



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Monday 15 March 2010

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**CONTENTS**

	<b>Col.</b>
<b>CURRENT PETITIONS</b> .....	2483
Accountant in Bankruptcy (PE1008) .....	2483
A92 Upgrade (PE1175) .....	2483
Ur Dùthchas (Land Tenure) (PE1297) .....	2484
Myoclonic Dystonia (Care Standards) (PE1299).....	2486
Scottish Water (Executive Bonuses) (PE1300).....	2487
Small-scale Redundancies (Government Support) (PE1265).....	2489
Blood Donation (PE1274).....	2489
School Visits (Funding) (PE1275) .....	2491
School Bus Safety (PE1098 and PE1223) .....	2492
Succession (Scotland) Act 1964 (PE1154 and PE1210) .....	2495
<b>NEW PETITIONS</b> .....	2497
School-age Workers (PE1317).....	2497
Leisure Facilities (Free Access) (PE1318) .....	2508
Honest Politicians (PE1316).....	2517
<b>NEW PETITIONS (NOTIFICATION)</b> .....	2519

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**PUBLIC PETITIONS COMMITTEE**

**5<sup>th</sup> Meeting 2010, Session 3**

**CONVENER**

\*Mr Frank McAveety (Glasgow Shettleston) (Lab)

**DEPUTY CONVENER**

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

**COMMITTEE MEMBERS**

\*Rhona Brankin (Midlothian) (Lab)

\*Bill Butler (Glasgow Anniesland) (Lab)

\*Nigel Don (North East Scotland) (SNP)

\*Robin Harper (Lothians) (Green)

\*Anne McLaughlin (Glasgow) (SNP)

\*Nanette Milne (North East Scotland) (Con)

\*John Wilson (Central Scotland) (SNP)

**COMMITTEE SUBSTITUTES**

Claire Baker (Mid Scotland and Fife) (Lab)

Jamie McGrigor (Highlands and Islands) (Con)

Nicol Stephen (Aberdeen South) (LD)

Bill Wilson (West of Scotland) (SNP)

\*attended

**THE FOLLOWING ALSO ATTENDED:**

Ronan Buist (Waid Academy)

Ellen Cummings (Waid Academy)

Paul Dryburgh (Waid Academy)

Megan Lumsden (Waid Academy)

Daniel Swaddle (Waid Academy)

**CLERK TO THE COMMITTEE**

Fergus Cochrane

**LOCATION**

Waid Academy



## Scottish Parliament

### Public Petitions Committee

*Monday 15 March 2010*

[The Convener *opened the meeting at 10:51*]

**The Convener (Mr Frank McAveety):** Good morning, everyone, and welcome to the fifth meeting in 2010 of the Scottish Parliament Public Petitions Committee. I have received apologies from the deputy convener, John Farquhar Munro, because of ill health. Other than that, we have no apologies. We are delighted to be in Waid academy. I thank everyone for coming along and I welcome the pupils and teachers from Waid academy and from Auchmuty high school in Glenrothes.

As we are not in our usual situation in the Scottish Parliament, before we go into the formalities of the meeting, perhaps members should introduce themselves, so that everyone is familiar with us. I am Frank McAveety, the committee convener. I am a Labour member of the Scottish Parliament and I represent the Glasgow Shettleston constituency.

**Bill Butler (Glasgow Anniesland) (Lab):** I am the Labour and Co-operative Party member for Glasgow Anniesland and I am delighted to be here.

**Rhona Brankin (Midlothian) (Lab):** Hello. I am the Labour and Co-operative member for Midlothian.

**Nanette Milne (North East Scotland) (Con):** I am a Conservative member for North East Scotland.

**Nigel Don (North East Scotland) (SNP):** I am a Scottish National Party member for North East Scotland.

**Anne McLaughlin (Glasgow) (SNP):** I, too, am an SNP member, but for Glasgow.

**John Wilson (Central Scotland) (SNP):** I am an SNP member for Central Scotland.

**Robin Harper (Lothians) (Green):** I am the Green party member for Edinburgh and the Lothians.

**The Convener:** We also have in the audience the local MSP, Iain Smith.

I thank the rector of Waid academy, Iain Hughes, for the support behind the scenes to make the academy available to the committee. A lot of hard work is required behind the scenes.

For the information of people in the audience who have not been to a parliamentary committee

meeting before, I point out that the individuals to my left are staff from the official report. Through the broadcasting system and their handwritten notes, they record all the contributions that are made during the formal part of the meeting, including contributions from petitioners and any other contributions that are made during the discussion. The *Official Report* of the meeting will then be publicly available on the Parliament's website.

On my right-hand side are our steadfast broadcasting team, who are responsible for ensuring that there is full and proper recording and broadcasting of the meeting. They also expect me to ask anyone who has an electronic device to ensure that it is switched off, because the fellow with the headphones is getting on a bit and anything that affects his hearing has a major detrimental impact. I hope that he has not heard that.

I will explain why we are here. When the committee started in the new session of Parliament in 2007, its members made a commitment to take opportunities to get round the country and this is part of a series of outreach meetings. Although the majority of our meetings rightly take place in the Scottish Parliament building, we thought that it was critical to work in different parts of the country. We have had opportunities to go to the north, south, east and west compass points in Scotland. I hope that that has helped to build awareness of the Public Petitions Committee and given people in various locations an opportunity to see it operating in their area.

We also made a commitment to try to open up the committee meetings a bit. That is why, when we are finished the formal part of proceedings, people are free to stay to engage in a question-and-answer session with all the politicians who are gathered here. That does not happen often. I think that we are open, within reason, to handling most questions on policy issues, such as the direction in which people want our country to go, the role that MSPs and the Parliament should play in that and how we might engage more effectively both with the young people—who will be voters in the very near future—and with the adults in the room who are already voters. We will have that opportunity to share with you this afternoon when we return, at about 1.15 pm, after the formal meeting.

## Current Petitions

### Accountant in Bankruptcy (PE1008)

10:57

**The Convener:** Agenda item 1 is consideration of current petitions. Current petitions are those that have already been in front of the committee, and we have tried to explore some of the issues that the petitioners have raised. That is the purpose of this agenda item.

Our first current petition is PE1008, by James Ward, who calls on the Scottish Parliament to urge the Scottish Executive to review the operation of the Accountant in Bankruptcy, particularly in relation to the implementation of section 187 of the Social Security Administration Act 1992. We have considered papers relating to the petition on a number of previous occasions. I invite comments from members on how we should deal with the petition.

**Bill Butler:** As the convener said, the committee has considered the petition on a number of occasions over the years. I do not see what else we can do to progress the petition. We have received clear information from the Accountant in Bankruptcy that the AIB has fully considered the issues that the petition raises. I do not see what locus the committee now has in any personal matter or grievance that the petitioner might wish to pursue, as that is not the role of the committee. Having said all that, therefore, I think that we should close the petition.

**Robin Harper:** I completely agree with Bill Butler. Given that the Accountant in Bankruptcy has taken steps to address the issues that the petitioner has raised, and given that the petition has been open for three years, I would be quite happy to close the petition.

**The Convener:** Okay, we will close the petition.

### A92 Upgrade (PE1175)

**The Convener:** PE1175, by Dr Robert Grant, calls on the Parliament to urge the Government immediately to improve and upgrade the A92 trunk road, particularly between Prestonhall roundabout and Balfarg junction, to reduce the number of hazards and accidents and to bring about improved benefits to the local and wider economy. The A92 will be familiar to many of those who are present, and particularly to the pupils who are on their way from Glenrothes. I invite comments from members on how we should deal with the petition.

11:00

**Nanette Milne:** Perhaps we should suspend the petition, given that there has obviously been some sort of delay in progressing the works that were promised by Transport Scotland. We should wait until we see the effects of those works. In the meantime, we should suspend the petition.

**Bill Butler:** I agree with Nanette Milne. We are still awaiting the Scottish transport appraisal guidance report, which will not be in the public domain until 31 March. At this juncture, it would be sensible to suspend the petition until the STAG report is received.

**The Convener:** There seems to be no disagreement among committee members on that. We will suspend the petition until we receive the full STAG report. The petition will be brought back to the committee in due course.

### Ur Dùthchas (Land Tenure) (PE1297)

**The Convener:** PE1297, by Ranaid Alasdair MacDonald of Keppoch, calls on the Scottish Parliament to urge the Scottish Government to investigate Scottish land ownership and tenure under the ur dùthchas, or native title, system of land tenure. Do members have any comments on the petition?

**Robin Harper:** Obviously, as a former teacher of modern studies and history, I have a great deal of sympathy with the petitioner on the historical issues that he raises. However, the Government has clearly stated that recent changes in the law—the Abolition of Feudal Tenure etc (Scotland) Act 2000 and the Title Conditions (Scotland) Act 2003, to name but two—make it unnecessary to investigate the issue, as the decisions have already been taken.

If there are any disputes, they are a matter for the courts. The keeper of the registers of Scotland

“considers that there is no evidential basis for the recognition of a system of land rights flowing from ‘Dutchas’.”

In a recent letter, the petitioner makes it clear to us that he regards udal tenure in Orkney and Shetland as similar to dùthchas. In fact, udal tenure replaced a form of dùthchas in Orkney and Shetland, so even that argument does not stand up. Given all the evidence and recent changes to the law, I would be happy to close the petition. It has served its purpose.

**Nigel Don:** I apologise to Robin Harper for completely disagreeing with him. I do so not on his assertions of fact, which I take on their merits, but because I do not think that we have done the petition justice. Having read the papers as well as I can, I think that they contain a lot of assertion. When we are dealing with legal matters, assertion

is only as good as its authority, and I have seen no authority.

I am not and do not pretend to be a lawyer, but it seems to me that there are at least three ways in which one could assert that dùthchas law is now history. First, if there were a mosaic of transfers, sales and grants of all the land in Scotland that is under feudal tenure, that would demonstrate that, at a point in time, the land was definitely regarded as being under feudal tenure. I do not know whether such a mosaic exists. Secondly—and, perhaps, peculiarly to Scots law—there are books of authority that might tell us whether it was believed at a particular point that feudal law had taken over everything else; I am reminded of Viscount Stair's "Institutions of the Law of Scotland" of 1681. If they do, that would be authority under Scots law. Thirdly—and, perhaps, most peculiarly of all—the Abolition of Feudal Tenure etc (Scotland) Act 2000 may by its very existence have asserted that all land in Scotland outside the northern islands was held under feudal tenure at the point when that was abolished. As a consequence of the 2000 act, everything may have been deemed to be held under feudal tenure beforehand, which would make the act relevant.

All three of the arguments that I have set out are speculative, but in the papers that I have seen no one has addressed the issue of whether it is possible, as a matter of law, that dùthchas law continues. I am sure that that was never the intention, but that is another matter. I am not entirely convinced that reference to places such as Australia will help much in Scots law, but it would be good if someone could demonstrate some authority for the proposition that dùthchas law has become history.

The Government has set out its position. I wonder whether it is possible for us to consult the academic fraternity. There must be someone somewhere in this country who has a clear idea of what the legal position is. It would be helpful, at least to me, if someone could be asked to generate the authority along the lines that I have suggested—or others—to show that dùthchas law really is history.

**John Wilson:** I disagree with Nigel Don's assertion that we have no authority in relation to dùthchas in title deeds. We have received a submission from Andy Wightman, who is regarded as one of the leading experts on land tenure in Scotland. Over the past 20 or 30 years, he has written many books on land tenure and related issues, and on who owns Scotland—the mosaic to which Nigel Don referred. In his submission, he indicates that, in effect, dùthchas title ceased to exist when feudal tenure was imposed on the mainland of Scotland.

Given that Andy Wightman has for 20 to 30 years researched land ownership and land title in Scotland, I take as authority his assertion that dùthchas tenure ceased to exist when feudal tenure was introduced in the 12<sup>th</sup> and 13<sup>th</sup> centuries. As Robin Harper and others have said, we had only udal tenure beyond that period, which existed in the Orkney Islands and Shetland Islands. Udal tenure issues might still exist, but the reality is that the debate on dùthchas tenure has passed. Like Robin Harper, I propose that we have taken the petition as far as we can, on the basis of the evidence that is before us. I support his suggestion that we close the petition.

**Robin Harper:** I did not mention earlier that I have met Andy Wightman many times and that he is known to me. I respect him as one of the foremost authorities on land tenure in Scotland. Even if his assertions could be reasonably challenged, the one way to test them is in the courts and not by asking the Government to conduct an investigation. We should close the petition.

**Rhona Brankin:** I agree that we should close the petition. If the petitioner wants to take the issue forward, the courts are the place to do so. We are considering many other more important petitions. I propose that we close it.

**The Convener:** I sense that the broad view of members is that we should close the petition. I recommend that we close the petition on the grounds that we have discussed—I appreciate Nigel Don's position, which is on the record. Is that okay?

**Members indicated agreement.**

### **Myoclonic Dystonia (Care Standards) (PE1299)**

**The Convener:** PE1299, by Geraldine MacDonald, calls on the Scottish Parliament to urge the Government to set national standards of care for all myoclonic dystonia sufferers and to issue guidance to local authority social work and housing departments to ensure that they provide adapted service provisions and environmental adaptations to sufferers on the basis of a fair assessment of their condition.

We have considered the petition before, but I have the sense from what we have received that we might wish to explore other issues. I invite comments from members.

**Rhona Brankin:** We should continue the petition. From what I have read, I think that we should still obtain responses about the range of provision that is made, whether that is about educating general practitioners to recognise such conditions or service provision through social work

from local authorities. We should also explore further what is being done locally. I propose that we continue the petition.

**Nanette Milne:** I agree. The Dystonia Society raises significant questions, particularly about the correct diagnosis or misdiagnosis of patients and the lack of GPs who are specifically trained in neurological diseases. We should ask the Government the questions that Rhona Brankin mentioned.

**The Convener:** Do other members have comments on the issues that we wish to explore?

**Anne McLaughlin:** I agree with what Nanette Milne said.

**The Convener:** The relationship with local authorities in the assessment process is an issue, as are clinical standards, which Nanette Milne has touched on. We want to explore further with national health service boards throughout the country their implementation strategies for clinical standards and the training profile to increase GPs' awareness of the condition. We should also explore the points that the Dystonia Society raised.

Members appear to have no more comments. We will keep the petition open and explore the points that we have discussed. Is that okay?

**Members indicated agreement.**

### **Scottish Water (Executive Bonuses) (PE1300)**

**The Convener:** PE1300, by Drew Cochrane, calls on the Scottish Parliament to urge the Scottish Government to issue a direction to Scottish Water under the Water Industry (Scotland) Act 2002 to discontinue the practice of paying bonuses to its senior executives. I invite comments on the petition from members.

**Bill Butler:** Members may have read reports in today's papers that the chief executive of Scottish Water, Mr Richard Ackroyd, is voluntarily giving a quarter of his bonus to charity. I am 25 per cent impressed by that; I would be 100 per cent impressed if he gave all of his bonus to charity. These days, bankers are paid unacceptable bonuses for failure, and senior officials and chief executives are awarded performance-related bonuses. That is no longer acceptable to the public, who are absolutely right.

We should continue the petition. I accept the thrust of what the Water Industry Commission for Scotland and Scottish Water say in their submissions—that Scottish Water has significantly improved its efficiency since its formation and is better than the privatised water industry south of the border—but I still think that there is a logical

deficit. If there is continued efficiency year by year, there will come a time when it cannot be argued that efficiency can be improved. Given that, we should ask the Scottish Government whether the awarding of such bonuses should be desisted when no case can be made that further efficiencies can be effected.

The officials in question are very well paid. I believe that, for 2008-09, Mr Ackroyd received a salary of £263,000—he can scrape by on that. I do not want to make things personal, so I will talk about all the officials. Geoff Aitkenhead received £167,000, Chris Banks received £155,000 and Douglas Millican received £168,000. The public will think that those salaries are very good and that they should be sufficient.

As I said, we should continue the petition. We should ask the Scottish Government what its response is to the concerns that are raised in Waterwatch Scotland's submission, which are relevant. Mr Cochrane has raised a significant issue that the public are concerned about. The sooner we end the bonus culture for very well-paid officials and people in the private sector, the better. That is an objective point of view.

11:15

**Robin Harper:** I will follow on from what Bill Butler said and give a similarly objective point of view. The situation seems bizarre. Scottish Water directors are receiving huge bonuses while Waterwatch Scotland, which is a very successful and hard-working group that looks after complaints by domestic and non-domestic water customers, finds that its very existence is threatened. That contrast is difficult to cope with. The petition should be continued.

**John Wilson:** It is clear that the petition raises issues about the bonus culture in the public sector that are much wider than the issue of bonuses in Scottish Water. In light of recent newspaper articles about the Water Industry Commission for Scotland, the Scottish Government must be asked what it is doing to provide credible oversight of how public finances are being used and about how such bonuses can continue to be justified. The bonus culture was introduced in Scotland in 2002 under a previous Administration, but it is now up to the current Administration to review the arrangements and the terms and conditions that allow such bonuses to continue to be paid.

**The Convener:** Judging from what members have said, we want to keep the petition open and raise those issues directly with the organisations concerned. In addition, we will seek views from the Government on some of the petitioner's points.



### **Small-scale Redundancies (Government Support) (PE1265)**

**The Convener:** PE1265, by Matthew Goundry, calls on the Parliament to urge the Government to deliver the same level of responsiveness and support to those individuals who are part of small-scale redundancy as is delivered to those who face large-scale redundancy.

We have considered the petition on previous occasions, when we sought the views of the Scottish and United Kingdom Governments on how to respond to the issue. Do members have any comments?

**Bill Butler:** I think that we should close the petition. Partnership action for continuing employment—PACE—provides support to all businesses and all employees, whether they face large-scale or small-scale redundancy. That support includes early intervention. The Scottish Government has responded to the questions that we posed about PACE support for subcontractors and agency workers. My feeling is that the committee has taken the petition as far as it can, but I will be interested to hear what other members think.

**John Wilson:** I support Bill Butler's proposal that we close the petition, but I make the point that it is incumbent on employers who plan to make redundancies or even to adopt short-time working arrangements to advise the relevant unions and PACE as early as possible to ensure that there is early intervention. There are many workers who may lose out on early intervention because their employer deems it not relevant or necessary to involve PACE at an early stage. I make a plea for employers to give serious consideration to involving PACE as early as possible, to avoid redundancies or to look at how redundancy can be dealt with for the workers concerned.

**The Convener:** The recommendation is that we close the petition on those grounds. Is that agreed?

**Members** *indicated agreement.*

### **Blood Donation (PE1274)**

**The Convener:** PE1274, by Andrew Danet, calls on the Scottish Parliament to urge the Government to introduce a scheme to pay people each time they donate blood and to consider other measures to encourage more people to donate. As members are aware, Andrew Danet is one of the school students at Alness academy who spoke to us about blood donation when we were in Alness in September. Since then, we have had a chance to discuss the petition at a meeting in Edinburgh and to look at equivalent European schemes for encouraging blood donation. I think

that we have also had a chance to discuss further with the petitioner the issues that he raised, which included, in addition to whether there should be a payment system, how we can encourage a more effective donation system. I invite comments from members.

**Rhona Brankin:** It has been an important petition, and I congratulate the pupils at Alness academy on lodging it. As someone who used to be a teacher at Alness academy, I was delighted to come across the petition when I joined the committee.

The reasons that the World Health Organization gives for it not being appropriate to remunerate people for giving blood are the right ones. I note that the petitioner has stated that he is happy with the responses that have been provided and the answers that he has been given, but I think that it would be useful for the committee to forward a copy of the petitioner's letter—which makes important points about levels of supply of blood and the impact of crises that have occurred in the past when situations have arisen suddenly that have required a massive supply of blood—to the Scottish National Blood Transfusion Service for its information.

**Anne McLaughlin:** I echo much of what Rhona Brankin said. I think that the petitioner has said that he is happy for the petition to be closed. He called for people to be paid each time they donate blood, but, as the convener said, that is not all that the petition was about. The petitioner was trying to raise awareness generally, and I think that he has done a tremendous job. He has looked into the matter pretty well. I enjoyed the live link-up that we had with Paris because I could tell all my friends about it, but also because it was interesting to speak to people over there. The petitioner has concentrated minds on how to increase the level of blood donation. He is happy for the petition to be closed in the knowledge that we have taken the matter forward and raised awareness where it needs to be raised. I am sure that the petitioner will continue to do that in some form, but I think that it is now right to close the petition.

**Robin Harper:** Anne McLaughlin has already made the point that I wanted to make. I thought that it would be interesting for the people who are here this morning to know that we had a live videolink with France.

**The Convener:** I will drop a letter to the petitioner on behalf of the committee. The petition is indicative of a young person who is keen on a particular issue and who wanted to see how he could test that issue in discussion with the Public Petitions Committee. I hope that, from that, he can see how he can try to influence other things in the future as well. We will formally close the petition.

### School Visits (Funding) (PE1275)

**The Convener:** PE1275, by Andrew Page, calls on the Scottish Parliament to urge the Scottish Government to ensure that pupils at schools in remote areas such as the Highlands are not limited in or prevented from visiting educational, cultural or study events in the central belt or Lowlands, to demonstrate financial equity in meeting the costs of such visits, and to ensure that location does not limit the opportunity to have such experiences. Andrew Page is a pupil at Alness academy and he spoke to us when we were there in September. I invite members' comments on how we should deal with the petition.

**Nanette Milne:** I am not sure that we need to take the petition further. I note that the petitioner is happy with the responses that we have had so far. The petition has flagged up a number of means of making it easier for pupils who live at a distance to have the equivalent of visits through things such as interactive and remote access and the schools intranet system, glow. Also, various exhibitions and galleries now tour Scotland, which makes it easier for pupils to access exhibitions. All in all, the petition flagged up an important issue, and steps are being taken to make it easier for pupils who live at a distance, such as those in Alness, to take an active part in what more centrally based pupils can do in person.

**Anne McLaughlin:** I want to say something for the benefit of the school pupils who are here today. This is the second petition that we are considering today that was submitted by a school pupil. A lot of work goes on between our committee meetings. That is when most of the work goes on. We have had responses on the petition from the Scottish Qualifications Authority, the National Museums of Scotland, Our Dynamic Earth, the Scottish Government and the National Galleries of Scotland. When we say to school pupils and young people that we want them to submit petitions, it is important to note that such petitions are taken as seriously as every other petition that we consider. I just wanted to say that to encourage the pupils who are here this morning to think about submitting their own petitions.

I agree that the petition should be closed.

**Rhona Brankin:** The petition has probably gone as far as it can, but, as someone who taught in the Highlands for a number of years, I recognise that it raises an important issue. It is not just an issue in the Highlands; it is also an issue in areas such as the one that we are visiting today. One of the biggest costs to schools is transport. I note that the Government has provided grants to the National Trust for Scotland for visits to Bannockburn, Culloden and Robert Burns's birthplace but, to be honest, I think that people might wonder whether, if they had to provide

grants to visit three places in Scotland, they would choose those places. Indeed, I am sure that many of us would have a discussion about that. The issue is serious. I realise that it is not customary for the committee to be political, so I choose my words carefully, but the cuts in education budgets mean that this will become more of a problem in future and will be something that schools and school pupils will need to watch very carefully.

**The Convener:** The Scottish Parliament's organisational body, which has the almost theological title of the corporate body, has announced that, from September, it will pilot a travel subsidy scheme for schools booked to visit the Parliament building. I know that, as part of their standard and higher grade education, many students right across the country are interested in the work of the Scottish Parliament as a devolved Administration. On behalf of the committee, I certainly welcome and encourage such a commitment, and I hope that we can get even more young people to visit the Parliament and see how it works for people and the country as a whole. With those comments, I close the petition.

### School Bus Safety (PE1098 and PE1223)

**The Convener:** I intend to bring together the next two petitions, both of which relate to school bus safety. The first is PE1098, by Lynn Merrifield, on behalf of Kingseat community council, which calls on the Parliament to ensure that the fitting of seat belts in school buses is made mandatory and to look at the ways in which we can ensure through the best-value regime that children's safety needs are given proper regard in school bus provision. PE1223, by Ron Beaty—who joins us in the public gallery—calls on the Parliament to urge the Government to take appropriate action through amending guidance, contracts, agreements or legislation to require local authorities to install proper safety signage and lights on school buses to be used only when necessary when schoolchildren are on the bus and to make overtaking a stationary school bus a criminal offence.

We have already dealt with these petitions and I know that Ron Beaty, in particular, has welcomed the support that he has received from the committee. The committee reciprocates his support for our work, but we have to recognise that the issues raised in the petitions cut across the responsibilities of not only the Scottish Government but the UK Department for Transport. We are trying to navigate between the two—if I can use a travel metaphor inappropriately.

I want to try and pull these matters together for the petitioners. To that end, I invite comments from members.

**Nanette Milne:** I admire Mr Beaty's tenacity in pursuing his petition and attending all the committee meetings—at the Parliament, in Fraserburgh and now here—at which it has been discussed.

We should keep the petitions open. A number of letters have been going to and fro to various organisations and we need the Government to respond to some of the issues that have been raised. For example, I would be interested to see its response to the decision by the Department for Transport not to go ahead with a trial of an all-stop rule in limited areas. Moreover, I do not know whether we have received a satisfactory response to the suggestion that the Scottish Government ask the UK Government to consider strengthening the legislation on school transport, and I would like to pursue that issue. I am sure that other members will want to raise other issues, but I certainly think that we should keep the petitions open.

**Bill Butler:** I agree with Nanette Milne that we should keep the petitions open. It is three years since the Scottish Government published its report "School Transport: Survey of Good Practice", which identified good practice in contracting and covered the use of seat belts, bus safety standards, contract monitoring and ensuring pupil safety through supervision and the use of closed-circuit television. Perhaps we could ask the Scottish Government what lessons have been learned from that and in what specific ways it has impacted on improving school bus safety. It is well worth pursuing the aspects that Nanette Milne and I have raised about the petitions.

11:30

**Rhona Brankin:** The Scottish Government gives guidance on the matter to local authorities through a circular, but essentially, it leaves it up to local councils to make their decisions. At a time when budgets are dwindling, the danger is that things might get even looser than they are at present. It is a very important issue of which I have been aware through my involvement with education over the years in a rural area where school buses were used extensively. In my view, there were big questions about the quality of some of the bus companies that were getting the contracts.

It is important that we keep the petitions open. I support finding out whether there has been any change or improvement since the guidance was issued. At a time of economic stringency, we have to watch the situation carefully because there is always a tendency to try to make savings. This is not an area in which we should talk of making savings; we should talk about protecting young people's lives.

**Nigel Don:** It seems to me that if we were to wake up tomorrow and find that all school buses had seat belts, signs and hazard lights and every driver knew that they were not allowed to overtake a stationary school bus and it had always been that way, we would say, "Yes, that's very sensible—that's obviously right. Why would we possibly want to go back to where we were before?" However, the difficulty that we, both Governments and all the people who are concerned about the situation have is in getting from where we are to where we want to go. We are talking about making a step change that has huge activation energy and a huge number of issues involved. The answer that we have been getting for years is that the problem is going into the "too difficult" folder because nobody really wants to grasp it.

We have done our level best to shake the tree, but we are still in a position where Government does not want to grasp the problem. Given Rhona Brankin's sensible comments about the budgetary situation that we all know we are in—incidentally, we all know that it is going to get worse rather than better; if you think you have seen bad, you ain't seen bad yet in terms of public funding—we will just have to recognise that there is currently no appetite to tackle the problem, although there are very good reasons for doing it at the moment. I think that we should continue the petitions because we should not close them, as the issues should not be allowed to go away. However, it is very difficult to see how we can make any progress in the short term.

**Robin Harper:** Given that, after Nigel Don's contribution over a year ago on 13 January 2009, we took a decision in principle to support the petitions, we are duty bound to continue with them until we get a satisfactory answer or come to the end.

**The Convener:** Although we have been dealing with the petition, there are still some unresolved issues. There will always be pressure on public finances and we all face a difficult situation in the next few years, but choices will still be made by local councils and Government departments about what the priorities should be. The question that the petitioners are asking is whether school safety can be part of that equation rather than being assessed as something that is of minor importance. Whether it would cost a lot to implement I do not know, but you would not wish on anyone else consequences such as the emotional trauma presented to us by the families. It is about pulling people together to change perspectives. Sometimes a measure is put in place, and it suddenly becomes the new thing to do. Everybody says, "Fantastic, that's a great thing to do," and there is no longer a worry about

whether the money can be found, as public will has built up to support the measure.

We all have experiences of proposals that looked uncertain to begin with ending up being the new certainty a few years later. Robin Harper is right: the committee needs to maintain pressure on the Department for Transport, which has key responsibility for the issue, and to encourage the relationship with the Minister for Transport, Infrastructure and Climate Change here in Scotland, so that issues can be raised where matters are reserved and to allow the minister to do what he can on issues that are devolved. I think that we should keep the petitions open.

I am sorry to have taken so long on that, but I wanted to develop a sense of what members have said. Let us continue both the petitions and see whether we can get any further forward on the issues. I thank the petitioner for continuing his support through his presence at our committee.

### **Succession (Scotland) Act 1964 (PE1154 and PE1210)**

**The Convener:** The next two petitions, which are grouped together, are PE1154, by Mary McIlroy Hipwell, which calls on the Scottish Parliament to urge the Government to amend the Succession (Scotland) Act 1964 to allow a person, in their will, to leave their whole estate to a surviving spouse or civil partner and to abolish the right of adult children then to claim on that estate; and PE1210, by I Chambers, which calls on the Scottish Parliament to urge the Government to ensure that rights that are granted under the 1964 act are enforced, and that any beneficiary who has been denied their rights due to non-compliance with the act is identified and compensated.

We have seen the papers relating to previous committee meetings as well as those that have been prepared for today's meeting.

**Nigel Don:** A number of issues emerge as we go along. I suggest that we simply suspend the petitions. The Government has now got its minds around succession law—or mind; I not know how many minds the Government has.

**The Convener:** That is an essay question for philosophy intellectuals.

**Nigel Don:** Indeed. I have not done philosophy. In fact, I did not do essays either—I stuck to numbers.

There are Scottish Law Commission reports on succession, which is a wide area of Scots law. It has been considered, and it requires to be comprehensively considered further. My understanding is that the Government intends to do that. I do not think that much of that will be done this session, but we can expect to see a

whole raft of things next session. We need to ensure that the petitioners are aware that that is happening and to encourage the Government to speak to the petitioners and pick up their input. That is the best thing that we can do with the petitions. We therefore need to suspend them—possibly for quite a while.

**Bill Butler:** I entirely agree with Nigel Don. Additionally, we should ask the Government to submit a further response to the committee once it has published its response to the Scottish Law Commission's report on succession. The Government should outline the impact on both petitions. I agree with Nigel Don's suggestion that we suspend the petitions at the moment, as there is nothing that we can do until the Government has done that.

**The Convener:** I recommend that we suspend the two petitions until we get the Scottish Law Commission report.

**Members** *indicated agreement.*

## New Petitions

### School-age Workers (PE1317)

11:40

**The Convener:** Item 2 is consideration of new petitions. Individuals have the chance to speak directly to their petition in the Parliament, and we now have an opportunity to hear from young students from Waid academy, who have identified issues that they wish the Parliament to consider. I invite Paul Dryburgh and Ellen Cummings to come to the table. I explain to the audience that the purpose of an oral presentation is to allow the petitioners a chance to amplify what they have submitted in their petition. Not everyone has the chance to make an oral presentation, so the young people here have an opportunity that many others do not get. Understandably, every petitioner would like to make a direct presentation to the Public Petitions Committee but, because of the timing and structure of our meetings, it is not always possible.

Do not feel too nervous—I know it looks intimidating coming to the table like this. My kids say I have a lovely face, though I can't see it myself. [*Laughter.*] Neither can my friends, as you can tell.

**Bill Butler:** But you have a great face for radio, convener.

**The Convener:** Stealing my best gag—you behave yourself, Bill.

I welcome Ellen and Paul to the Public Petitions Committee. Their petition, PE1317, calls on the Parliament to urge the Government to take the necessary action to ensure that the rights of school-aged workers in part-time employment are protected so that employers cannot impose excessive working hours to the detriment of the workers' academic studies, and to bring about greater transparency in the distribution of tips to young workers in the hospitality trade—that has always been a big issue.

I invite Ellen and Paul to speak to their petition. Who won the coin toss to speak first? Ellen?

**Ellen Cummings (Waid Academy):** Although employment laws are reserved to the Westminster Parliament, we propose that, under the devolved issue of child welfare, the Scottish Government should take the necessary action to ensure that the rights of workers in part-time employment are protected.

We recognise that there are already a number of laws relating to the employment of under-16s and 16 to 17-year-olds. Those laws restrict the types of work that they can go into and the number

of hours that they can work and lay down the number of breaks that they are entitled to. For example, we are allowed to work only eight hours on a Saturday, with a break of one hour every four and a half hours. However, in our experience, many of those restrictions are completely ignored. Employers are either ignorant of the laws relating to the employment of children and young people or are choosing to ignore them.

The situation is made worse by the fact that many children are unaware of their rights. Further, many of those who are aware of their rights lack the confidence to stand up to their employers and demand their rights. It is only through discussions with others and exploring the topic that we have become more aware of our rights.

**Paul Dryburgh (Waid Academy):** Currently, children under the age of 16 are, by law, not allowed to work more than two hours on a Sunday during term time. However, in our experience, many youngsters work much longer hours than that. Another area where young people might lose out is in the number of breaks that they are legally entitled to. By law, employees are entitled to an hour break every four and a half hours, but I have often worked an eight-hour shift on a Sunday with only a 20-minute break during busy hours.

Under-16s who work are required to have a work permit. However, in our experience, many do not. The school gave us a Fife Council information sheet that clearly outlines the responsibility of employers to request a permit when employing a new member of staff under the age of 16. We have asked our modern studies class, which has 21 pupils, how many had had a job before their 16<sup>th</sup> birthday without having a permit. Thirteen pupils said that they had. Discussions with other pupils around the school brought similar responses. Herein lies the problem. Permits are there to protect the rights of children but, clearly, employers do not feel required to participate in those arrangements. That suggests that the monitoring is not effective.

**The Convener:** Ellen, do you want to add something?

**Ellen Cummings:** Yes.

**The Convener:** You get the final word, do you?

**Ellen Cummings:** In a way.

All employees in the hospitality industry rely heavily on tips to boost their wages. Because young people are not entitled to a minimum wage in the way that adults are, tips make a great difference to their income. In many hotels, shops and restaurants, employers collect gratuities centrally and management decide how the tips are distributed, but there is a lack of transparency in that process. We do not know the amounts that

are collected or whether all employees get the same rate. For all we know, the management could be distributing the tips fairly, but we are simply kept in the dark. School-aged workers have as much right as full-time adults do to know how the industry works. Along with employers, we should be made more aware of our rights and of what is going in the workplace.

**Paul Dryburgh:** We have outlined many of the problems that youngsters face in employment. We want to stress that we see work as having value beyond the extra bit of financial independence that it gives us. We enjoy working. It helps us to develop skills that will benefit us in the future, such as interpersonal skills and the ability to work under pressure and as part of a team. However, we also want to go to university and we therefore place a great deal of value on our studies. We find it difficult to balance schoolwork, revision time, extra-curricular activities and a part-time job. The rights relating to school-aged workers are designed to protect pupils' education, but studies have shown that workers who work fewer hours do better on average than those who work more than 10 hours per week. Moreover, people from less wealthy backgrounds are more likely to feel the need to work, so it is potentially another explanation for the difference in educational achievement between wealthy and average-income families.

11:45

**Ellen Cummings:** I will have the last word. Through the petition we hope to raise awareness of this important issue, not only with the committee but with employers, education authorities, parents, those working with children and, not least, children themselves. In turn, we expect the existing rules to be enforced and better guidelines to be given. We urge the Scottish Parliament to introduce a more effective monitoring system, which would ensure that employers do not take advantage of school-aged workers and have a negative effect on their education.

**The Convener:** Okay. Do you feel better now?

**Ellen Cummings:** Yes.

**The Convener:** You can have a glass of water, because that was probably nerve-racking for you both. Well done.

I invite comments from members. A wee life lesson for Paul is that Ellen will always get the last word.

**Rhona Brankin:** This is an important petition. As you say, many young people work. It is very important for young people in terms of understanding working, the work ethic and all the

rest of it, but it is vital that young people are not exploited.

One crucial issue that you mentioned is the lack of awareness among both employers and young people. Another important point is that it seems to be the case that different local authorities have different byelaws, so it is difficult to have a national campaign on the issue. I would like the committee to take the issue forward by contacting the Government, Scotland's Commissioner for Children and Young People and a range of other people to ask about it.

It might be interesting to hear your views on how we could talk to young people. For example, there is the Scottish Youth Parliament and there is also Young Scot, but it would be good to hear from as large a range of young people as we can on the issue. Thank you very much for bringing the petition forward; it is very worth while.

**The Convener:** John Wilson will be followed by Nigel Don.

**John Wilson:** Convener, I start by declaring an interest in the issue.

**Rhona Brankin:** Not as a young person.

**John Wilson:** Not as a young person but in my previous job, before I became a member of the Parliament, I worked with the Scottish Low Pay Unit, which did a lot of work on wages and conditions, particularly in relation to the national minimum wage.

What the convener did not say is that this is also our opportunity to ask you questions; it is not just a matter of presenting the case.

I am interested in why the petition does not refer to the national minimum wage. You have highlighted clearly the issue of tips and gratuities, but you have not raised the issue of the pay that young people get in their employment. I found in my work with the Scottish Low Pay Unit that many employers employ schoolchildren because they know that no national minimum wage applies for those under the age of 16 and in some cases for those over the age of 16, depending on when they are leaving school. In Scotland, if my memory serves me correctly, because of term-time leavers there are two cut-off points when a 16-year-old is entitled to the national minimum wage—school students can leave school at Christmas or in the summer. We found that some school students who worked and were over 16 were denied the national minimum wage because they were still classified as being in full-time education at school. I am interested to know why you did not include in the petition the national minimum wage or a national minimum wage for those under the age of 16.

**Ellen Cummings:** We looked at it from our point of view. We already have a national

minimum wage. It might seem rational to make everyone be paid the same, but as someone said to me, while it would not be communism, it is not done for adults—not all adults are paid the same.

**The Convener:** We might be able to explore other questions relating to that. Did I say that Nigel Don was next?

**Nigel Don:** You did, convener.

**The Convener:** It comes with age. I forget things.

**Nigel Don:** You stick around and age turns up. That is just the way it goes. Things go white or fall out.

Well done to Ellen Cummings and Paul Dryburgh. It is nerve-racking, is it not? You think that you will be eaten alive by this bunch of dreadful old folk.

**Anne McLaughlin:** Speak for yourself.

**Nigel Don:** I am being reminded that some of us are not old. We are not quite as dreadful as you might have feared. Well done, though, for putting together a rational and balanced proposal to the committee—that is very helpful.

As so often happens, you raised at least half a dozen issues. I would like to tease out what you think are the most important ones. As you have told us, and as our papers tell us, there is a vast number of licences and rules on hours, ages and all kinds of stuff. Are you concerned about the rules because they are badly wrong or are you more concerned about people's awareness of them? I suspect that few people are aware of the rules. I had no idea about the rules—not that I employ youngsters. On the other hand, is your main concern the enforcement of rules that are known but to which people just turn a blind eye? I start with those three issues. There are lots of issues, but we probably need to tackle just a few.

**Paul Dryburgh:** We are most focused on awareness. We have discussed pay and so on with our colleagues, and no one really knows all the rules. There is a lack of clarity, and we cannot really take it on or speak to our employers. A lot of young people do not know what they are entitled to, and they do not like to ask. They are under pressure and they just go along with what they get. The issue is the awareness of what young people are entitled to.

**Nigel Don:** I have a suggestion. This is not what we normally do in this kind of environment, but something springs to mind. You would probably do colleagues of your age throughout Scotland, and certainly in Fife, a big favour if you put together a little booklet—it would be little—on what the rules say. You would ensure that everyone of your age who has a part-time job has the rules, as produced

by Waid academy. Such a booklet would describe your understanding of the rules, at least in Fife. I say Fife because I am conscious that some rules are specific to local authorities. It might not be appropriate for your publication to come to Aberdeen, where I stay, because the rules might be slightly different there. However, the fact that you were not aware of what the rules were, and that I did not even know that there were any rules, suggests that there is an opportunity to do something useful.

**Anne McLaughlin:** I congratulate you on your presentation, and on coming here today. How old are you both?

**Ellen Cummings:** I am 17 today.

**The Convener:** You should be a politician—that is you playing to the gallery.

**Anne McLaughlin:** Happy birthday.

**Ellen Cummings:** I thought that I would just slip that in there.

**Anne McLaughlin:** If you think that we are going to sing to you, you are wrong.

**Nigel Don:** Why not?

**Anne McLaughlin:** And Paul?

**Paul Dryburgh:** I am 16.

**Anne McLaughlin:** I ask because if you had been under 16, I would have asked whether there was a reason why employers thought that they could keep you working all day without enforcing the regulations. You both come across as very mature. You have done incredibly well. I feel slightly intimidated in this set-up, with everyone looking at us, but I have a gang around me, whereas it is just the two of you.

I started work at the age of 14. I began on a Thursday and finished on a Thursday, because I was sacked on my first day. I would tell you why, but by the time you stopped laughing it would be too late to discuss any of the other petitions. However, as someone who started working at that age, I fully support what you are trying to do. A lot of it is about raising awareness. As Nigel Don said, some byelaws vary between local authorities. Have you been in contact with your local authority to find out what it does to monitor the situation? Employers have a responsibility to know the law, but there is also an awareness-raising role there. If you have not contacted your local authority, we can do it on your behalf.

**Ellen Cummings:** We have not contacted the local authority. The only way that we have found that it monitors is through the permits that we have mentioned. Employers have to fill out a permit and send it to, I think, the local authority to say that somebody who is under 16 is working for them.

**Anne McLaughlin:** You might want to know whether the local authority does anything such as spot checks or awareness raising. That is not just your local authority, but all of them.

**Bill Butler:** Ellen Cummings and Paul Dryburgh have given a detailed and well-thought-out presentation, so well done. You have focused on an issue about fair treatment for young people and you are battling against exploitation of young people. That is a powerful issue. In your presentation, you pointed out some of the deficiencies and defects in the present system. If you had the power to change one thing about the regulations, what would it be? Would it be the awareness of the regulations, their clarity or the monitoring and enforcement of them? Which is the most important, or certainly the one that you would start with?

**Ellen Cummings:** It would possibly be the monitoring, because there does not seem to be a system to monitor whether employers are ignoring or paying attention to our rights.

**Bill Butler:** Okay. Paul, do you agree, or is there some other way to go?

**Paul Dryburgh:** I am interested in the clarity of the rules, because many of them are a bit sketchy. The rules on the Fife Council website talk about taking part in dangerous work, but what counts as dangerous work? There are no clear and set guidelines.

**Bill Butler:** So you think that there is a lack of clarity and a lack of uniformity from local authority area to local authority area, and you think that that lack of uniformity makes it easier for bad employers, who are the minority, to evade regulation.

**Paul Dryburgh:** Yes.

**Bill Butler:** Thank you very much, and happy birthday, Ellen.

12:00

**Robin Harper:** As a former modern studies teacher, I am pleased to see a modern studies class taking the bull by the horns and getting out in the community and doing a survey. That is exciting. Is the class thinking of taking that a bit further? Now that you have the results of the survey, what might the next step be? The Scottish Youth Parliament would be extremely interested in taking up the issue.

You mentioned that monitoring is important, but it is clear from what you say that awareness is extremely important, too. Have you thought about further awareness raising that you could do? I do not want to pre-empt your conversations but, for instance, through the school you could issue

everybody with a pamphlet telling them of their rights and suggesting that, when they get a job, they send a copy of whatever contract they have to Fife Council. That would start the monitoring and would be cost free. Fife Council would have to read them all and decide whether the employers were behaving properly.

**John Wilson:** As members have said, there is a difficulty about who has authority in relation to various parts of the petition. Local authorities control the local byelaws and they should monitor the situation that young people find themselves in. The petitioners rightly highlighted the fact that Fife Council has forms that are to be filled in not only by the employer but by the parent of the young person who is going into employment. Every local authority should have those forms readily available. I know that, in some local authority areas, headteachers or school secretaries hold the forms in the school office and pupils can obtain them there—not just the form that under-16s use to apply to work, but the form that makes employers aware that they have obligations.

We then move on to the issue of whether it is the Scottish Government or the UK Government that has authority over employment regulations. In many respects, the UK Government is the body that controls employment rights. It is responsible for that not just in Scotland but throughout the UK. The particular point that I am coming to is on the tips and gratuities issue, which has been a subject of discussion ever since 1999, when the national minimum wage was introduced. There have been several attempts to get the issue reviewed in the UK Parliament. It is complicated because of the various ways in which tips and gratuities systems are operated. One aspect that jumps out is the tronc system—anyone who has not heard of it should check it out—by which employers can distribute tips and gratuities. In some cases, tips and gratuities can be used to supplement the national minimum wage. In other cases, the tips and gratuities that are received go straight to the employees. It depends on who controls the tronc system, because the employer can do that or they can nominate somebody to carry out that duty.

As I said, the matter is complicated. It is not an easy task to sift through UK employment law, because of the variations that exist and the fact that different bodies have control over different aspects of employment legislation. The Department for Work and Pensions controls some aspects, but HM Revenue and Customs has authority over the national minimum wage and the application of tips and gratuities, therefore even at UK level there is a disparity in which Government department has ultimate control over how the national minimum wage operates. There is often conflict over working conditions.



The petitioners are right: we need clearer guidance on the regulations for school pupils who want to undertake employment, but we must also make the rules clearer to employers, and in particular we need to say to local authorities that they have a duty of care properly to monitor any school pupil who undertakes employment and to hold employers to account if they abuse the situation.

The maximum of two hours' work on a Sunday might be part of a local Fife Council byelaw. It might have been introduced when Sunday was regarded as the traditional day of rest and no shops were open. Things have moved on and we now have stores open 24/7.

It is right that we ask questions about a number of factors, and our questions need to go to a number of bodies.

**Rhona Brankin:** Do you have any advice for us on how we should listen to young people's voices in taking the petition forward? You will have representatives from Fife in the Scottish Youth Parliament, for example, so it might be worth while getting in touch with them. However, I am conscious that, with the best will in the world, the majority of young people in Scotland are probably not in touch with the Scottish Youth Parliament. It does a great job, but we do not hear the voices of an awful lot of other young people, even though we would like to. Do you have any thoughts on how we can do that, locally or otherwise, or do you think that the Scottish Youth Parliament should take the matter forward?

**Ellen Cummings:** I think that you should hear the experiences of other people our age or younger. After all, every one has a different way of working, earns a different wage or works different hours.

**Paul Dryburgh:** The hospitality industry is very big in this part of Fife, and it would be interesting to find out whether there are any other areas where young workers are in the same situation.

**The Convener:** Obviously we will explore all the issues raised in the petition. It would be helpful if you submitted the survey that you mentioned in your opening remarks, if you have not already done so. Although its sample is small, it will give us a snapshot of the individuals in the school who are working.

John Wilson touched on the interpretation of UK employment law, and I know that one or two major trade unions, including Unite, have raised the issue of tipping and have said that there should be legislation to protect it for the individuals concerned.

Before I let in Nanette Milne, I would like to clarify something about young people's

understanding of all this. Your message to us is that most of them do not really know what they are allowed or are not allowed to do, how many hours they should or should not be working and whether if they do, say, a couple of paper rounds on top of their work in a hotel they all fall into the same category. If that is the case, that makes me a bit nervous. I might have to rewrite my personal employment history, given what I did in the east end of Glasgow when I was your age. It would certainly help if we got a wee sense of all that, because a lot of parents would like to know that information. Children might be desperate for the income, but parents are also desperate to ensure that they pass their exams, as that is what will count in the longer term.

I know that members have asked you a lot of questions. If, after a bit of time, you feel that you did not respond fully to some of them, you are perfectly free to send in additional comments.

**Nanette Milne:** I imagine that the hospitality industry, which Paul Dryburgh mentioned, provides many of the jobs for people in this age group. However, small businesses also provide a lot of this kind of employment, and I wonder whether, in taking forward the petition, we should contact the Federation of Small Businesses and the British Hospitality Association to find out whether they are aware of the current situation and what they are doing to make their members aware of it. Clearly, the issue is important for pupils not only in Fife but all over the country.

Finally, I congratulate the petitioners on their excellent presentation.

**Bill Butler:** Members will agree that we should take forward this excellent petition, which is about equal treatment under the law. At the moment, the Children (Protection at Work) (Scotland) Regulations 2006—a title that, as you hear, comes tripping off the tongue—are not as firm as they should be and contain gaps that make it easy for the minority of bad employers to avoid the provisions. We should ask the Scottish Government about that.

We should also ask the Government and the Department for Work and Pensions about the general issues that are raised in Ellen Cummings's and Paul Dryburgh's petition and whether they have any evidence of employers abusing young workers' rights with regard to pay and time off or information about the number of instances in which the national minimum wage is not being paid to under-18s.

Nanette Milne made a very important point about the small business sector. However, we should also ask the Scottish Youth Parliament and the youth committee of the Scottish Trades Union Congress for their views on this important petition,

which opens up a wide area of issues that we should pursue.

**John Wilson:** It is also important that we write to HM Revenue and Customs on the operation of the national minimum wage, with particular regard to tips and gratuities. As I said earlier, HM Revenue and Customs has some power over how employers treat tips and gratuities.

We should also write to the Low Pay Commission, which makes recommendations on an almost biannual basis to the UK Government on the operation of the national minimum wage and associated regulations.

It might be useful to write to a cross-section of local authorities to ask about their policies on young people, particularly school students, who are in employment. A 2006 study that was conducted by the University of Paisley and the Scottish Low Pay Unit found that although a number of Scottish local authorities had guidance on the registration of students who took up employment, few local authorities followed it in practice. Given that local authorities should be in a position to ensure that the rights of school students who undertake employment during term time are protected, we should ask them to indicate how they operate. I suggest that we write to Highland Council, Glasgow City Council, Fife Council and one of the Lothian councils.

As I said, I have seen how the system can be abused in such a way that young people end up working long hours for very little pay—as little as £1.50 or £1 an hour, in some cases. Some employers see it as their right to do that and are not challenged, because it is difficult for the young person or their parents to do so.

We need to address those abuses. We should write to local authorities to check up on what is happening in that regard.

**The Convener:** I think that the petitioners understand that we want to progress this issue. The petition raises a lot of questions. We have expanded some of them, in a sense, and will need to examine them further.

The clerks will distil all the contributions that have been made on the issue by the petitioners and members, write to the agencies that have been mentioned and gather that correspondence together for presentation to the committee at a later date. As petitioners, you will be kept fully up to date on progress. You may get in touch with the clerks at any time if you want to add further information, for example if you conduct more surveys or come across something that you think we should know about.

We know that you are in the final stages of your time at school and that you will move on to other

things as we deal with this petition. However, we will try our best to ensure that you and the school are kept up to date.

I hope that this session has not been too intimidating.

**Ellen Cummings:** Not at all.

12:15

**The Convener:** I should let everyone know that, as part of her birthday celebrations, Ellen has said that there is a fantastic house party at her home address at half nine tonight. Her parents have not been informed yet, and will be terrified to hear about it.

**Rhona Brankin:** You do realise that this meeting is being beamed worldwide? Maybe you should rescind that invitation.

**The Convener:** I thank Ellen and Paul for their presentation. I hope that it was beneficial for them as well.

### **Leisure Facilities (Free Access) (PE1318)**

**The Convener:** I invite Ronan Buist, Megan Lumsden and Daniel Swaddle to the table to speak to PE1318. They have an advantage over their fellow pupils, as they have seen what the format is like. I am sure that they can build on that. PE1318 calls on the Parliament to urge the Government to provide free access to all publicly funded leisure centres, including swimming pools, for all school-aged children across Scotland.

Who is going to lead off? Ronan?

**Ronan Buist (Waid Academy):** Twenty per cent of all primary 1s are overweight and 8 per cent are obese. That is a problem that we as a society cannot ignore. A child's health is closely linked to that of their parents and because obesity is on the rise, it is clear that child obesity levels will increase dramatically. That must be tackled. Health inequalities are one of Scotland's greatest problems. Coronary heart disease kills twice as many people in deprived areas as it does in more affluent areas. Again, that must be tackled.

Eighty-eight per cent of local authorities already include under-18s in their concessionary schemes, but what about the under-18s who stay in areas run by the other 12 per cent of local authorities? That situation is clearly not in line with the principle of equal opportunities, which is one of the Scottish Parliament's founding principles, and it must be addressed. Many schools, especially rural ones, cannot facilitate the two hours of physical education that, by law, must be provided. That, too, must be tackled.

**Megan Lumsden (Waid Academy):** Providing guidance booklets and new healthy eating

directives is clearly not working. Introducing free access to public leisure facilities would help to combat the problems that Ronan Buist has outlined. If successful, our petition would enable children to participate in sport more frequently without being constrained by cost and would have a huge impact on children in deprived areas, who are less likely to take up sport because of the cost and who are twice as likely to have heart problems.

Our petition could help to break the vicious cycle of obesity. As obesity has increased so rapidly, child obesity figures are also set to increase. The obesity epidemic already claims nine lives a day. The petition may help to reduce rates of obesity-linked diseases such as heart disease, type 2 diabetes and certain cancers—obese women are 50 per cent more likely to develop breast cancer. It may also help to eradicate health inequalities among our children. Being able to access the same facilities would level the playing field for all, as it is proven that an active lifestyle offers a chance to gain social skills, enhance self-esteem and increase a sense of social responsibility.

Acceptance of our petition would mean that geographical location would no longer limit a child's opportunity to participate in sport. The fact that different councils have different charges creates a geographical inequality that must be tackled. Introducing the free access that the petition calls for would have a great impact on rural and deprived areas. It would also enable every school to facilitate the two hours of PE that, by law, require to be provided, and would help rural and poorer schools with low budgets and limited facilities to meet the Government's targets.

**Daniel Swaddle (Waid Academy):** Who could justify placing a price on a child's health and wellbeing? We ask the committee to contemplate that question as it considers our petition. We believe that the benefits of an active lifestyle go beyond just physical fitness. Physical education and participation in sport offer children the chance to gain social skills, enhance self-esteem and increase a sense of social responsibility.

Obesity is closely linked to depression, another of Scotland's major health problems. It is also accepted that wider social, environmental and economic benefits would be gained from getting the Scottish population more active. The key is to start with the most vulnerable in society—the young who inhabit our most deprived areas.

Surely the fact that one of the founding principles of the Scottish Parliament is equal opportunities compels the esteemed committee to consider our petition. Surely the change that the petition suggests would reinforce that principle and give the public more faith in the Scottish Parliament and the work that it does for the nation.

Of course, free access to public leisure facilities would not eradicate Scotland's list of health issues, but it would help. It would provide a foundational purpose on which further necessary change could be built.

The question that I ask the committee is: who could justify placing a price on a child's health and wellbeing? We implore you to think about that, and we urge you to consider the petition that we have presented, on the basis of the arguments and points that we have detailed.

**The Convener:** Thank you—flattery gets you everywhere.

You have raised an issue—the need to tackle obesity—on which the Parliament recently had a major debate. Much of that debate centred round access and ensuring that people have opportunities to participate in sporting activity.

We will have lots of questions for you, which you should feel free to answer. As you have seen, a number of questions will be fired at you. That is life—we need to learn to cope with that. When a question is asked, whoever feels that they can handle it should indicate to me, and I will ensure that you have the opportunity to answer.

**Bill Butler:** I thank Megan Lumsden, Daniel Swaddle and Ronan Buist. You have raised important issues in your petition, and it is good that you have done so.

I will play devil's advocate. Having heard you, many people might say, "That's very worthy. If we could do that, it would be really good." However, what would you say to someone who said, "Actually, given the economic situation, we can't afford that"? Of course, you do not need to accept that point of view.

**Megan Lumsden:** Obviously, the proposal would cost a lot in the long term and we do not have many resources at the moment, but we should consider what Daniel Swaddle said. Can we really place a cost on the health of a child, the health of our nation and our wellbeing? Obesity is a huge strain on the NHS at the moment, and it has been predicted that it will cost up to £3 billion in the near future. That money could be well spent elsewhere. If the proposal is implemented, many of the things that the NHS is tackling, such as heart disease and type 2 diabetes, would perhaps be reduced, and the costs that could be saved might offset the costs of the proposal.

**Bill Butler:** That is an excellent answer.

**Ronan Buist:** As Megan Lumsden said, we are talking not just about a few children going swimming; we are talking about the future of Scotland. Why should we place a cost on making Scotland healthy again? Why should that even become a factor? We are talking about the future

of Scotland, not just allowing a few folk to go swimming for free.

**Anne McLaughlin:** I congratulate the petitioners, who have come across well. They are slightly more vociferous than the previous petitioners.

I will do what Bill Butler did and challenge you with a question. I think that we all agree with the central principle. A price cannot be put on a child's health, but is cost the only issue? If there is free access to facilities, will everyone go swimming? Is your proposal the only solution, or have you considered wider issues relating to getting children to do regular exercise?

I think that Daniel Swaddle mentioned the link between obesity and depression. He made a good point. Another good point is that exercise is known to be incredibly useful to people who suffer from depression. An increasing number of children are being treated for depressive-type illnesses. Therefore, another reason why we should enable children to participate in regular sporting activities such as swimming is that such activities are a good antidote to mental health problems.

However, my question was about cost being the only issue. Feel free to speak. If it helps, Daniel, I am scared of you. You scared me.

**Daniel Swaddle:** Why?

**The Convener:** He is a gentle creature. Leave him alone.

**Daniel Swaddle:** What was the question again? I am sorry.

**Anne McLaughlin:** Is cost the only issue? If you got your way and there was free swimming for all, would that solve the problem of childhood obesity? Would everyone go swimming?

**Daniel Swaddle:** It would not solve that problem, but, obviously, it would encourage those who could not afford to go swimming, as opposed to those in more affluent areas, to go swimming. They would be given that opportunity. I am not saying that they would go swimming, but they would perhaps be encouraged to do so. Free access to facilities would be a good help, but I am not saying that it would eradicate obesity.

**Anne McLaughlin:** To clarify, I am trying to find out whether you considered in your discussions what else might be done for children who could not afford access to facilities. What if access became free and they still did not go to them? What about children from more affluent families who can afford to use the facilities but do not use them? Have you considered the wider issues?

**The Convener:** I do not think that you have the research base to answer that question. My instinct is that the petition is about the costs for young

people in accessing leisure facilities and the idea that not charging would change the dynamic, so that more young people could become involved.

Ronan Buist wants to respond to Anne McLaughlin's question. Do not worry—I say just to redress the balance on Daniel Swaddle's behalf that we are sometimes scared of Anne.

**Ronan Buist:** Why not introduce the scheme? Then we would find out whether the issue was cost or other factors.

**Nanette Milne:** I am thinking largely along the same lines as Anne McLaughlin is. It is well known that, when girls reach their teenage years, they show a marked lack of interest in sporting activities; boys carry on playing football and so on much longer than girls do active sport. If facilities were free, how would you encourage your peers to use them actively? Have you surveyed or thought of surveying your fellow students on their interest in the idea?

The Commonwealth games are coming to Scotland and people talk about the Commonwealth legacy. Does that have the potential to encourage young people to participate in sport more actively?

**Ronan Buist:** The police here in Fife ran several free events on Friday nights, such as football tournaments, which were really popular. However, the police have stopped those events. Such sporting activities are popular. We just need to implement the scheme to find out what would happen.

**Megan Lumsden:** My father and I run a small tae kwon do club. With the Commonwealth games coming up, many younger children have taken up the sport. Unfortunately, we have lost many members of our club because of cost—they simply can no longer pay. Much of that relates to hall charges, which cost a lot, and to entry times. It is a shame that we are losing some of our best students. My experience is that, if even access were free, that would reduce the cost and allow many young people I have met to continue training, which would greatly affect their health.

12:30

**Rhona Brankin:** You raise a couple of issues that policy makers all over the world wrestle with. The first is the difficult question of how to transfer resources to ill-health prevention rather than spend money on treating people who are already sick. All political parties in the Scottish Parliament are signed up to such a shift, but achieving it is difficult because, when budgets are not increasing, it means taking money from a section of the health budget to put into prevention work. We have been lucky to have increasing health budgets in recent

years, but budgets are becoming much tighter. A further complication is that local authorities provide leisure services, which are not funded from the health budget. The shift to prevention is coupled with separate funding streams.

The second tricky issue is the business of whether to target funding. You said that a link has been demonstrated between obesity levels and deprivation. Huge health inequalities exist throughout Scotland. For example, Frank McAveety's constituency has one of the biggest gaps in male life expectancy. I do not know the figure offhand—perhaps he knows it. What is it?

**The Convener:** The worrying point is that I am hurtling towards that age as we speak. The problem is that the statistics show that, in one part of my area, the average male life expectancy is under 55, whereas the average life expectancy is 70-plus.

**Rhona Brankin:** So there are massive inequalities. At a time when there is not so much in the way of resources, do we target resources in areas where people really need them, or do we say that everybody should have free access? We are wrestling with the issues, just as the petitioners are. I understand that in Glasgow, where the council has introduced free swimming, there has been a big uptake so it is important for us to contact Glasgow City Council about the petition and find out what is happening there.

What do the petitioners think that schools could be doing? Schools have an important role to play. The Government says that every school should provide two hours of high-quality PE a week. Frankly, that is just not happening throughout Scotland. What should schools do to make people healthier?

Thank you for your terrific presentation: it is a tricky subject, but an important one for the committee to take forward.

**Megan Lumsden:** In light of the current Government policy to introduce health-promoting days in schools, it is important that we also have sport-promoting days. As is known, it is not diet alone that leads to a good lifestyle, but exercise too. If we were to bring in some local clubs on sport-promoting days to show children some areas of sport, that would definitely improve uptake of certain sports that people might not have thought were available to them.

**Robin Harper:** We see in the evidence before us that there is a great deal of difference between local authorities in which sports and schemes are subsidised and those in which they are not. I seek others' opinions, but suggest that as a start it would be sensible to get greater uniformity among local authorities in their approaches to charging for sports facilities.

I will follow Bill Butler's example and play devil's advocate. What problems already exist for local authorities in this area? We are desperately short of coaches in a large number of sports. If the local authorities had to find more money to provide free access to facilities, where would they find the money to increase the number of coaches throughout Scotland for the very sports that you would like to see developed further? I do not really expect an answer to that, because I do not think that any local authority would have a quick answer. However, I offer it as an example of some of the difficulties. Do you agree that it would be a good start if we had greater uniformity of approach from local authorities?

**Megan Lumsden:** Yes.

**The Convener:** I will try to help the petitioners: if you look at the main political parties' manifestos that we are evolving not just for the imminent general election but for the 2011 Scottish Parliament election, you will see elements that are about universal provision of services. The issue is about being able to deliver that. It requires a combination of good will and decision making at a local level, as well as resources at a national level. Your initial idea is not so out there that it would be impossible to deliver. Your demand is not impossible, but quite reasonable—it is about pulling together the big decision makers of all the main parties who seek to run our devolved Parliament in 2011, or the UK Parliament in 2010, and getting them to see the virtue of what you propose.

Robin Harper touched on the inconsistency of approach among local authorities, which is your dilemma. Some areas have free access to swimming during the school holidays, whereas others have it universally all year round for school students and pensioners. Other local authorities would like to offer free access, but find that their current budgets and choices make that difficult. That all needs to be pulled together.

What would be best for your petition would be for us to explore the issues to help you to get an even fuller understanding of the points that you have raised. I invite committee members to make suggestions on how to take forward the petition.

**John Wilson:** The petition was very well presented, and I was particularly impressed by the facts and figures about how health, sport and wellbeing tie in together. We should write not just to local authorities, but to a few community planning partnerships, which are supposed to bring together local authorities with health boards and other agencies. They are supposed to take a cross-cutting view of service delivery. One of the issues is the availability of sports facilities as they relate to the general wellbeing and health of the population of different areas.

I fully support the concept of children getting access to sporting facilities, but we will find—as we have already found—that it is becoming increasingly difficult for children to access such facilities as local authorities seek to tighten their budgets. Megan Lumsden gave the example of a tae kwon do class. People are finding it more difficult to afford access to the facility, not simply to attend the class.

A further issue arises regarding distance to sporting facilities. Distance can be a hindrance to children's participation. The problem is not just the cost to get into the facility; there are also travel costs and other associated costs. Not everybody lives within 3 miles of a swimming pool or other sports facilities. We should try to open up local authorities' facilities to other organisations so as to encourage more young people and adults to participate more fully in all available sporting activities.

Swimming is a good start, and there are some good examples of what has been done, but there needs to be a review with local authorities and health boards with particular regard to obesity and the mental health and wellbeing of the future population. Councils and boards must work together to ensure that people have access to such facilities.

**Nanette Milne:** There are a couple of questions that sportscotland could probably answer for us, apart from giving us its general reaction to the petition. It has done a research study into charging for sports facilities—in the past year, I think—and it would be interesting to find out the results. Sportscotland might have evidence about the impact of providing free access in countries where that is available. It would be worth writing to sportscotland to ask.

**Bill Butler:** We should progress the petition. It involves issues of equality. As John Wilson has said, we should write to local authorities. As Nanette Milne has said, we should write to sportscotland with some general questions on the petition; she also mentioned some specific issues that we should cover.

We should write to the Scottish Government with a couple of simple questions. Will it give school-age children free access to all publicly funded leisure centres in Scotland? The Minister for Public Health and Sport made an announcement in November 2009 regarding swimming. Are there any other sports for which the Government plans to provide all children with year-round access free of charge? Where does this important policy area feature with regard to the Commonwealth games legacy from 2014? Where does it fit with the strategy to combat many of the health conditions that the petitioners have raised? We should also ask the Scottish

Government whether there are any international comparisons. Have other countries tried such an approach? If so, has the approach succeeded, partly succeeded or failed? What can we learn from any international comparisons?

**Robin Harper:** Have we mentioned the Scottish Youth Parliament? It would be well placed to gather some information and points of view, which we could add into the mix.

**Rhona Brankin:** Some emphasis has been placed on free access to swimming pools, but not everybody would choose swimming as their preferred form of exercise. It would be interesting to see which age groups have benefited where programmes have provided free access to swimming pools.

I know that there are problems around access to things such as fitness centres for younger children, because those facilities can be dangerous for young people to use if they are not properly supervised. We must be aware that not everyone—perhaps not older people in particular—would necessarily avail themselves of the use of a swimming pool.

**Anne McLaughlin:** When we write to the Scottish Government, we should ask how much such a scheme would cost to implement. We have all—including the petitioners—acknowledged that we are living in difficult times, but, as has been mentioned, a point of principle is involved. It would be interesting to find out how much the scheme would cost, although I am not sure how that would be worked out.

**The Convener:** Before we conclude, I want to ask the petitioners a question that I should have asked earlier. When you use the leisure facilities in your area, how much do you have to pay per week? Megan Lumsden mentioned that she utilised a club. On average, what would a 15-year-old boy or girl have to pay to use the leisure facilities for any reasonable activities two or three times a week?

I ask that question because my boy expects me to pay for his youth card. I know what the figure is for Glasgow, where there is a subsidised structure. It costs him, with his Young Scot card, something like a maximum of £70 for a year's access to the fitness, leisure and swimming facilities. That price is subsidised, but I know that that is not the case around the country. Do you have any figures from your own experiences? I am talking about the raw entry costs, before you add on travel costs and so on.

**Daniel Swaddle:** The swimming pool in St Andrews, in my experience, costs about £3 for around an hour's swim. That is quite a lot for just an hour, and there are travelling costs on top of

that. Some facilities can be quite costly, considering how much we use them.

**The Convener:** Are there any other experiences? I see that Ronan Buist is shaking his head.

I know that in St Andrews, for example, entry to the fitness suite costs about £5 or £6 for an hour. The cost of access to leisure facilities is an issue, and all the committee members have identified that there is a broad political commitment to consider ways in which we can provide access at reduced cost or no cost at all.

A scheme to provide free access would need to be costed, because anyone who was standing for election would get the question of how much it would cost thrown back at them. We are in a much more challenging fiscal situation than ever before—although, as young people, you will say that those are our responsibilities and we need to deal with them.

We want to pursue the points that are made in the petition. You have very powerfully raised an issue that we need to explore a bit further, which we will do. On behalf of the committee, I thank you for your contributions. Anne McLaughlin is a bit of a fragile flower; I was not intimidated by any one of you three.

### Honest Politicians (PE1316)

12:45

**The Convener:** Our final new petition today, by Matthew Goundry, calls on Parliament to urge the Government to ensure that all individuals who seek election to local or national public office—for councils or for the Scottish, UK or European Parliaments—are subject to enhanced disclosure. Are there any comments from members?

**Bill Butler:** We should progress the petition, in that we should ask some of the initial questions that spring to mind. We could ask the Scottish Government whether it will take steps to ensure that all individuals who seek election are subject to enhanced disclosure and if not, why not. We could seek responses from all the major parties on the issues that are raised in the petition and we could also ask the Electoral Commission for a response. Although there might be a bit of overlap between devolved and reserved responsibilities, we should pursue the petition.

**John Wilson:** Like Bill Butler, I think that it is incumbent on us to progress the petition, although I have serious reservations about it. That said, we should write not only to the Scottish Government but to the UK Government, which has authority over certain elections, in particular the general election, which will come about fairly soon. It

would be useful to write to the other organisations to which Bill Butler referred, and it might also be useful to ask Disclosure Scotland for its views. One of my concerns is that an application for enhanced disclosure is done in the name of the individual—it is the individual who receives the results.

In the petition, the petitioner starts off by referring to *The Daily Telegraph* and goes on to say that elected members are not honest enough. There is an agenda in the petition, which is to raise the issue of the honesty of elected members. The Scottish Parliament and the Scottish Government have done their utmost to clean up their acts, although there are various court cases down south relating to the expenses scandal at Westminster.

In progressing the petition, there are various issues that we need to consider. For example, we face difficulties in relation to how the enhanced disclosure declaration would be made, who would hold the declaration and who would announce to the world whether they felt that a person was fit to be a candidate. In the current electoral regulations, only a limited number of people are not permitted to stand for election. The petition raises the issue of how we determine whether a person is fit and proper to stand for election. If we were to use enhanced disclosure as the basis for that decision, we may have difficulty in the future in respect of the number of people who would be willing to stand. Many voluntary sector organisations have raised the same issue in relation to the number of people who are volunteering with youth and other groups. Some do not want to go through the disclosure process—never mind the enhanced disclosure process—to take up such positions. However, I agree with Bill Butler that we should take the petition forward in the first instance, and see what responses we get.

**The Convener:** Okay. We are happy to explore the precise issues that the petitioner has raised. We need to hear the views of the Scottish and UK Governments and those of the agencies that could be asked to address the issues. I remind the public in the gallery that the Ethical Standards in Public Life etc (Scotland) Act 2000 sets out clear criteria for the conduct of individuals in public office. Equally, the Nolan principles are part of the UK political structure. However, people will err and there will be consequences. We need to respond to public concern about that. I appreciate members' comments on the petition. We will continue it and report back to the committee in due course.

## New Petitions (Notification)

12:51

**The Convener:** Item 3 is notification of new petitions. Members were notified in advance of the new petitions, which are timetabled to come before us at the appropriate meeting. We can therefore acknowledge those new petitions.

Before I close the formal part of the committee's proceedings, I thank headteacher Iain Hughes for the courtesy of allowing us to utilise his school and for the fantastically warm welcome that we received from the two young pipers. I think that virtually all the school was there to welcome us in. We are probably getting spoiled today, which is not always our experience when we arrive at the front door of the Scottish Parliament for our ordinary duties. I thank everyone for their participation and for the welcome that we got. I particularly thank those who provided the tea and coffee prior to the meeting and those who will provide the buffet lunch. I thank, too, the young people of Waid academy who presented their petitions: Paul Dryburgh, Ellen Cummings, Ronan Buist, Megan Lumsden and Daniel Swaddle. We apologise if we made you feel uncomfortable at times. However, you handled yourselves fantastically well and every one of you has a very positive future ahead. I hope that you will represent not just your school and your families but your wider community in public service in the future.

As I said, the formal part of our business is complete. I remind those who wish to stay for the question-and-answer session that it will start at about 1.15. I do not know whether the local MSP, Iain Smith, can stay, but the committee will not mind if he wants to participate.

**Nigel Don:** I do not wish to upstage you at the end, convener, but I must apologise for not being able to be here after lunch. I am sure that Iain Smith will be a far better representative than I am.

**Anne McLaughlin:** Will that be on Iain Smith's election leaflet?

**Nigel Don:** Shush! He is the local member, and that is the way it is. I have an appointment in Aberdeen that was scheduled long before this meeting was even talked about. I also take the opportunity to say that Nanette Milne and I were here before the bus arrived with the rest of the committee. We are very well aware that there were many more musical items that other members did not get to hear. I congratulate those who enabled us to hear them. We heard the rehearsal, but it was brilliant. I just want to acknowledge that. I also note the artwork at the back of the room, which is super. The mural on the long side, which I will have a look at before we leave, is wonderful.

**The Convener:** Okay. I conclude today's formal business of the Public Petitions Committee.

*Meeting closed at 12:53.*



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