mr Tosh:** Is there any intention to include carers within the concession? There are some people who cannot travel without being accompanied. Will there be a scheme to allow their carers to obtain a concession as well?

**Bill McQueen:** Such a policy decision would be for ministers to take in due course. Some local authority schemes have concessions which apply to carers who assist people who need help with travel. Our intention for the study is to monitor the costs of that and find out what we can about the impact that giving concessions to carers has had on the generation of disabled travellers, for example. The final outcome will be for ministers to decide when they see the costs that are entailed and the resources that are available.

**The Convener:** We have discussed these matters before, and it is on record that we have examined broader areas. The minister has mentioned carers, low-income groups and the social inclusion strategy this morning.

I wish to ask you about the process. Specifically, will this committee get a chance to view interim reports prior to publication? Has that been discussed?

**Bill McQueen:** We have not discussed that with the minister. We had in mind a small steering group to manage research, involving the Convention of Scottish Local Authorities and us. At key points, we would report to a wider group, involving the interested representative bodies working for the elderly and the disabled. I am perhaps going beyond my brief in saying this, but I imagine that the logic of that is that one puts those interim reports and emerging findings into the wider domain. Perhaps, though, I ought to check that with the minister, and confirm that we would report to the committee at the relevant stages.

**The Convener:** We would certainly want to note our interest in such an opportunity being made available to us in some shape or form.

**Cathy Jamieson:** I want to ask about the available research data. From the information that we have been given, I note the lack of information about the calculations underpinning some of the concessionary fares schemes at the moment. Do you think that this research opportunity would provide a way for the calculation process to be more open, accountable and transparent for the future? Will we get full results from the survey of how calculations will be done?

**Bill McQueen:** It is certainly our intention that the research will produce the best assessment that it can of factors such as the generation effect. As I understand from my cursory reading of what has already been reported, that effect is very difficult to measure with any precision.

From this committee's recent evidence, the operators were saying that the effect from one authority to another can vary without a sound basis. I am sure that it is within everyone's interest to put into the public domain any robust analyses of those complicated factors.

Mr Eaglesham is the development department's expert on generation, or G, factors.

**David Eaglesham:** I disclaim any responsibility in that regard. [*Laughter.*] It is correct to point out that a wide variety of generation factors can be used by local authorities. They are exceedingly complex. East Lothian provides an example. There, a payment factor is used. The calculation is 12 plus the fare divided by 12 plus two times the fare. The assumed generation is the inverse of the above calculation.

**The Convener:** I lost you in the first part.

**David Eaglesham:** In Edinburgh, it is assumed that for every fare of 45p, 5 per cent is generated by concessionary travel, and for every maximum fare, 75 per cent is generated by concessionary travel. There is a whole range, and the research will list them.

**Helen Eadie:** I implore David and Bill to consider not using the terminology “the elderly” or “the disabled” in their document. Instead, they should say “elderly people” or “disabled people”. The people for whom I speak have told me that the sort of terminology that is often used makes them into an abstraction. They are not an abstraction, they are people whose needs must be met, and I would like that point to be taken on board.

**Bill McQueen:** We should be careful in our use of language and I am grateful to Mrs Eadie for reminding us of that.

**Mr MacAskill:** The English transport proposals are predicated not so much on local authority areas as on passenger transport areas, many of which have as big a population as the whole of Scotland. We may not choose to accept such proposals, but that is an idea that we could lift.

My second point follows on from what Helen Eadie said about GNER’s difficulties. Given that we are embarking on franchise negotiations on the east coast main line, will it be a condition precedent that anybody obtaining that franchise will be obliged to accept the terms of any concessionary fares scheme?

**Bill McQueen:** The second question must be a matter for the minister to determine when she decides the Executive’s approach to the renegotiation of the franchise.

On passenger transport authorities, you are quite right to say that there are six in England, plus greater London. We can usefully build upon London evidence about costs to illuminate the possibilities for Scotland.

**David Eaglesham:** In England, there are 11 or 12 local authorities that do not have concessionary schemes. They are coming up to a level of 50 per cent concession within those local authority areas, although that may be the passenger transport authority area. I should also point out that those provisions relate only to elderly people, rather than to elderly and disabled people, which is the intention in Scotland.

**The Convener:** I know that you have another pressing engagement, so I thank you for coming along. We appreciate your help.

As members are aware, we have a long-standing interest in this matter, and the Executive’s paper is welcome. We must now decide on our approach. My view is that we should indicate to the Executive our views and the areas in which we think that their research proposal does not meet our past decisions. We should also defer any investigation, if we decide to do one, until the Executive’s research has been completed and the results published. I hope that the Executive will

bear in mind our interest in being involved in preparing interim reports. It would not be a good use of our time to embark on what we originally proposed to do—a full-blown investigation of concessionary fares schemes in Scotland.

We should do three things: first, express our view on those groups that have not been included in the scope of the Executive’s research and on other matters that were originally included in our proposals for an investigation but are not covered by the Executive; secondly, press to be involved in interim discussions before the Executive’s report is published; and, thirdly, state our intention to review the position once the report is published.

**Linda Fabiani:** Would it also be worth while for this committee to take limited evidence to back up our case that the concessionary fares scheme should be widened to include groups that we think are important? Taking evidence need not take up much time, but could help to show how the scheme could help social inclusion, and could give us back-up information to enable us to respond properly to the Executive’s proposals.

**The Convener:** I am not sure about that and I am open to views. We will have time after the publication of the report to take evidence.

**Janis Hughes:** I agree with your proposal, convener. We will not make best use of our time if we duplicate what the Executive does. However, it might be a good idea to take limited, perhaps written, evidence. Our concern is that the Executive will not consider some areas about which we are concerned. If we are to have an input into the Executive’s inquiry, we will have to be well informed.

**The Convener:** The minister said whom she wanted to include and, by default, whom she intended to exclude. Therefore, Linda Fabiani is right to say that we should build evidence to support the inclusion of other groups. I am comfortable with Janis Hughes’s proposal that we take evidence in written form. Do other members agree that we should do that?

**Members indicated agreement.**

**The Convener:** We will take a broader social inclusion approach, then, and will include, in particular, the unemployed and those living in inaccessible areas. At our next meeting, we will need to discuss the best groups from which to hear evidence.

**Janis Hughes:** It may also be useful to consider the issue of carers. I heard that the Executive was going to examine that but, as we have highlighted the issue, we could perhaps take information from carers’ groups.

**The Convener:** Absolutely.

## Petitions

**The Convener:** The first petition for us to consider is PE8, from the Scottish Homing Union, on the impact of the increasing number of birds of prey on the sport of pigeon racing. That petition was circulated previously to members, and you have a covering note giving additional information.

As members know, there is confusion about the Hawk and Owl Trust report. We must also take into account the position of the Rural Affairs Committee, which is considering this matter. The Rural Affairs Committee recently considered the Department of the Environment, Transport and the Regions report and will take further evidence. In response to a parliamentary question on the DETR report, the minister said recently that she had asked Scottish Natural Heritage to provide formal advice to the Scottish Executive on that report's recommendations and on whether they might be implemented in Scotland. The outcome of that is some months away.

We also received a request from the petitioners yesterday, which has been circulated to members, that we delay our decision on the petition until the Hawk and Owl Trust report has been published and they have been able to comment on it. The petitioners stress their willingness to meet the committees.

We can defer consideration of the petition until the petitioners have had the opportunity to comment on the Hawk and Owl Trust report, and then either agree to hear evidence from the petitioners and from the UK raptor working group jointly with the Rural Affairs Committee or wait until that committee has taken evidence before we consider the petition further. I am in your hands on this matter.

**Helen Eadie:** It would be helpful to defer further consideration, but we should also agree to hear evidence jointly with the Rural Affairs Committee. I went to the launch of the raptor working group and heard the very strong views that were expressed. I was sufficiently convinced that the issues need further work, and would be happy to undertake such work with the Rural Affairs Committee. However, I would not be happy simply to hear what the Rural Affairs Committee had decided, because the environmental implications of the matter are very important for this committee. SNH, which launched the report at that meeting, has much compelling information to offer as well.

12:00

**Robin Harper:** I should declare an interest in that I am a member of the Royal Society for the Protection of Birds. I attended the Rural Affairs

Committee meeting at which the raptor working group report was considered. The committee members took a vote on whether to accept the report, and the decision to take further evidence fell to the convener's casting vote. I have no problem with taking further evidence. The Rural Affairs Committee is obviously deeply divided on the issue and, despite my feelings on the matter, it is only fair to let the other side give further evidence.

**The Convener:** If we decide to take further evidence, on which there is some consensus around the table, should one of us go along to the Rural Affairs Committee as a reporter, or should we examine the issue jointly with that committee? I am open to the committee's comments on that matter.

**Helen Eadie:** The ideal scenario is to work jointly with the Rural Affairs Committee. I should say that the matter is wrapped up in larger economic and social issues and goes beyond the issues raised in the Scottish Homing Union's petition. For example, there was a radio programme this past week about grouse shooting.

**Des McNulty:** As the committee has a lot of work to do, it is probably more time-effective for Helen Eadie and Robin Harper to report on our behalf along with the Rural Affairs Committee.

**The Convener:** A lot of heads were nodding at Des's suggestion.

**Lynn Tullis (Clerk Team Leader):** As standing orders require us to identify one reporter for a topic or an issue, it would be difficult for us formally to identify two.

**Linda Fabiani:** I agree with Helen. This issue has so much impact on the environment that the committee should be seen to be taking a full interest in this matter.

**The Convener:** Interesting.

**Janis Hughes:** I concur with Des McNulty. We have already discussed the issue of reporters and agreed that Linda and I will report on rural affairs and national parks. Des is right; as the committee's work load is onerous—for example, Linda and I have taken on more work by attending Rural Affairs Committee meetings—we should seriously consider using reporters on this issue.

**Linda Fabiani:** I want to clarify something. By saying that we should have a joint committee meeting with the Rural Affairs Committee, I mean simply that we should have a joint information session, not make it part of a joint committee approach to the issue. After that, we could discuss whether to appoint a reporter.

**The Convener:** I am entirely in the committee's hands. As I felt that there was a consensus on

Des's suggestion, my recommendation is to select a reporter from this committee to attend the Rural Affairs Committee. Lynn Tullis has just advised me that that does not preclude us from taking evidence on the issue later.

**Tavish Scott:** Any member can attend any committee if they are so inclined.

**The Convener:** Helen Eadie has expressed an interest in being the reporter on that. Is it agreed that we proceed on that basis?

**Members indicated agreement.**

**The Convener:** Thank you.

I refer members to PE23 from Save Wemyss Ancient Caves Society, calling for action to be taken to repair storm damage to the access to the caves. Members have also been given a covering note and related material. The petition was originally considered by the Public Petitions Committee, which referred it to the Education, Culture and Sport Committee and the Transport and the Environment Committee. The Public Petitions Committee suggested that we might want to make general comments on coastal erosion matters.

**Helen Eadie:** Fife is one of the few local authorities that has acute problems of coastal erosion. Highland has extensive problems and Lothian has a small problem, as do Moray and Nairn. I did a survey of all the Scottish local authorities and they said that there is very little money to deal with problems of coastal erosion.

The Wemyss caves are a significant natural feature. Tam Dalyell and others have written articles on them in *The Scotsman*. If the Scottish Parliament does nothing to help prevent the erosion of the Wemyss caves, it will be a tragic loss. It is not just about the Wemyss caves. Only a stone's throw away is a village and a local company that provides jobs. At one point they lost 50m of their coastline overnight. That is where the Michael colliery used to be and the workings from the coal mine gave extra land to the community, which was subsequently built on. However, when the coal mine closed, the sea began to reclaim that land again.

Fife Council is the only local authority in Scotland to have a coastal management plan. The council took a decision about those areas of coastline that it wanted to protect and those that could be given up to the sea again. The Wemyss caves were identified as an area that should be protected, if money were available. The Pictish drawings are part of our natural heritage, which is one of the concerns of the committee. We should hold on to our heritage. I hope that the Parliament will do its utmost to identify resources to help protect the homes, the jobs and the caves.

**Des McNulty:** We might follow the option suggested in the briefing note, which is that we note the petition and await responses from the Scottish Executive and the petitioners to information that they have sought from Fife Council. We cannot make progress on the issue until we have those responses. Furthermore, the Scottish Executive will either accede to the request for additional resources or it will not, in which case a member can lodge a motion on the matter. Once we have all the information that we require, we can make it public through the *Official Report*. After that, it would be up to an individual member to take the issue on and to lodge a motion.

**Tavish Scott:** I have sympathy with that. I also have sympathy with Helen Eadie's point about coastal erosion generally. When I was a councillor, we had the same problems as those described by Helen. It is difficult—it comes down to what can be done with the resources that are available. It is never easy to balance the conflicting needs.

Des's suggestion is probably the right way to handle it. The only thing I would add is that it might make sense for a couple of members of the committee to visit the site on an informal basis and to hear about the problem from the local community. They could have informal discussions with Fife Council and any other appropriate bodies and report back to the committee with any further information that would help us.

The difficulty is that endless resources are needed to tackle coastal erosion in a serious way. That will always be the problem in this kind of area.

**Robin Harper:** I used to teach just down from the Wemyss caves, and I have visited them. Even then, 35 years ago, they were getting into a parlous condition. I appreciate the urgency of this. That piece of coastline has been under attack for a considerable period. We should be seen to be doing something about it.

**The Convener:** Des McNulty has made a suggestion, which has been augmented by Tavish Scott's proposal. Members will see from the committee papers that the Education, Culture and Sport Committee is seeking views on this issue, which we should receive copies of. At this stage, we should note the petition and wait until those responses have been received.

Lynn Tullis could circulate Tavish's suggestion of a visit to members of the committee, and that could be arranged via the clerks' office. Is that okay?

**Mr MacAskill:** I have no objection to that. However, it impacts upon Helen Eadie's and Tavish Scott's comments. I have not been a councillor and I do not live near the coast, but I

think that we should find out the extent of the coastal erosion problem. Where there is a significant problem, one of the duties of the Parliament is to try to pull information together.

As well as dealing with the locally identified problem, we should perhaps ask the Executive about the extent of the problem of coastal erosion—not just in Wemyss—and what plans it has to deal with that. Ultimately, we might want to factor that into our future work programme. On the basis of that advice, we could decide whether we should propose to deal with Wemyss in isolation or whether the problem should be addressed on a national basis.

**The Convener:** That is accepted. We now know our response to that petition.

We will now consider in private our telecommunications developments draft report and our future work programme.

12:12

*Meeting continued in private until 13:07.*



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