

EDUCATION, CULTURE AND SPORT COMMITTEE

Tuesday 3 September 2002
(*Afternoon*)

Session 1

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EDUCATION, CULTURE AND SPORT COMMITTEE

21st Meeting 2002, Session 1

CONVENER

*Karen Gillon (Clydesdale) (Lab)

DEPUTY CONVENER

*Cathy Peattie (Falkirk East) (Lab)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)
*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
*Irene McGugan (North-East Scotland) (SNP)
*Mr Brian Monteith (Mid Scotland and Fife) (Con)
*Michael Russell (South of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Murdo Fraser (Mid Scotland and Fife) (Con)
Fiona McLeod (West of Scotland) (SNP)
Karen Whitefield (Airdrie and Shotts) (Lab)

*attended

THE FOLLOWING ALSO ATTENDED:

Neil Ross (Office of the Solicitor to the Scottish Executive)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Susan Duffy

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education, Culture and Sport Committee

Tuesday 3 September 2002

(Afternoon)

[THE CONVENER *opened the meeting at 14:08*]

Subordinate Legislation

Teachers' Superannuation (Scotland) Regulations 2002 (SSI 2002/288)

The Convener (Karen Gillon): I call this meeting of the Education, Culture and Sport Committee to order. We are in public session. Would everyone please ensure that all mobile telephones and pagers are switched off or in silent mode? It is good to be back.

Item 1 on the agenda is consideration of the Teachers' Superannuation (Scotland) Regulations 2002 (SSI 2002/288). The instrument is subject to negative procedure. We have with us Christine Marr from the Scottish Executive finance and central services department to answer any questions. Unless there any strong objections, the committee should agree that it does not wish to make any recommendations to Parliament. Does anyone have any questions on the regulations?

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): No.

The Convener: Thank you. As there are no questions, I assume that members are content to let the regulations proceed.

Members indicated agreement.

The Convener: Okay. Thank you, Christine. You will hope that every visit to the committee is as easy as this one.

Advisory Council (Establishment) (Scotland) Regulations 2002 (SSI 2002/293)

The Convener: The Advisory Council (Establishment) (Scotland) Regulations 2002 (SSI 2002/293) will establish an advisory council to the board of the Scottish Qualifications Authority for the purpose of considering matters relating to qualifications that are devised or awarded by the SQA, and to the SQA's functions and procedures. Executive officials Peter Hancock and Tom Wallace, from the education department, and Neil Ross from the legal department are in attendance.

The regulations are subject to negative procedure, so unless there are strong objections the committee will not want to make any points. Are there any questions from committee members?

Ian Jenkins: The Subordinate Legislation Committee suggested that there was a slight flaw in the regulations in that it is not clear who will appoint the convener. I do not know whether the officials would like to explain the situation in response to that suggestion.

Neil Ross (Office of the Solicitor to the Scottish Executive): The comment on that point has been made in paragraphs 52 to 54 of our report to the Subordinate Legislation Committee. I find it difficult to offer much more by way of comment today. My colleagues might wish to make brief comments in relation to the question of there being no intention to appoint more than one individual as a member of the advisory council. I do not know whether that would assist the committee today.

Ian Jenkins: That is fine. I just wanted to put that on the record.

Mr Brian Monteith (Mid Scotland and Fife) (Con): It has been drawn to our attention that there is a concern about the process for appointments, so much so that it has been suggested that the regulations' drafting is defective. Are you able to comment on that?

Neil Ross: As I said, it is difficult to expand on the remarks that are offered in the report that went to the Subordinate Legislation Committee. It was acknowledged in that report that it might have been helpful if the point had been made explicitly. I would say that it is implicit that there is authority for the process that is envisaged in the regulations. I do not think that there is a great deal more that I can add to the comments that have already been put forward in written form to the Subordinate Legislation Committee.

Mr Monteith: Is there a specific reason why the point is not made explicit, but left implicit?

Neil Ross: No, there is no reason for that and, as I said, the point is acknowledged that it might have been helpful if the regulations had made the point explicitly. However, I consider that there is appropriate authority for the regulations to be read in the manner that is intended.

The Convener: I am sorry to see that, in the five months of my maternity leave, the drafting of regulations—as they come before the committee—seems not to have improved. I know that the committee has previously been concerned about drafting. We need to continue to examine the matter until the Subordinate Legislation Committee is not drawing to our attention defects

in drafting time after time. That is something that we want to look at. Obviously, we are concerned that the point is not made explicitly in the regulations, but I do not think that we would want to knock back the regulations. Is that agreed?

Members *indicated agreement.*

The Convener: However, I would like to write again to the minister about the issue and to ask that the Executive continue to examine the matter and make improvements as it can.

As members have no further comments, I thank the officials for their attendance.

Protection of Children

14:15

The Convener: Item 2 on the agenda is the proposed bill on the protection of children. Members will be aware that the Education, Culture and Sport Committee will be the lead committee for the proposed bill when it is introduced to Parliament. Members have in front of them a paper that suggests areas of written evidence, witnesses and a timetable. Members will obviously be aware that the importance of the bill has been highlighted somewhat by the recent tragic events south of the border. There is considerable public concern that we should get this right. We need to look at the issue objectively and sensibly and to ensure that whatever we do is done to protect children and their interests while also protecting the rights of the individual.

I ask members to turn to the papers. It has been our procedure previously as soon as a bill is introduced to seek written evidence. The quicker we can do that the quicker we can get information in from parties which will be of interest to the committee. Members have a list of people whom we would seek to invite. It would be useful for the committee to get information from the Criminal Records Bureau and from the Department of Health—which includes the social services and the public safety agencies that hold the list for Northern Ireland—on how they operate and on any potential loopholes that they are aware of, or any difficulties that they have experienced in the operation of the lists, to see whether we can learn any lessons.

The General Teaching Council for Scotland, the General Medical Council and the Nursing and Midwifery Council are the bodies that are responsible for the registration of professionals who would be impacted on directly by the proposed bill. The Scout Association, Girlguiding UK and the Boys Brigade are in the initial trawl because obviously the voluntary sector and the uniformed organisations in particular will have had some experience of some of the issues and also of dealing with Scottish Criminal Record Office checks. Therefore, it would be useful to get some information from them about how they think we can best proceed on the issue. If members are content that we send those specific letters and that we also make a general call for written evidence, we can accept that part of the paper.

Michael Russell (South of Scotland) (SNP): I am broadly content with that. That matter will clearly have to be handled as you indicated, not only objectively but transparently, so that all the voices are heard. My only concern is that the oral evidence section of the paper refers to

“other parents groups as appropriate”,

because we are all aware of groups of parents and other campaigns that exist justifiably and which are supported by strong public concern. It should be made absolutely clear that we will consider hearing from such groups before we even draw up the final list for oral evidence, should they come to us with written evidence to explain why they should be heard. I know that there is an outline idea that we should have a longer meeting and perhaps a big public meeting furth of Edinburgh one evening. That would be an appropriate opportunity for hearing from such groups.

The Convener: Mike Russell is absolutely right. The reason why we did not specify any group is that we do not want people to feel that they must come or that they cannot come. It will be useful for people to know that they are welcome to make representations to the committee either in writing or orally. It is our intention to have a full committee meeting outside Edinburgh one evening to allow the greatest possible access to the committee to those who wish to give evidence. The paper's list of suggestions is by no means a closed one. We would certainly wish to look again at the list and add to it if necessary. I am sure that members will be happy to do that and to make time available to scrutinise the bill thoroughly in the public interest.

Ian Jenkins: Would the list of those who might give oral evidence also be invited to give written evidence that might help to inform our cross-examination of them?

The Convener: Our practice is to write to everyone from whom we would request oral evidence so that we have an indication of areas around which those people have concerns or comments, so that we can take that forward.

If members have no other comments we will move on. The clerk can now proceed as and when the bill is introduced.

Reporters

The Convener: We move to item 3 on the agenda, which concerns the appointment of reporters.

Members will be aware that the national audit of museums and galleries was launched by the Minister for Tourism, Culture and Sport in July 2002. The committee has been monitoring the matter and I think that it is our intention to proceed with some form of committee investigation or inquiry into the issue. Members have before them a suggested remit and timetable for such an inquiry and I seek recommendations as to who would deal with the inquiry.

Cathy Peattie (Falkirk East) (Lab): It is important that we consider this issue now. I suggest that Jackie Baillie and Michael Russell work on the matter. I assume that the work would have to be done within a fairly tight time scale.

The Convener: Are those two members happy to take the inquiry on?

Michael Russell: Yes, we are.

The Convener: Do you intend to examine in particular the issues of independent museums, which are important parts of some communities, and industrial museums? I know that the committee has visited New Lanark, one of the industrial museums. I think that those areas would be an important part of the inquiry.

Michael Russell: Very much so. Jackie Baillie and I have both been active in the case of the Scottish Maritime Museum and I have been active in the cases of a number of other museums, including Verdant Works and New Lanark. The independent museum sector is also important, particularly given the difficulties that are being experienced by places such as the Biggar museums.

It is important to remember, however, that difficulties are being experienced throughout the museum sector, which is one of the reasons why progress is desperately required.

The Convener: Do we agree to appoint Mike Russell and Jackie Baillie to deal with the inquiry?

Members indicated agreement.

The Convener: The committee has expressed an interest in Scottish football; members will be aware that petition PE380 on fans' participation in the decision-making process within Scottish senior football is still outstanding. We have said that we will consider the matter again and I am aware that, before the recess, we said that we wanted to consider areas around youth development and the structure and finances of Scottish football.

It seems to be a large and wide-ranging inquiry, so I suggest that we consider first the outstanding petition—because of the time scale and the fact that a member of the public has submitted it—then youth development followed by structure and finances.

Which members would like to deal with that inquiry?

Ian Jenkins: I would like to nominate you, convener, because you have a known interest in football and have produced an excellent report on sport in schools. The subject is clearly up your street and I look forward to seeing photographs of you standing in various football grounds wearing a selection of football strips. The photograph that was published recently in a Sunday newspaper showing you dressed appropriately during the campaign for a yes-yes vote in the devolution referendum showed that you are an enthusiastic supporter of lots of things.

The Convener: Ian, some people had not realised that that was a photograph of me and I was quite happy about that.

Mr Monteith: I am not entirely sure what Ian Jenkins is nominating the convener to do. Am I right in thinking that it is to prepare a report in response to the petition on the subject of fans' involvement?

The Convener: Yes, but the committee also agreed before the recess that it wanted to examine more closely youth development in Scottish football. However, in the first instance, a response to the petition on the issue of fans' involvement would be our primary responsibility. After that, the committee could decide the direction in which it wanted to progress.

Mr Monteith: Looking at the paper that has been put before us, I must express a fear, as I have done at previous meetings, that we are in danger of taking on a task that is too large, which is acknowledged by the clerks. The issue of the structure and funding of Scottish football is particularly large and I suppose that that is why you are not keen to move on to it just yet, convener. We are also aware that events move quickly in that area. However, the issue of youth football is unlikely to change quickly and is of a scale that the committee can address. Furthermore, whereas senior football relates to business, youth football relates to sport and education, which are areas in which we have an interest. I give my complete support to the idea of an inquiry into that area and suggest that such an inquiry should start sooner rather than later, given how close we are to the dissolution of Parliament.

The Convener: I know that I share some of your views, having discussed the matter with you before. That is why I said that we should

concentrate first on the petition, then on youth development and then, if we have time, on the structure and finances of Scottish football, as that would be a huge inquiry and I do not know whether we will be able to deal with it in the time available to us.

Cathy Peattie: You are a good choice for the person to deal with the issue, convener, as you have a background in community development and working with young people. I urge you to consider football for girls, especially in the light of your earlier report for the committee. I invite you to meet the bairn supporters in Falkirk. They would welcome the opportunity to talk about their experience and the issues that are open to them.

Mr Monteith: I asked earlier for clarification of what Ian Jenkins was proposing. It seemed clear to me that the idea was for you to examine supporters' involvement in senior clubs. Now, however, the deputy convener is looking forward to the work that you will do on youth football. Are we doing one report followed by another or are we doing two at the same time?

The Convener: That is up to the committee.

Mr Monteith: I know that, but I want us to be clear about what is being done so that there is no ambiguity. I would like to ensure that a large number of organisations have the opportunity to make their views known to whoever is reporting on both matters.

The Convener: I will take guidance from the committee. I am happy to do one report or both.

Michael Russell: What would you like to do?

The Convener: To be honest, if we do one and leave the other for later, we might run out of time. The priority should be to report to the committee on the petition, as it has been outstanding for some time. However, alongside that, I can issue a call for written evidence on youth development before going out to speak to people.

Michael Russell: I am happy with that.

Mr Monteith: I am happy with that, too.

The Convener: For future reference, I would like to put on record the fact that I also have an interest in rugby.

Petitions

Cramond (Roman Remains) (PE9)

The Convener: The next piece of business concerns correspondence on the Roman remains at Cramond. Members will have before them another letter that we have received from Ronald Guild, who is in the public gallery today. I thank him for his enthusiasm for ensuring that the committee and the other relevant public bodies do what they should be doing in relation to this matter.

14:30

Michael Russell: Mr Guild has shown exemplary patience—patience with an edge, fortunately—while this process has gone ahead.

A number of developments over the summer gave us substantial cause for concern. The first is the fact that the planning information with which we were presented indicates that there is a real and present risk to part of the site as opposed to the long-standing risk that has been caused by neglect. The second one is the major fire that removed a large part of the complex belonging to the university, which opens up the possibility of a wider spread of development than we might have expected.

At the root of the matter—I think that the committee will agree—is an incredibly slow response from the City of Edinburgh Council. I know that it has other priorities but it seems to me that we have assisted in helping the council, largely through the work of Mr Guild, to identify not just a difficulty but a major opportunity to make something of a unique site within Edinburgh that will diversify the tourist area. The council is required only to take a grip on unsympathetic development and dangers to the site. Nobody is asking it to do major excavation or make changes in the short term, although some planning of how the site can be used is now required.

Given that this is the third year that we have had the petition in front of us and that we and Mr Guild have stuck with it, the time is probably right to go back to the City of Edinburgh Council, perhaps with Mr Guild, and ask what it intends to do. We have no ultimate right to force the council to do anything, but we can embarrass people into thinking about whether they are doing the right things. We can put more pressure on responsible bodies on this important issue.

The Convener: Well, Michael, you have made a strong case with valid points and I think that you should take up your suggestion, on behalf of the committee, to go with Mr Guild and meet with the City of Edinburgh Council, if members are agreed.

Members indicated agreement.

Michael Russell: I am happy to do so.

Film Industry (PE442)

The Convener: Petition PE442 calls on the Parliament to facilitate the setting up of a film industry in Scotland. We must consider what action to take—if any—in regard to the petition. I ask for members' comments.

Michael Russell: We support the petition entirely and should be doing something about it. The question is what. We intended to have a study of film and television training in Scotland, but I do not know whether that will now be feasible this year given our work load and the short time that we have. The Executive seems to think that it is doing the job, but there is no great evidence that it is. I cannot see how the Education, Culture and Sport Committee can be active on the issue this year, but we could leave it as a legacy for a future Education, Culture and Sport Committee, suggesting that it look seriously at the issue and hold an inquiry.

Mr Monteith: The issue is serious and I suspect that the situation is not helped by the ever-changing cast of ministers who deal with the enterprise and culture portfolios. There are decisions outstanding but, again, because the industry is an area of commercial interest, events are moving more quickly than they would if we had been relying on Scottish Government action.

It strikes me that the issue needs electrification and zeal brought to it. I wonder whether the committee might be willing to invite Sir Sean Connery to come and give oral evidence. That would attract attention to the issue and put it on the agenda. Some people may think that I am being flippant, but I have a serious point to make. The debate needs someone such as Sir Sean Connery—who, after all, was a great supporter of the creation of the Scottish Parliament—to be drawn in and put at the top of the pile. My suggestion is not made tongue in cheek; it is a serious idea to motivate people to look at the issue.

Michael Russell: Sir Sean Connery is one of the petitioners.

Cathy Peattie: Like Mike Russell, I recall our discussion about the training of young people to encourage them into the industry. We need to look at that issue. I, too, could make a list of people from whom I would like to take evidence, but I will not do that right now. It probably makes sense to make space for whoever is on the next Education, Culture and Sport Committee to come back to the issue, because we have a fairly extensive work programme in front of us and I do not think that we

will have the time to do any more.

Jackie Baillie (Dumbarton) (Lab): I have less sympathy with inviting Sir Sean Connery to appear before the committee, mainly because I suspect that that would be used for purposes other than those of petition PE442.

Mr Monteith: Moi?

Jackie Baillie: Do not look so shocked, for goodness' sake. *[Interruption.]* If Brian Monteith wants to break into films, who am I to disillusion him?

Michael Russell: You should be explicit.

Jackie Baillie: Some of the things that the petitioners are calling for are not within the Parliament's competence. Therefore, it would not be appropriate for us to take a position—supportive or otherwise—on all aspects of the petition. I note from the Executive's response, which was provided some time ago, that a review of Scottish Screen was being undertaken. I am not sure whether the conclusions of that review have been reported. It would be valid to consider that review before we take any decisions. I concur with the comments that other members have made about the huge amount of work that the committee has to do before the Parliament is dissolved. In light of our request for information on the review of Scottish Screen, the issue could be left to a future Education, Culture and Sport Committee.

Michael Russell: Jackie Baillie's comments were not at all transparent. Perhaps we could leave an even better legacy to our successors if we were to do a little work on the petition. Therefore, I am in the unusual position of supporting Brian Monteith. Mr Howard Campbell and Sir Sean Connery should be invited to attend a committee meeting to speak to their petition. That would not be an unusual situation. Mr Guild is an example of a man who has lodged a petition with the Parliament and who continues to attend. We should invite the petitioners to speak to the committee.

The Convener: I would prefer to have film stars who are resident and actively working in Scotland to give evidence to the committee, rather than those who live in Los Angeles, which was confirmed at an earlier meeting.

Michael Russell: What a parochial view.

Jackie Baillie: Absolutely not.

The Convener: Do members agree to the course of action that Mr Mike Russell has outlined? There are two contrary views. One is that we should invite Sir Sean Connery and the other is that we should not. I, along with the clerks, am responsible for timetabling our meetings. Given our timetable and the work that we have

before the dissolution, I am less than keen to add anything else to our overburdened agenda, particularly an issue in relation to which the time scale could spiral out of control. It is not realistic to invite two people to give evidence on petition PE442. Dealing properly with the petition, rather than simply becoming involved in a publicity exercise, would be a substantial piece of work. I am not suggesting that it would be a publicity exercise for any individual member. It is my honest opinion that we do not have the time to do meaningful work on the petition. In light of members' comments, the issue would be worthy of full consideration by a subsequent Education, Culture and Sport Committee and it could be included in our legacy paper to the succeeding committee.

In the meantime, we should write to the minister to find out what is happening with the review of Scottish Screen. If we get through the work that we have, I would be willing to reconsider the matter at a later date, if members wish to do so. At the moment, I am reluctant to carry out work on the petition, given the work that will be entailed in the protection of children bill, which should be our priority.

Michael Russell: I would not be in favour of a division on the subject in our first meeting after the recess. After we have completed stage 1 of the protection of children bill, would it be possible for us to consider whether a gap has appeared in our schedule that would allow us to take evidence on the petition?

The Convener: I am happy to agree to do that. In the meantime, we will write to the minister to ask about Scottish Screen. Are members agreed?

Members indicated agreement.

The Convener: We will consider those matters that fall within the committee's competence. The tax issues and the setting up of a Scottish film industry do not fall within the competence of the Parliament.

Michael Russell: We would be entitled to take a view on those matters.

The Convener: You are well aware that to do so would be entirely unhelpful.

Michael Russell: With the greatest respect, the Parliament is entitled to take a view on any matter on which it chooses to do so. The committee might choose not to take a view on the matters that have been mentioned, but it would be entitled to.

The Convener: If you want to have an argument, I will put the issue of what to do with petition PE442 to a division. I suggest that we move forward in a spirit of consensus rather than a spirit of division, as we have done before.

Michael Russell: The consensus position is that we will reconsider the matter after stage 1 of the protection of children bill.

The Convener: Yes, we will reconsider those issues that fall within the direct remit of the Parliament.

Michael Russell: I will live with that just now.

Scotland in Sweden Week

The Convener: Item 6 on the agenda is the Scotland in Sweden event. The Presiding Officer has agreed to represent the Scottish Parliament and will visit the Swedish Parliament as part of an event that is entitled "Scotland in Sweden". That event will encompass some consideration of Swedish cultural and sporting areas. The committee has been asked to send a representative. I have been asked to attend in my capacity as convener. Are members agreed that I should attend the event on behalf of the committee?

Members *indicated agreement.*

Mr Monteith: I welcome the fact that you will be going to Sweden, convener. I recommend that you take time to examine the voucher system that helps to fund the Swedish education system, which is worthy of your interest.

The Convener: Thank you. Although it is not one of the responsibilities of the committee, I will also look at recycling in Sweden, which I understand is excellent. The key areas in which we have an interest are sport and cultural events. I will report back to the committee on those areas.

Michael Russell: I look forward to finding out how you manage to combine yachting tourism and Scottish food promotion, which are mentioned in the programme.

The Convener: The programme is interesting and wide-ranging. Although there are events on Saturday 19 October, I will need to return on the afternoon of Friday 18 October, because of family commitments. I am negotiating the timetable with the team that is setting up the event. I thought that I should bring that to members' attention.

Meeting closed at 14:41.

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