



The Scottish Parliament
Pàrlamaid na h-Alba

**Standards, Procedures and Public
Appointments Committee**

2nd Report, 2011 (Session 4)

**Reform of Parliamentary business
inquiry**

**Phase 1 report: remodelling the
Parliamentary week**

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The Scottish Parliament
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Standards, Procedures and Public Appointments Committee

Remit and membership

Remit:

1. The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

(a) the practice and procedures of the Parliament in relation to its business;

(b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members' interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;

(c) the adoption, amendment and application of any Code of Conduct for members; and

(d) matters relating to public appointments in Scotland.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

(Standing Orders of the Scottish Parliament, Rule 6.4)

Membership:

Margaret Burgess
Bob Doris
Helen Eadie (Deputy Convener)
Alex Fergusson (from 16 November 2011)
Margaret McDougall
Nanette Milne (until 16 November 2011)
Dave Thompson (Convener)
Paul Wheelhouse

Committee Clerking Team:

Clerk to the Committee

Alison Walker

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Alastair Macfie

Assistant Clerk

Catherine Fergusson

Support Manager

Sam Currie



The Scottish Parliament
Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

2nd Report, 2011 (Session 4)

Reform of Parliamentary business inquiry

Phase 1 report: remodelling the Parliamentary week

The Committee reports to the Parliament as follows—

EXECUTIVE SUMMARY

Time for change

Over the course of this session the work of the Presiding Officer, the Conveners Group, the Parliamentary Bureau and this Committee will constitute a thorough “MOT” for the Parliament.

The Committee records its sincere thanks to all those who took the time to give evidence.

Implementing a variety of changes

This Committee does not doubt that there may be practical issues with the implementation of certain changes recommended later in this report but suggests that this Parliament adopts a trial and error approach, similar to that of the Backbench Business Committee in the House of Commons. So, wherever possible, the Committee has made strong recommendations for change but with the full intention of reviewing and if necessary suggesting modifications to how these ideas work in practice during the course of the session, in consultation with other Parliamentary bodies.

Priorities for the Parliament

The Committee has concluded that, given the need to protect the parity of esteem between the Chamber and committee business, and to protect time for engagement with civic Scotland, the amount of time allocated to each of these priorities at present is broadly correct.

There is, however, a clear need for change to improve the Parliament's flexibility, specifically the Parliament's ability to:

- respond to peaks in workload; and
- be more responsive to, and scrutinise the Scottish Government more effectively on, topical issues.

Remodelling the Parliamentary week versus making better use of existing sitting patterns

The Committee has examined the evidence before it thoroughly and given careful consideration to this matter. The Committee appreciates that there are valid arguments both for and against changing sitting patterns.

The Committee is confident that recommendations 2 to 16 will improve the Parliament's flexibility, including its ability to work longer hours more easily and improve scrutiny of, and be more responsive to, emerging issues of importance to the people of Scotland.

The majority of the Committee considers that changing sitting patterns to the framework proposed by the Presiding Officer will also help improve responsiveness and topicality, and therefore would complement these recommendations well¹. Moving to a sitting pattern where committees meet in the morning and Chamber business takes place in the afternoon would undoubtedly improve the Parliament's ability to be the first forum for debating emerging issues of importance to the people of Scotland.

However, the Committee does have some concerns at the potential impact on the parity of esteem between committees and the Chamber. In this respect, reducing the ability of committees to meet for long periods of time is the main negative impact of changing sitting patterns.

The majority of the Committee considers that this is not an insurmountable issue since committees can meet on Mondays and Fridays and in the evenings where necessary². In addition, as detailed later in the report, committees would also be allowed to meet at the same time as the Chamber in certain circumstances under recommendation 2. A minority of members consider that this negative impact outweighs the positives of changing sitting patterns.

Recommendation 1: The Committee recommends that the sitting patterns of the Parliament should be changed to allow committee meetings to take place on Tuesday, Wednesday and Thursday mornings with Chamber business on those afternoons³.

¹ Helen Eadie MSP and Margaret McDougall MSP dissented from this paragraph.

² Helen Eadie MSP and Margaret McDougall MSP dissented from this paragraph.

³ Helen Eadie MSP and Margaret McDougall MSP dissented from the recommendation to change sitting patterns.

The Committee intends to review how effective changes have been throughout the course of the Parliamentary session. So there is scope to alter arrangements if changes do not work as anticipated. Therefore, this and all other changes in the report should be viewed as being undertaken on a trial basis, with the option to move back to existing practices should any of the Committee's recommendations prove to be problematic in practice.

Responding to peaks in workload

Committee business

Recommendation 2: The Committee recommends that Standing Orders be amended to allow committees to meet at the same time as the Chamber when committees identify a need to sit for longer, on a planned basis, should the Bureau agree that this is necessary.

Chamber business

Recommendation 3: The Committee recommends that the Bureau considers whether the Chamber should meet for longer on a Wednesday more regularly. This slot should be primarily used for longer stage 3 proceedings and business which is best dealt with in one long session; and should have a Decision Time as agreed to be appropriate by the Bureau.

Reforms to make the Parliament more responsive to, and scrutinise the Scottish Government more effectively on, topical issues

Question times

Recommendation 4: The Committee recommends that, to allow time for more topical questioning, both ministerial question times should be at least 40 minutes long. This increase in time allocated for ministerial question time (excluding First Minister's Questions) from 1 hour at present to 1 hour 20 minutes per week represents a 33% increase in time in the Chamber for this form of scrutiny.

Since First Minister's Questions already includes spontaneous urgent⁴ questions and supplementary questions, it should remain at 30 minutes. The Committee may revisit the length of question times later in the session.

Topical questions

Recommendation 5: The Committee recommends that a new format for topical questions be introduced and that this should take the place of General Question Time. The Committee invites the Bureau and the Presiding Officer to consider the details of this proposal with some urgency to inform Standing Orders rule changes required to introduce a process for topical questions.

The Committee is not wedded to a specific format for topical questions, but considers that any model adopted should allow: MSPs to lodge questions up to and including the day before topical question time; the Presiding Officer to select questions; selected questions to be published in the Business Bulletin; the MSP

⁴ These questions tend to be on constituency matters.

asking a question to ask more than one supplementary; sufficient time for other MSPs to ask additional supplementary questions; and such questions to be raised at the start of ministerial question times (apart from First Minister's Questions).

Recommendation 6: The Committee recommends that the lead-in time for lodging questions in the Business Bulletin for question times should be reduced from eight days in advance of being asked in the Chamber to four sitting days. This is with the exception of First Minister's Questions which should remain at three days.

More spontaneous questioning through supplementary questions

Recommendation 7: The Committee recommends that there should be fewer questions in the Business Bulletin for question times (with the exception of First Minister's Questions) to allow time for further supplementary questions from the MSP asking the question and from other MSPs. The Committee considers that the convention of allowing urgent⁵ matters to be raised at First Minister's Questions works well and therefore there is no requirement to change the format of First Minister's Questions in this regard.

Topical and Portfolio Question Time

Recommendation 8: The Committee recommends that themed question time, with topical questions featuring at the start, should be given the new title of 'Topical and Portfolio Question Time'.

As one of the key aims of reform is to improve responsiveness to emerging issues, the Committee strongly believes that Chamber sessions on Tuesdays and Wednesdays should begin with a session of ministerial question time which begins with topical questions, on any matter within the competence of the Parliament for answer by the relevant minister, followed by questions that scrutinise one particular Cabinet portfolio⁶.

Recommendation 9: The Committee recommends that either Topical and Portfolio Question Time or First Minister's Questions should open Chamber business each day that it sits to improve responsiveness and topicality.⁷

Streamlining procedures for questioning ministers

First Minister's Question Time – Party Leaders Questions

Recommendation 10: The Committee recommends that the first question asked by party leaders should no longer be required at First Minister's Questions; leaders should be able to move straight to spontaneous unscripted questioning.

Questions published in the Business Bulletin - reading out opening questions

Having considered whether to remove the requirement to read out questions that are published in the Business Bulletin, on balance the Committee recommends that questions should continue to be read out for accessibility reasons.

⁵ These questions tend to be on constituency matters.

⁶ Time for Reflection would still feature at the start of the first sitting day of the week.

⁷ Time for Reflection would still feature at the start of the first sitting day of the week.

Backbench business

Recommendation 11: The Committee recommends that Members' Business should be scheduled three times per week, thus substantially increasing, by 50%, the time available for backbench debates.

Recommendation 12: The Committee recommends that Members' Business should close with a speech from the MSP who lodged the motion for debate.

Recommendation 13: The Committee recommends that the requirement for Members' Business motions to be linked to a constituency matter should be removed.

Recommendation 14: The Committee recommends that it is made easier to hold Members' Business in core plenary time and invites the Bureau to consider how this could be achieved in practice.

Recommendation 15: The Committee recommends that Standing Orders should be changed to allow for longer Members' Business debates.

Flexibility in debates – the importance of the intervention

Recommendation 16: The Committee commends the actions taken by the Presiding Officer in relation to encouraging interventions and recommends that there is a trial of allowing a smaller number of longer backbench speeches in open debate to further encourage a culture of debating through interventions to grow.

Putting changes into practice

The Committee would very much welcome views on these recommendations in advance of this report being debated in the Chamber early in 2012. The Committee will bring forward the required Standing Order rule changes to implement Parliament's decisions.

Recommendation 17: The Committee acknowledges that implementation of these changes will require careful consideration, but believes that the momentum for change needs to be maintained. The Committee recommends that all changes should be implemented following the Easter recess.

INTRODUCTION

Time for change

1. The Scottish Parliament is now 12 years old. The evidence received by this inquiry confirms that it has achieved much in line with its founding principles of sharing power, accountability, access and participation (1). The Parliament cannot, however, continue to be successful and evolve if it is not willing to look at itself with a critical eye.

2. This session is an opportune time to review whether existing Parliamentary practices are serving their intended purpose. Voices from within and outwith the Parliament, who want to ensure that the Parliament is as responsive and relevant as it can be, have made constructive comments on possible change (2). Since her election, the Presiding Officer Tricia Marwick MSP, has sought to generate momentum for this change within the bodies crucial to the effective functioning of Parliament (3). The Cabinet Secretary for Parliamentary Business and Government Strategy has also indicated his support for a reform agenda (4).

3. The Conveners Group has begun its programme for change in relation to the Parliament's committees, including focusing on how committees can be more topical and inquisitorial in the future (5). In the Chamber, question times, including First Minister's Questions, have been adapted by the Presiding Officer to ensure more backbench representation and speaking times in debates to allow for more interventions and more lively debate (6).

4. The Standards, Procedures and Public Appointments (SPPA) Committee is playing its part in this process. The Committee is conducting its inquiry in two phases. This phase 1 report is on Chamber and committee sitting patterns and whether best use is being made of time in the existing parliamentary week. Phase 2 will focus on the work of committees. The Committee has not yet set its remit for phase 2, but is clear that any work it undertakes would complement the reforming agenda being pursued by the Conveners Group (7).

5. The Committee intends to review throughout the session how effectively any changes implemented from this inquiry are working in practice, including considering whether there is any scope for further changes. The Committee has also agreed to undertake an inquiry into the legislative process and a separate inquiry into the operation of Cross-Party Groups, which are areas that have been raised regularly during phase 1 evidence sessions.

6. Over the course of this session the work of the Presiding Officer, the Conveners Group, the Parliamentary Bureau and this Committee will constitute a thorough "MOT" for the Parliament.

Format of the report

7. This report is focussed in style, with the main body of it concentrating on the recommendations arising from the inquiry. Extracts of evidence considered, which substantiate the Committee's position, and also which offer counterpoints, are attached as an appendix. Where a number in brackets appears in the report, the

associated piece of evidence is included in the appendix. Footnotes are also used where an explanatory point is required or where a quote in the body of the report requires a reference. The format of the appendix mirrors the report so that there is a clear highlighting of the relevant evidence for each section of the report. All oral and written evidence received is also available in full online.

8. This report takes account of: formal and informal evidence gathered during the inquiry; reports from previous Procedures Committees; and approaches taken elsewhere, including the Irish Parliament and the House of Commons where there have been recent reforms.

9. **The Committee records its sincere thanks to all those who took the time to give evidence.**

Roles and responsibilities

10. The Committee has been keenly aware throughout this inquiry that it is only responsible for proposing changes to procedures. It is not responsible for the management of debates; that is entirely at the discretion of the Presiding Officer. It is not responsible for planning business; that is a matter for the Parliamentary Bureau. It does not have a reach into the manner in which committees undertake their business; that is for the Conveners Group. Finally, it does not have responsibility for any changes to corporate policies or practices required to bring about change; that is for the Scottish Parliamentary Corporate Body (SPCB).

11. Nevertheless, the Committee sees itself as a useful central body to consider changes on a Parliament-wide basis, and it is distinct from the bodies listed above in that it can hold open evidence sessions and consultations to allow anyone in Scotland to participate in the debate. The Parliament's doors must be open for this process. As a result of open consultation, the Committee has heard many ideas for change and this report is a vehicle for sharing these ideas with the Parliament.

Implementing a variety of changes

12. The Committee heard evidence from the Backbench Business Committee of the House of Commons that their reforms had taken time to bed in while MPs adapted to the new forms of business. Some reforms had worked well; some had not and are not being pursued further (8). **This Committee does not doubt that there may be practical issues with the implementation of certain changes recommended later in this report but suggests that this Parliament adopts a trial and error approach, similar to that of the Backbench Business Committee in the House of Commons. So, wherever possible, the Committee has made strong recommendations for change but with the full intention of reviewing and if necessary suggesting modifications to how these ideas work in practice during the course of the session, in consultation with other Parliamentary bodies.**

13. There are a number of areas where the changes suggested do not require any alteration to procedures, and it is not for this Committee to decide the detail of how to make such changes. Therefore, in places in this report, the Committee is not making firm recommendations to Parliament but is bringing useful ideas to the

attention of the relevant decision making body, such as the Bureau or the Presiding Officer.

14. A number of suggestions have been put forward in evidence that are outwith the parameters of this report. These suggestions include interpellations, votes being taken immediately after debates, and holding Members' Business in committee rooms. The Committee will also consider these matters when considering the remit for phase 2 of the inquiry (9).

Priorities for the Parliament

15. The priority for Parliament is holding the Scottish Government to account. However there are numerous demands on the time of MSPs. The Committee has received evidence to suggest that the role of MSPs as constituency representatives has grown since the Parliament was established in 1999 and this is also central to their role. MSPs also spend much of their time engaging with stakeholders which allows them to develop specialisms on particular topics and also ensures that topics scrutinised in formal parliamentary proceedings are consulted on as widely as possible.

16. As has been the case since 1999, there are high expectations placed upon this Parliament, but there are conflicting views as to how the Parliament can best spend its time to fulfil these expectations. The Committee has heard evidence that—

- Chamber business should be enlivened and attendance of MSPs increased as it is the main means, through media coverage, for the public to hear from the Parliament;
- the committee system remains the most important and influential element of the work of parliamentarians and so more time should be devoted to it, including longer timescales for legislation;
- the value of informal engagement with stakeholders should not be underestimated as it allows a wide range of voices to be heard that informs the formal work of MSPs and so maintaining time for these events would be welcomed; and
- time for constituency work, where MSPs can directly assist individuals and learn about local and national issues, should not be impinged upon.

17. All of these arguments have been persuasive and cogent and have highlighted some of the success stories of the Parliament. The Committee heard evidence on—

Stakeholder engagement – The origin of the bill that banned smoking in public places can be traced back to a Cross-Party Group of which Kenneth Gibson MSP, who lodged a Member's Bill with this intention, was the convener (10).

Chamber scrutiny – Lord McConnell gave an example of sustained pressure on him during a number of First Minister’s Questions leading to more informed decision making on his part on the MMR vaccine. (11)

Committee scrutiny – The improvements made to bills at the committee stages have been one of the big success stories of the Parliament so far. The Committee was cheered to hear positive feedback in the evidence session with outside organisations that engage with the Parliament to influence policy. Andy Myles, from Scottish Environment Link told the Committee—

“Like all the other organisations represented here, we have been working with the Parliament since 1999 and have had an extensive and very positive experience, particularly in the legislative field. The participation of environmentalists in Scotland, working with MSPs from all parties, civil servants, clerks and everyone else, has meant that Scotland has ended up with pieces of legislation that I hope—and that parliamentarians, at the end of stage 3 debates, have tended to claim—are much better because of the involvement of civic Scotland. I am thinking of the Marine (Scotland) Act 2010, the Environmental Assessment (Scotland) Act 2005, the Nature Conservation (Scotland) Act 2004 and the Planning etc (Scotland) Act 2006. I could go on listing the many important pieces of legislation that I like to think the policy community in Scotland, working together, has made much better than when they were introduced to Parliament. In that way, the Parliament has followed its four founding principles, one of which was that there should be participative government.”⁸

Constituency work – Expectations on MSPs as local advocates in undertaking constituency work appear to have risen since 1999. Where once MSPs were a last port of call for help, many now perceive them as the first (12).

18. All these positive examples have demonstrated that the Committee is not starting with a blank sheet of paper on which to design the working week. There is much that the Parliament does well in the Chamber, in committee, in constituencies and informally. Time for such work requires to be protected when considering possible changes.

19. As a result the Committee developed three priorities for the inquiry—

- improving effective scrutiny in plenary session, including more spontaneous and topical business;
- in making change, maintaining levels of engagement with outside organisations/individuals; and
- enlivening debate to increase levels of media coverage of Parliamentary proceedings and, in turn, improve the public perception of the Parliament.

⁸ Standards, Procedures and Public Appointments Committee, *Official Report*, 22 November 2011, Col 218.

20. In addition, as the inquiry evolved it became apparent that the likely addition of new powers and responsibilities will also need to be taken into account; for example the increased powers proposed in the Scotland Bill that, at time of drafting, was being scrutinised in the UK Parliament for enactment in 2012 (13).

Allocation of time in the existing working week

21. It is clear from the evidence received that MSPs are already very busy—

- working in their constituencies on Mondays and Fridays (and over weekends on a regular basis), including holding surgeries, answering correspondence from constituents, attending local schools and businesses, taking part in awareness-raising events, such as for local charities and travelling large distances between communities in the larger regions and constituencies (14);
- attending committee meetings on Tuesdays and/or on a Wednesday morning (dependent on how many committees they sit on – there are currently 15 committees with membership ranging from 7 to 11 members);
- attending Chamber business on a Wednesday afternoon and all day Thursday;
- attending informal meetings in the Parliamentary complex on Tuesdays to Thursdays, and sometimes outwith these times, including hosting school visits as part of the Parliament's education programme, Cross-Party Group meetings, one to one meetings with organisations briefing on particular issues, political group meetings and stakeholder events (15);
- travelling to and from the Parliament, which is especially time consuming for MSPs with constituencies in remote, rural and island areas who are often away from home from Monday to Thursday/Friday (16); and
- spending time preparing for committee and Chamber business, by scrutinising committee papers, reports and background briefings from outside organisations and the Scottish Parliament Information Centre (SPICe).

22. Given the varied demands on an MSP there is little scope to increase the time available for one priority without detriment to another (17). So, there is no magic formula for the Committee to recommend that will increase the time available markedly for one particular form of work, when time and resources are limited.

23. The Committee has concluded that, given the need to protect the parity of esteem between the Chamber and committee business, and to protect time for engagement with civic Scotland, the amount of time allocated to each of these priorities at present is broadly correct.

24. There is, however, a clear need for change to improve the Parliament's flexibility, specifically the Parliament's ability to:

- **respond to peaks in workload; and**
- **be more responsive to, and scrutinise the Scottish Government more effectively on, topical issues.**

The need for greater flexibility

25. The over-arching finding of the Committee, from which specific recommendations all stem, is that the Parliament needs to become more flexible in a number of ways. The Parliamentary week is too rigid at present, with any changes to the week, to accommodate peaks in workload for the Chamber and for committees, requiring suspension of Standing Orders rules or votes on business motions to accommodate them. It is imperative, in aspiring to improve accountability, that the Chamber and committees can obtain sufficient time for the required scrutiny with greater ease.

26. There is also rigidity in the scheduling and format of question times, which restricts Parliament's ability to respond to emerging issues. The majority of questions must be lodged eight days in advance of business and all are asked on a Thursday. There is little scope for topical issues to be raised by backbenchers at short notice, although there is a slot for questions at First Minister's Questions that is traditionally used for urgent constituency matters. The only other avenue is lodging an emergency question for consideration by the Presiding Officer. Just seven emergency questions have been put in the Chamber in 12 years.

27. The scope for individual backbenchers to propose subjects for debates is also quite restricted in comparison to our neighbours. The House of Commons and the Irish Parliament have reformed and modernised in recent years. One result has been an increase in backbench influence over the topics for debates, which goes far beyond what is available to backbenchers in the Scottish Parliament at present (18). For example, issues that have been raised with the Committee include the ability to vote on Members' Business motions and the establishment of a committee dedicated to allocating time for backbench business, as is the case in the House of Commons (19).

28. There is also rigidity in speaking times due to the strict timings often attached to debates. The Committee appreciates that there is value in the discipline of keeping to time and keeping speeches focused (20). However real, lively debate is only achieved when speakers have time to allow interventions (21). The Presiding Officer has brought about change in recent months that has encouraged interventions and this is to be welcomed and built upon.

29. Recommendations to ensure increased flexibility are outlined below, beginning with consideration of the pros and cons of changing sitting patterns or retaining the current sitting pattern. This is followed by consideration of different forms of scrutiny undertaken by the Parliament and ways in which each type of scrutiny could be improved.

Sitting patterns – potential changes

30. The Committee was invited by the Presiding Officer to consider changing sitting patterns. The Committee began its inquiry by posing questions to witnesses on four options. These are not mutually exclusive—

- Option 1 - committees could meet on Tuesday, Wednesday and Thursday mornings with Chamber business in the afternoon (22);
- Option 2 – the Chamber could meet later on Wednesdays as the norm (23);
- Option 3 - committees and Chamber meetings could take place simultaneously (24); and
- Option 4 - altering the allocation of time between committee and Chamber business throughout the year / the session (25).

31. Option 1: the Committee has given serious consideration to this proposal. Its analysis and conclusions are outlined below.

32. Options 2 and 3: the Committee considers that the benefits that could be gained from options 2 and 3 have been incorporated into recommendations 2 and 3.

33. Option 4: this suggestion came from the previous session's Conveners Group which proposed that different parts of the Parliamentary year could focus more on committee work and then at other times on Chamber business. This idea has some appeal, but deciding when committees take priority over the Chamber and vice versa would be a very challenging judgement call to make. In addition, timetabling would be an issue. Some committee and Chamber business would presumably need to be scheduled throughout the year, for example, to allow for the passage of subordinate legislation. In addition, it is not as simple as to say that committees are busy at certain times of the year. A committee's workload differs greatly based on its remit. Some committees, such as those with justice and health within their respective remits, have thus far had a large amount of legislation to consider, spread throughout a session and so may not consider there is any particular lull in proceedings. The Public Petitions Committee is never lacking in petitions to consider. Other committees come under pressure at different times of year as they are required to consider certain events on an annual basis: for example the Finance Committee's budget bill scrutiny or the Rural Affairs, Climate Change and Environment Committee's consideration of fishing quotas. For these reasons, the Committee is not minded to support this option.

Remodelling the Parliamentary week versus making better use of existing sitting patterns

34. The Committee has given careful consideration to the options which have emerged in evidence as the main contenders for reform: specifically, rearranging the Parliamentary week (option 1) versus making better use of existing time.

35. The basis for option 1 is that it would allow the Parliament to be more responsive to emerging issues if the Chamber met three times a week on Tuesday, Wednesday and Thursday afternoons. At present if something significant happens on a Thursday evening the Parliament as a whole could not discuss it until the following Wednesday afternoon (other than by emergency recall). It is argued that this detracts from the primacy of Parliament as the main forum of debate for issues of relevance to the people of Scotland (26). The level of responsiveness that adopting this option could achieve would be enhanced if it were twinned with the proposal to have question times which included scope for topical questions opening Chamber business each sitting day with the first being on a Tuesday afternoon⁹ (see paragraphs 70 to 83).

36. The Presiding Officer's suggestion was detailed in her initial letter to the Committee—

Tricia Marwick MSP, Presiding Officer—

“The current time gap between the Parliament rising on a Thursday evening and resuming on a Wednesday afternoon means that the Parliament may not always be in a position to respond to emerging or urgent issues. I consider this to be a weakness that could be addressed by, for example, the Parliament meeting in plenary session on three afternoons a week (ie Tuesday to Thursday) to reduce the times during which the Parliament is not able to consider issues; and committees meeting on three mornings a week.”¹⁰

37. The Presiding Officer's suggestion has received support from a number of those giving evidence to the Committee—

Lord McConnell—

“The Parliament should meet in plenary session at least 3 half days a week, so allowing more topical debates and to offer more flexibility¹¹.”

“...in Holyrood, business ends on a Thursday at 17.00, and no matter what events unfold over the next five days, Parliament will not consider them until 14.30 on the following Wednesday, at the earliest. When a significant issue arises, such as the loss of tax-varying powers, then the Parliament should be able to convene quickly.”¹²

Scottish Conservative and Unionist Party—

“On balance the majority of our Members agree with the proposal that there should be chamber sittings on Tuesdays, Wednesdays and Thursdays. However this should be more than mere tokenism and substantial business

⁹ Time for Reflection would still feature at the start of the first sitting day of the week.

¹⁰ Letter from the Presiding Officer, 23 August 2011

¹¹ Rt Hon Lord McConnell, written evidence submitted to the Committee

¹² <http://www.telegraph.co.uk/news/uknews/scotland/8155167/Why-the-pedestrian-Scottish-Parliament-needs-overhauling.html>

including Ministerial Question Times should be scheduled over all three days.”

“...For those Members who do not normally have committee meetings on Tuesdays this change will reduce their ability to attend events and meetings in their constituencies/regions on that day. However the intention at the outset of the Parliament was that the working week for MSPs should involve being in Parliament on Tuesdays, Wednesdays and Thursdays with Mondays and Fridays being allocated for constituency business. There has been some slippage from that concept and it is interesting to note how many major committees of the Parliament with weekly meeting schedules meet on Wednesday mornings rather than Tuesdays”.¹³

David McLetchie MSP added from a personal perspective—

“In general terms we need to ensure that the business of the Parliament whether conducted in the chamber or in committees is topical and is addressing issues of current public concern. I think it is a fair criticism that sometimes procedures and established methods of working are preventing a more rapid response to issues in the Parliament itself.

This means that Parliament ceases to be the forum in which these topics are aired and discussed which is not good for the standing and reputation of the Parliament as the national forum for debate and for holding the Government to account.”¹⁴

Mark Macdonald MSP—

“I am writing to offer my views, as a newly elected MSP, with regard to reforming the parliamentary week.”

“I am generally supportive of the proposal that we should alter the plenary sessions to cover the afternoons of Tuesday, Wednesday and Thursday with committee meetings in the mornings of those days. I think this would, as the Presiding Officer identifies, allow for a more flexible response to urgent circumstances.”¹⁵

Journalist and political commentator, Iain Macwhirter—

“Invariably, the network news bulletins that are transmitted in Scotland are dominated by issues of concern to Westminster such as free schools, national health service reforms south of the border and even border controls. Such issues are very different in or do not apply at all to Scotland.”

“It is consequently very difficult for the Scottish Parliament to keep up its public profile and address its image problem. The Parliament has to do that, however uncomfortable people may feel about it, through the main media

¹³ David McLetchie MSP, written evidence submitted to the Committee

¹⁴ David McLetchie MSP, written evidence submitted to the Committee

¹⁵ Mark McDonald MSP, written evidence submitted to the Committee

by which people gain their political intelligence: television and radio. I speak as someone who works for newspapers, so I am not talking out of self-interest. The Parliament must ensure that it has as clear a presence in the media as possible. I therefore agree with the former First Minister Jack McConnell that the Parliament should sit on three afternoons a week and that it should continue with business in the evening when there are important debates.”¹⁶

38. In addition to the improvements to the effectiveness of Parliament, as illustrated in these quotes, further advantages of this proposal include that—

- there would be an opportunity to allocate more backbench time, as Members’ Business debates could be timetabled for Tuesdays, Wednesdays and Thursdays.
- Tuesdays would be a more attractive option for holding Cross-Party Group meetings and other stakeholder engagement events as more MSPs would be present in the Parliamentary complex three days a week¹⁷.
- Chamber business taking place on three days a week may also generate additional press coverage for the Parliament and prevent coverage being concentrated over two days (meaning some newsworthy pieces of work may not get picked up).
- question times could be held on three days a week and could feature topical questions, further increasing the Parliament’s capacity to hold the Government to account.

39. There are those who would not favour moving to this new sitting pattern at this time. A common view put to the Committee is that the logical first step in making reforms is to make better use of the existing time before assessing whether any further reform is required (27). The Committee has given careful consideration to whether the responsiveness of the Parliament could be improved without changing sitting patterns.

40. Hugh Henry MSP highlighted a number of points succinctly in his opening statement to the Committee, based around how the Parliament could improve without changing sitting patterns. These comments are analysed further below and inform a number of the Committee’s recommendations for change.

“I caution against changing the structure of the parliamentary week so that Parliament meets on Tuesday, Wednesday and Thursday afternoons. Although that might be superficially attractive, not only is there a danger of impacting on the way that committees work but we would get into the issue of the structure of question time—when it might take place and what time might be available for

¹⁶ Standards, Procedures and Public Appointments Committee, *Official Report*, 8 November 2011, Col 150.

¹⁷ The majority of CPGs (and other events) currently take place on Wednesdays which can lead to MSPs who are members of a number of groups having to choose one over another or attending them all for an unsatisfactorily short period of time.

the rest of the week...if they were on a Thursday, Thursday morning would be a committee morning—I would not want to see anything enter committee time.”

“To an extent, it is unfortunate that much of the public debate about reforming parliamentary business has focused on time in the chamber and how frequently or how long Parliament as a whole should meet. That is starting from the wrong perspective...We need to learn how to use the time that we have more effectively before we consider extending meeting times.”

“Committees should be allowed to meet at the same time as Parliament when there is an issue that grabs the public’s attention. That would engage the public far more effectively with Parliament than happens when committees are limited to certain times.”¹⁸

41. In advocating the retention of existing sitting patterns, witnesses have flagged up the potential negative effects of change.

42. For example, if sitting patterns were changed, committees would not be able to have full day meetings or run on into the afternoon as and when required on a Tuesday (28), although they would be able to meet at the same time as the Chamber in certain circumstances (see recommendation 2). Changing sitting patterns may also impact on the ability of committees to carry out external visits, some of which take place on a Tuesday at present, as members may be required to attend Chamber business in the afternoon.

43. Another argument against changing sitting patterns is the possibility of First Minister’s Questions impinging upon committee time on a Thursday if it remained at noon. This could be addressed by committees meeting on a Thursday starting at 9 am when necessary to ensure their work is not unduly impinged upon. This would be preferable to moving First Minister’s Questions to later in the day as the basis for moving it to noon in previous Procedures Committee reports is persuasive, and the balance of evidence on this issue during this inquiry suggests that it should remain at this time.

44. The Committee also acknowledges that there may be practical issues in relation to First Minister’s Questions being a stand-alone item of Chamber business (29).

45. A further consideration in changing sitting patterns is the impact additional time in Parliament may have on the time available to Scottish Government ministers to undertake duties outwith the Parliament, as being required to attend question times on Tuesdays and Wednesdays as well as Thursdays may encroach upon this time (30). However, it should be noted that ministers do already attend committee meetings on Tuesdays and Wednesday mornings on a regular basis.

¹⁸ Standards, Procedures and Public Appointments Committee, *Official Report*, 25 October 2011, Col 102

46. The Committee has examined the evidence before it thoroughly and given careful consideration to this matter. The Committee appreciates that there are valid arguments both for and against this change.

47. The Committee is confident that recommendations 2 to 16 will improve the Parliament's flexibility, including its ability to work longer hours more easily and improve scrutiny of, and be more responsive to, emerging issues of importance to the people of Scotland.

48. The majority of the Committee considers that changing sitting patterns to the framework proposed by the Presiding Officer will also help improve responsiveness and topicality, and therefore would complement these recommendations well¹⁹. Moving to a sitting pattern where committees meet in the morning and Chamber business takes place in the afternoon would undoubtedly improve the Parliament's ability to be the first forum for debating emerging issues of importance to the people of Scotland.

49. However, the Committee does have some concerns at the potential impact on the parity of esteem between committees and the Chamber. In this respect, reducing the ability of committees to meet for long periods of time is the main negative impact of changing sitting patterns.

50. The majority of the Committee considers that this is not an insurmountable issue since committees can meet on Mondays and Fridays and in the evenings where necessary²⁰. In addition, as detailed later in the report, committees would also be allowed to meet at the same time as the Chamber in certain circumstances under recommendation 2. A minority of members consider that this negative impact outweighs the positives of changing sitting patterns.

Recommendation 1

The Committee recommends that the sitting patterns of the Parliament should be changed to allow committee meetings to take place on Tuesday, Wednesday and Thursday mornings with Chamber business in the afternoons²¹.

51. The Committee intends to review how effective changes have been throughout the course of the Parliamentary session. So there is scope to alter arrangements if changes do not work as anticipated. Therefore, this and all other changes in the report should be viewed as being undertaken on a trial basis, with the option to move back to existing practices should any of the Committee's recommendations prove to be problematic in practice.

Responding to peaks in workload

52. The Committee is clear, and so were many witnesses, that there is no merit in extending committee hours or Chamber hours for the sake of it (31). Much of

¹⁹ Helen Eadie MSP and Margaret McDougall MSP dissented from this paragraph.

²⁰ Helen Eadie MSP and Margaret McDougall MSP dissented from this paragraph.

²¹ Helen Eadie MSP and Margaret McDougall MSP dissented from the recommendation to change sitting patterns.

the evidence has suggested that it is important to use the existing time more effectively, and the recommendations on debates, question times and backbench business below are targeted at this objective (32). However, there are undoubtedly times where particular parts of the Parliament come under marked pressure to undertake scrutiny to a demanding deadline.

Committee business

53. Greater flexibility exists for committees than for plenary business at present, as committees already have the flexibility to meet on Mondays and Fridays as well as Tuesdays and Wednesdays relatively easily (without any need to suspend Standing Orders)^{22 23}. This is something that committees tend to do when the issue under consideration is of particular relevance in a particular geographic area and it wishes to hold a meeting in this area (for example, in each session the committee with rural affairs within its remit has regularly held away meetings due to the nature of its work).

54. However, due to the breadth of the remit of subject committees, the amount of legislative scrutiny required by them (often to tight timescales), and the demands on MSPs in constituencies throughout the full week, some committees have required additional time on Wednesdays and Thursdays. For example the Scotland Bill Committee has gained permission to meet at the same time as the Chamber on a number of occasions this session. This requires a request that the Bureau lodge a motion suspending Standing Orders. This motion is then required to be considered and voted upon by Parliament as a whole. This appears to be an overly complicated process and the Committee believes that agreement from the Bureau should be sufficient.

55. As noted above, the Committee is keen to protect the parity of esteem between committees and the Chamber. As a consequence, it does not envisage committees meeting at the same time as the Chamber becoming the norm. Having observed other legislatures where committees meet at the same time as the Chamber, the Committee does not consider that this Parliament has the necessary number of members to ensure committees and the Chamber can be well attended simultaneously (33). The Committee considers that allowing committees to meet at the same time as the Chamber could result in diminishing returns, with less in-depth work in committees due to lower attendance.

56. It is crucial that the ability to meet simultaneously is limited by the Bureau to prevent any perception that committees and the Chamber are competing against each other. In addition, the Committee considers that there needs to be a limit to the number of committees allowed to meet at the same time as the Chamber as this would present a problem for timetabling business in the Chamber, as Chamber business ideally should not be on the same subject matter as that being considered in committee.

²² Suspending standing orders requires a motion to be agreed by the Parliamentary Bureau which then requires the agreement of Parliament as a whole during Chamber business.

²³ The Chamber can also meet on Mondays and Fridays but this would only be undertaken in exceptional circumstances.

57. The Committee suggests a process be put in place where conveners, on behalf of a committee as a whole, must submit a request to the Bureau stating the dates it wishes to meet at the same time as the Chamber and the justification for it. It would then be for the Bureau to decide whether to grant this request, and also to monitor how this process works in practice. This process should only be used where a committee is facing a very challenging deadline, is unable to get a vital witness to attend at any other time or something happens of national significance that falls within a particular committee's subject area, and the Chamber is not considering that matter. Committees would also have to demonstrate that every effort has been made to meet at an alternative time.

Recommendation 2

The Committee recommends that Standing Orders be amended to allow committees to meet at the same time as the Chamber when committees identify a need to sit for longer, on a planned basis, should the Bureau agree that this is necessary.

Chamber business

58. The Parliament has previously held later Chamber sittings on a Wednesday on an ad-hoc basis towards the end of a Parliamentary session to enable all Government legislation to be passed in advance of dissolution for the election. The start time for Decision Time was still scheduled for 7pm and, at latest, 8pm, as opposed to the usual 5pm. This worked well in the main; however there were occasions where business was not extended for long enough and the Parliament attracted criticism for the limited debate of amendments at Stage 3. In particular, during Stage 3 of the Crofting Bill, some MSPs were given under two minutes to speak on amendments and some MSPs were not called at all (34). Where substantial pieces of legislation are receiving their final hours of scrutiny, and without another chamber to bolster such scrutiny, this is undesirable. The Committee considers that the Parliament matured as a result of these experiences and believes that such guillotining of debates should not be repeated.

59. The Committee was interested to learn of the experiences of the Irish Parliament where the sitting times have been greatly extended. As a result there is often insufficient substantive business to fill the time, meaning business is suspended much earlier than the timetabled finishing time (35). Nonetheless the Committee has received evidence that suggests that the Parliament could meet later on Wednesdays more often to improve scrutiny of certain items of business. This is to ensure momentum is maintained on substantive business, which can be lost when business is timetabled over more than one day or with breaks for three question times and lunch as at present on a Thursday. It is also intended to ensure that major debates are allocated a sufficient period of time (36).

60. The Committee considers that substantive debates, such as on the budget, the legislative/government programme and Stage 1 debates for substantive bills should be allocated as long as is necessary to enable effective debate. Therefore, the Bureau may wish to consider holding Chamber business into the evening on a Wednesday on a more regular basis for these items of business, as well as longer Stage 3 proceedings. Shorter Stage 3 proceedings could still be held on Tuesdays or Thursdays as appropriate.

Recommendation 3

The Committee recommends that the Bureau considers whether the Chamber should meet for longer on a Wednesday more regularly. This slot should be primarily used for longer Stage 3 proceedings and business which is best dealt with in one long session; and should have a Decision Time as agreed to be appropriate by the Bureau.

61. To allow this to happen more easily wherever required, the Committee intends to bring forward Standing Orders rule changes that make it easier to move Decision Time from 5pm.

62. The Committee will give further consideration to the suggestion that committees could require additional Chamber time, for example for debates that cut across a number of committee remits, within Phase 2 of its inquiry. The Committee does not wish to pre-empt any conclusions from Phase 2 by recommending that regular late sittings on Wednesday evenings will be required as standard. However, the Committee does note that additional committee time, and also additional time during the course of the day for Members' Business, as discussed below, (see recommendation 14), bolsters the case for regular late sittings on a Wednesday. It intends to revisit this issue in Phase 2 of its inquiry.

Reforms to make the Parliament more responsive to, and scrutinise the Scottish Government more effectively on, topical issues

Question times

63. Effective question times can be the most influential means of holding a government to account (37). As made clear in the letter from the Presiding Officer, there are a number of ways in which question times need to be improved, and the Committee has found that the Presiding Officer's suggestions have received wide support in evidence. The recommendations outlined below seek to streamline procedures for question times; to allow more topical questioning; and to provide more time for spontaneous questions through supplementary questions.

64. In addition to procedural changes, given the importance of question times, the Committee recommends that question times overall deserve additional time in the Chamber. Having compared the approach taken in Scotland with a number of other parliaments the amount of time spent on questioning ministers is comparatively low (38).

Recommendation 4

The Committee recommends that, to allow time for more topical questioning, both ministerial question times should be at least 40 minutes long. This increase in time allocated for ministerial question time (excluding First Minister's Questions) from 1 hour at present to 1 hour 20 minutes per week represents a 33% increase in time in the Chamber for this form of scrutiny.

65. Since First Minister's Questions already includes spontaneous urgent²⁴ questions and supplementary questions, it should remain at 30 minutes. The Committee may revisit the length of question times later in the session.

Topical questions

66. The Bureau has the capacity to alter business at short notice to discuss topical issues. For example ministerial statements are regularly introduced into the business programme at short notice through revised business motions that require Parliamentary approval. In addition, the Presiding Officer has the discretion to make any changes she wishes to the business programme, including allowing emergency statements. Understandably, the power to move away from consulting Parliament by parachuting in business in this way has been used sparingly so far.

67. At present the only scope for a backbencher to raise an issue as a matter of urgency is through selection of a question at First Minister's Questions or by lodging an emergency question. This must be lodged by 10am on a day on which there is a Chamber session. If the question is selected by the Presiding Officer, the member must repeat the full text as printed in the Business Bulletin and is then allowed one supplementary question. Other members may then, at the discretion of the Presiding Officer, ask a further supplementary question. Seven emergency questions have been asked since the establishment of the Parliament.

68. Topical questions enliven debate, allow for spontaneity and, provide an opportunity for contentious issues to be aired that may not otherwise be timetabled by the Bureau for discussion. Therefore, the Committee considers that there is a gap in scrutiny between the set question lodged in the Business Bulletin eight days before it is discussed (supplementary questions must relate to this question) and the emergency question. There is a clear need for a mechanism which allows questions on topical current issues that civic Scotland would reasonably expect to be raised in its Parliament but that are not necessarily of an emergency nature.

69. The Committee is not wedded to a specific format for topical questions, but considers that any model adopted should allow—

- MSPs to lodge questions up to and including the day before topical question time;
- the Presiding Officer to select questions;
- selected questions to be published in the Business Bulletin;
- the MSP asking a question to ask more than one supplementary;
- sufficient time for other MSPs to ask additional supplementary questions; and
- such questions to be raised at the start of ministerial question times (apart from First Minister's Questions)

²⁴ These questions tend to be on constituency matters.

Recommendation 5

The Committee recommends that a new format for topical questions be introduced and that this should take the place of General Question Time. The Committee invites the Bureau and the Presiding Officer to consider the details of this proposal with some urgency to inform Standing Orders rule changes required to introduce a process for topical questions.

70. Assuming this new form of questioning is introduced, the existing General Question Time may be considered surplus to requirements, as topical questions will perform the same function.

71. In making this suggestion, the Committee is clear that it does not want topical questions to replace the emergency question procedure. There is still a need for a mechanism for extremely urgent questions to be raised in proceedings, regardless of whether there is a question time scheduled.

72. The Committee also does not want topical question time to detract from the lodging of questions through the standard ballot system. This process is extremely valuable where an MSP wants a detailed response on an issue. Allowing a number of days for Scottish Government officials to collate the relevant information being requested and for a Minister to carefully consider the terms of his or her answer, there is certainly merit in having questions published in the Business Bulletin well in advance of them being asked in the Chamber. Nonetheless, the Committee found that there was overwhelming support for reducing the number of days between questions being published in the Business Bulletin and the relevant question time (39). This simple change of reducing the number of days between the submission of a question and it being asked in the Chamber would improve a backbencher's chances of asking a question based on an issue that is still current by the time the question is put in the Chamber. The Committee considers that the timescale for lodging a question, where an MSP is selected in the ballot, should be reduced to something akin to the deadline for First Minister's Questions (three days).

Recommendation 6

The Committee recommends that the lead-in time for lodging questions in the Business Bulletin for question times should be reduced from eight days in advance of being asked in the Chamber to four sitting days. This is with the exception of First Minister's Questions which should remain at three days.

More spontaneous questioning through supplementary questions

73. The Committee also wishes to improve topicality of question times by allowing more time for supplementary questions. There has been too much emphasis in the past on getting through all of the questions in the Business Bulletin, as opposed to sustained scrutiny of a more limited number of issues through supplementary questions from the MSP asking the question and from other MSPs (40).

Recommendation 7

The Committee recommends that there should be fewer questions in the Business Bulletin for question times (with the exception of First Minister's Questions) to allow time for further supplementary questions from the MSP asking the question and from other MSPs. The Committee considers that the convention of allowing urgent²⁵ matters to be raised at First Minister's Questions works well and therefore there is no requirement to change the format of First Minister's Questions in this regard.

Topical and Portfolio Question Time

74. The Committee considers that the recommendations above should help to bring more life to question times (41). It considers that question times where each individual Cabinet portfolio is scrutinised in turn, preceded by topical questions as standard, would be the most effective format for ministerial question times as it allows in-depth scrutiny of portfolios and also scrutiny of emerging issues. This is a more dynamic hybrid of the formats for Themed Question Time and General Question Time. Since this question time will be a merging of existing question times, with a new procedure for topical questions added, the Committee considers it merits a name change, to flag up the shift in practices.

Recommendation 8

The Committee recommends that themed question time, with topical questions featuring at the start, should be given the new title of 'Topical and Portfolio Question Time'.

75. The Committee will review how well these changes are working in due course, including whether attendance and the number of supplementary questions asked during these question times increases. It will also collate figures on the number of spontaneous questions asked at these question times. The changes in format may of course take time to bed in but the Committee has received a significant amount of evidence to suggest that there is demand from backbenchers for additional time to scrutinise the Scottish Government on issues of the backbenchers' choosing. The timings of question times do not require changes to Standing Orders so it is for the Bureau to decide when to schedule question times.²⁶

76. As one of the key aims of reform is to improve responsiveness to emerging issues, the Committee strongly believes that Chamber sessions on Tuesdays and Wednesdays should begin with a session of ministerial question time which begins with topical questions, on any matter within the competence of the Parliament for answer by the relevant minister, followed by questions that scrutinise one particular Cabinet portfolio²⁷.

²⁵ These questions tend to be on constituency matters.

²⁶ If question times moved to Tuesdays or Wednesdays then the Committee would seek to remove the reference to (*normally on Thursdays*) in the fullness of time.

²⁷ Time for Reflection would still feature at the start of the first sitting day of the week.

Recommendation 9

The Committee recommends that either Topical and Portfolio Question Time or First Minister's Questions should open Chamber business each day that it sits to improve responsiveness and topicality²⁸.

Streamlining procedures for questioning ministers

77. In the interests of creating more time during question times for spontaneous questions, the Committee identified a couple of procedures that could be removed to streamline question time, and the time taken for these practices could put to better use on spontaneous questioning which would add to the intensity and momentum of business. As detailed below, the Committee has decided to pursue the first of these options, but not to take forward the second for accessibility reasons.

First Minister's Question Time – Party Leaders Questions

78. The evidence received by the Committee suggests that, in the main, First Minister's Questions works well. However, the Committee has identified a relatively small change that could free up more time for spontaneous questioning.

79. At present, the question lodged from each of the two main opposition parties is arbitrary in nature, enabling them to ask supplementary questions on any matter within the competence of the Parliament and to keep the subject matter of these supplementary questions confidential until the question is put to the First Minister. These initial questions take up valuable time that could be used for spontaneous questions and detracts from the momentum of proceedings.

Recommendation 10

The Committee recommends that the first question asked by party leaders should no longer be required at First Minister's Questions; leaders should be able to move straight to spontaneous unscripted questioning.

80. In recommending this change, the Committee wishes to retain a couple of features of the existing system.

81. Firstly, at present, in advance of answering the first question from the leader of the opposition, the First Minister often takes the opportunity to make mention of a topical matter, and the Committee considers that this is a valuable opportunity for messages to be conveyed to the public given the media attention afforded to First Minister's Questions. The Committee considers that this practice of making opening remarks should remain and suggests that where the First Minister wishes to make such comments he should intimate this to the Presiding Officer who could then allow a few words at the very start of proceedings, at her discretion.

82. Secondly, present rules on parliamentary questions require that supplementary questions can only be asked on the subject matter of the question. The broad nature of the party leaders questions allows the Presiding Officer to bring in supplementary questions from backbenchers. At present, this occurs after question 2 which is asked by the leader of the Scottish Conservative and Unionist

²⁸ Time for Reflection would still feature at the start of the first sitting day of the week.

Party. The Committee would of course wish to retain the Presiding Officer's capacity to introduce supplementary questions as readily as at present, and intends in revising procedures, to find a suitable accommodation.

Questions published in the Business Bulletin - reading out opening questions

83. The Committee considered the option of removing the requirement to read out questions that are already published in the Business Bulletin at all question times. The alternative would be the number of the question and the name of the MSP being read out and then moving straight to the answer from the relevant minister. This is an approach taken in other Parliaments such as the Irish Parliament. This has an appeal in ensuring the intensity and momentum of question times is maintained. The Committee was mindful in considering this option of the potential for this change in procedure to have an impact on the accessibility of proceedings. To mitigate this impact, the possibility of providing more information in the public gallery in terms of hard copies of the lodged questions (including in alternative formats) and of using on-screen captioning was explored.

84. However, even with these accommodations, the Committee considers that the potential for this to impact on the ability of individuals to listen to question time outweighs the advantages of this suggestion. Removing the requirement to read out the text of an oral question would place certain groups at a substantial disadvantage if the only option was to read the questions from the Business Bulletin or from some other form of documentation when members of the public watch from the gallery.

85. The Committee recommends that questions in the Business Bulletin should continue to be read out for accessibility reasons.

Backbench business

86. The Committee has received evidence to suggest that there should be more of a role for backbench business within Chamber proceedings to remove the perception that Chamber business is 'pre-programmed down party political lines' (42).

87. Improving the ability of backbenchers to scrutinise Ministers at question times has been dealt with above. In addition to this, the Committee has received a number of suggestions that would enable backbenchers to initiate business, a number of which would allow this business to be placed into the business programme at short notice to ensure backbenchers can raise topical issues.

88. The current mechanisms for backbenchers to raise issues are either long term ventures in the form of Members' Bills; or Members' Business (constituency based debates held after Decision Time).

89. The Committee has already recommended that plenary business should take place over three days which will allow three slots per week for Members' Business (whereas only two Members' Business debates take place at present).

Recommendation 11

The Committee recommends that Members' Business should be scheduled three times per week, thus substantially increasing, by 50%, the time available for backbench debates.

90. The Committee has received a suggestion which has received wide support amongst witnesses, that the MSP holding the debate should have the opportunity to wind up at the end of the debate once the relevant minister has outlined the Government's position (43). This allows an MSP the opportunity to outline what they have taken from the debate and what the next steps will be in relation to a particular subject. This can only strengthen the current format and brings the Members' Business format into line with the approach taken in other debates.

Recommendation 12

The Committee recommends that Members' Business should close with a speech from the MSP who lodged the motion for debate.

91. The Committee considers that there is merit in timetabling backbench business that is not of a local nature. The Committee appreciates that MSPs attach value to the ability to raise local issues and that removing the constituency link increases the potential for Members' Business that is more party political in nature. However the constituency link is tangential for a large number of these debates at present, with the mention of the constituency often feeling like a contrived add-on to make a motion eligible for selection (44). In addition, the Bureau can exert an element of control in selecting motions, ensuring that a sufficient number of local issues or awareness-raising debates that attract cross-party support are still selected for debate.

Recommendation 13

The Committee recommends that the requirement for Members' Business motions to be linked to a constituency matter should be removed.

92. Assuming this change is made, the Committee would encourage the Bureau to select motions for debate, where there is not a local angle, which might attract interest from MSPs as individuals as opposed to matters where MSPs will be inclined to follow party lines. There is no reason why motions should naturally generate consensus; for example the House of Commons Backbench Business Committee has timetabled motions which invite debate by expressing both sides of an argument in the text. This could prove a very useful mechanism for 'testing the water' to gauge the Parliament's opinion on an issue.

93. The Committee would also encourage the Bureau to review the timescales for selection of Members' Business to see whether the period of time between lodging a motion and being timetabled for Members' Business could be reduced. This would increase the potential for debates to be topical.

94. The requirement always to timetable Members' Business after Decision Time is overly restrictive. While this slot works well in the main, the Committee sees no reason why the Standing Orders rule stating that it must be after Decision Time should remain. If a motion attracted sufficient interest or was notably topical and,

as a result, the Bureau considered it merited debate earlier in the day, the Parliament should not have to suspend Standing Orders to enable this to happen (45).

95. A good recent example of a debate held after Decision Time that would have merited a longer time allocated to it during the day was the debate on windfarms held by Neil Findlay MSP on 1 December 2011. All debate speeches were kept to a strict 4 minutes with the majority of attempts to make interventions having to be overlooked, including during the closing speech from the Government. Over 100 people were in the public gallery. Allocating a longer slot for Members' Business during the day would doubtless have generated a livelier debate, increased further public attendance and potentially attracted more media interest (46).

96. Backbench business is held during the day in a number of other Parliaments. For example, the Irish Parliament has recently introduced Topical Issues which are short debates held mid-afternoon, to replace the adjournment debates previously held at around 8pm at night. The attendance at these debates has markedly improved, although this may in part be due to the change in format as well as the change in time (47).

Recommendation 14

The Committee recommends that it is made easier to hold Members' Business in core plenary time and invites the Bureau to consider how this could be achieved in practice.

97. At present, the Standing Orders limit the length of Members' Business debates to a period of up to 45 minutes. This time can be extended by up to 30 minutes by motion without notice, which may be taken only with the agreement of the Presiding Officer. The maximum potential time available for a Members' Business debate is therefore 1 hour and 15 minutes.

Recommendation 15

The Committee recommends that Standing Orders should be changed to allow for longer Members' Business debates.

Flexibility in debates – the importance of the intervention

98. The Committee is well aware that speaking times are entirely at the Presiding Officer's discretion, and that selection of speakers and allocation of time is extremely challenging given the competing demands from MSPs to speak.

99. Nonetheless this issue has been raised with the Committee regularly in evidence and so the Committee would wish to highlight one theme namely the support for fewer, longer, backbench speeches in open debate (48).

100. The Committee considers that this links well with the Presiding Officer's drive to encourage more interactive debates through allowing time for interventions. Taking part in lively active debate was cited as one of the best ways of improving debating skills and helping new MSPs to grow into established parliamentarians. This is not a prospect where speech times are limited to four minutes as MSPs seek to cram all of the points they wish to make into a short period of time and so

do not have time to allow for interventions (49). The encouragement of interventions by the Presiding Officer is also improving Chamber attendance as MSPs appreciate that they now have a chance of making their point through an intervention when they have not been selected to give a full speech.

Recommendation 16

The Committee commends the actions taken by the Presiding Officer in relation to encouraging interventions and recommends that there is a trial of allowing a smaller number of longer backbench speeches in open debate to further encourage a culture of debating through interventions to grow.

Putting changes into practice

101. The Committee has sought to produce a report that is strong in its recommendations for changes to procedures. It has consulted widely and discussed the issues with key bodies and individuals within the Parliament as the inquiry has progressed in an effort to achieve wide support. However, as can be seen from the evidence received, there is a wide range of views about how best to bring about improvement.

102. Some of the recommendations in this report are for the Presiding Officer's consideration, others are for the Bureau, and some are for the Parliament as a whole.

103. The Committee therefore intends to write to the Presiding Officer, the Bureau and the individual business managers as representatives of their parties highlighting the various recommendations that relate to each of them and seeking a formal response to gauge the level of support for the recommendations.

104. The Bureau will also be invited to consider the benefit of, and timing for, a Chamber debate on the proposed changes to provide the opportunity for the wider Parliament to participate in taking the report forward.

105. The Committee would very much welcome views in advance of this report being debated in the Chamber early in 2012. The Committee will bring forward the required Standing Orders rule changes to implement Parliament's decisions.

Recommendation 17

The Committee acknowledges that implementation of these changes will require careful consideration, but believes that the momentum for change needs to be maintained. The Committee recommends that all changes should be implemented following the Easter recess.

APPENDIX: EXTRACTS OF EVIDENCE

This appendix contains the text of evidence referred to in the main report. The relevant extracts of evidence are detailed below but the evidence is available in full in online annexes to the [report](#).

Introduction – time for change

1 – Scottish Environment Link – extract of written submission

“The experience of LINK and its members has been that the Scottish Parliament has performed commendably as a legislature, with a series of highly significant environmental bills being passed in the 12 years since its establishment. With an excellent basis in the recommendations of the Consultative Steering Group (CSG) the new Parliament built an admirable legislative ethos and practice, consulting widely, building expertise and avoiding its committees being turned into servants of the executive.”

2 – SPICe paper summarising comments on parliamentary reform made in advance of the Committee’s inquiry

A SPICe paper produced for the Committee summarises all of the comments made in advance of the commencement of the Committee’s inquiry. This paper is available [online](#). This includes comments from previous members such as Lord McConnell, Henry McLeish, Lord Steele and George Reid amongst others.

3 – Extract of a letter from the Presiding Officer to all MSPs on reform, 8 July 2011

“I was elected to the office of Presiding Officer with a clear view that the parliament had reached a point of maturity at which we should look to build on our achievements. My ambition is for a Parliament that is responsive to developments and meets the needs of the people of Scotland by ensuring topicality and relevance in its deliberations.

I have been working to put plans for change in place and I want to update you on discussions I have been holding with Party Leaders, Committee Conveners and Business Managers.

All Members have a part to play going forward and I would be very interested to hear any ideas Members may have either on the suggestions outlined above or on parliamentary reform more generally. I shall continue a dialogue with everyone I feel can best assist in bringing about the changes which I believe will ultimately improve our Parliament and better serve the people of Scotland.”

4 – Extract of an article *All parties needed to help change Holyrood* by the Cabinet Secretary for Parliamentary Business and Government Strategy – 11 June 2011, Scotland on Sunday

“The calls for parliamentary reform have to some extent focused on the structure and process of parliament. There is no doubt that changes can be made...more flexible rules on contributions from backbenchers in debates and other creative reforms.”

5 – Extract of a letter from the Presiding Officer to all MSPs on reform, 23 August 2011

“the Conveners’ Group will be key to delivering improvements in this regard and we have identified areas of common agreement which can be implemented quickly. The next two meetings of CG will focus on the detail for change and will include issues such as:

- **CG meetings:** Secretary of State for Scotland appearances before the Group have already been agreed in principle: the Group will also consider whether the First Minister could be invited to attend on an annual basis
- **Committee inquiries:** more focused and objective-based remits should lead to increased quality of scrutiny and greater impact
- **Committee debates in the chamber:** rather than relying on committee reports as the basis of debate, more effective use could be made of debates such as to inform possible inquiries or the early stages of committee work.”

6

A - Extract of a letter from the Presiding Officer to party leaders, May 2011

“I intend to ensure that backbench members have a greater opportunity to ask questions of the first minister, and more prominence when doing so during the half-hour, weekly slot.”

B - Law Society for Scotland – extract of written submission

“In this connection, recent changes made to First Minister’s questions by the Presiding Officer allows backbench MSPs more opportunity to participate and to hold Government to account.”

7 – Extract of a letter from the Presiding Officer to all MSPs on reform, 8 July 2011

“Last month, I chaired the first meeting of the Conveners Group of the new parliamentary session. I am pleased to report that the conveners enthusiastically endorsed a reform agenda that should enable parliamentary committees to increase their agility, responsiveness and focus,”

Implementing a variety of changes

8 – Natascha Engel, Chair of the House of Commons Backbench Business Committee – Standards, Procedures and Public Appointments, *Official Report*, 8 November 2011, Col 139

“Certain aspects definitely need to be improved. This is the first session in which we are trying out the new system. We published a report at the beginning that should have been subtitled “Suck it and see”, because we went out of our way to say that we will try everything and we do not mind failing.”

9 – Selection of suggestions put to the Committee which the Committee notes and flags up to the Presiding Officer and Bureau for their information

Backbench Business Committee in the House of Commons

The Backbench Business Committee in the Commons tried a different format for the full day [pre-Christmas debate](#) on Tuesday 21 December 2010 – providing 30 speaking slots of 10 minutes for members to speak on a subject of their choice, specifying from which government department they would like a response.

*Christine Grahame MSP on bringing committee business to the Chamber - Standards, Procedures and Public Appointments, *Official Report*, 25 October 2011, Col 104*

“I would like two or three committees that have an interest in a particular topic to discuss it in the chamber without a motion being put.”

*Lord McConnell on new forms of business - Standards, Procedures and Public Appointments, *Official Report*, 27 September 2011, Col 72*

“Perhaps once a month we could make Wednesday afternoon a back benchers’ topical debates day. Once a month we could have five concise constituency debates on a Thursday.”

Lord McConnell on Decision Time — extract of written submission

“There should be a review of Decision Time, with consideration given to a vote being taken immediately after a debate, rather than waiting in some cases for six hours before a decision is reached.”

Liberal Democrats on interpellations – extract of written submission

“The Committee should reconsider the recommendation from the 2007 report on interpellations. These work in many other parliaments and are a way for members to drive the topics that come up for questioning.

Scottish Churches Parliamentary Office on procedure to highlight inadequate answers – extract of written submission

The mechanisms for Parliament holding the Government to account rely on MSPs and Committees asking questions and Ministers answering questions.

When answers, particularly to written questions, are poor there is little recourse for MSPs to enter into dialogue. It would seem to SCPO that there is a difference between an answer which is disagreed with and an answer which fails to address the terms of the question. It is necessary for there to be a procedure for MSPs to highlight inadequate answers.”

Richard Simpson MSP – allocating backbench time on a party basis – extract of written submission

“In ordinary debates each party should be told the time that it has for back bench speakers and should be able to determine for itself how many speakers it will have. For example if the allocation is 24 minutes for 4 speakers. The party might wish to have 3,4 or even 6 speakers they could speak for 8, 6 or 4 minutes [but informing the presiding officer beforehand]”

Hugh Henry MSP – members’ business in committee rooms - Standards, Procedures and Public Appointments, 25 October 2011, Official Report, Col 119

“Members business should be moved to committee rooms; this would provide a more intimate atmosphere for those who are interested.”

Christine Grahame MSP – questions from committee conveners - Standards, Procedures and Public Appointments, 25 October 2011, Official Report, Col 108

“I consider that a convener should have a slot to ask the First Minister not their own personal question but a question on behalf of their committee.”

Priorities for the Parliament

10

A - Dr Paul Cairney – Standards, Procedures and Public Appointments, Official Report, 22 November 2011, Col 230

“Occasionally, the CPGs produce something that we can point to. I always go back to the example of the smoking ban, which can be traced back to Kenny Gibson’s member’s bill, which Stewart Maxwell took on—it came out of a CPG.”

B - Scottish Council for Voluntary Organisations – extract of written submission

“Cross Party Groups are an excellent opportunity for the public and third sector to become involved in the work of the parliament.”

11 – Lord McConnell - Standards, Procedures and Public Appointments, *Official Report*, 27 September 2011, Col 85-86

“I will give a positive example of an occasion on which, in my view, questions helped to achieve the right decision by the Government. The issue was the single vaccine for measles, mumps and rubella. Although a lot of hard work had to be done by the First Minister—me, at the time—to get on top of the issue, that work was useful and would not have been done if not for First Minister’s questions. At First Minister’s questions, I had to deal for three or four weeks in a row with a combination of front benchers and back benchers demanding that we change policy and go from a single vaccine to individual vaccines. I spent hours—although I did not have to, as it was really the health minister’s responsibility—with medical experts, trying to get on top of the issue so that I could be certain that what I was saying in the chamber was right. That did not make me an expert, but it meant that I was questioning our policy and getting on top of the issue. I was confident when I stood up in the chamber that, however controversial the single vaccine was, what I was saying was right, as has since been proven to have been the case.

The pressure was intense at the time but, if it had not been for the pressure that First Minister’s questions put on me, I would not have had to make that effort. I think that we made better decisions as a result and communicated them more effectively, and we stuck with those decisions rather than going with the daily headlines. That was down to the pressure of questions. When question time works well, it helps ministers to make better decisions and do their job better.”

12 – Alex Fergusson MSP – Standards, Procedures and Public Appointments, *Official Report*, 27 September 2011, Col 77

“The fact is that, although I would love to live in the world that Jack McConnell has described, the reality is that, given the system of parliamentary election that we have, if a member does not pick up an individual case—a case that, 20 years ago, an MP would have referred to the council, the social work department or somebody else—there are seven other MSPs out there who are waiting to pick it up for them. I have been on both sides of that particular fence. It is about getting elected the next time, preferably as a constituency member.

Our system has many strengths and I do not want to undermine it, but one of its weaknesses is that members do not give away individual cases. We have become social workers, to an extent—I feel that very much. I happen to enjoy that type of work hugely, but it is what we have become. Just the other day, I received a complaint from one of the citizens advice bureaux in my constituency, which said that I was taking work away from it. That amplifies what Alasdair Morgan said about our no longer being a last resort for people; maybe we are becoming the first resort. However, as long as we have the current system of election, I am sorry, but that ain’t going to go away.”

13 – Lord McConnell – Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 74 – 75

“If the Parliament has greater financial responsibility, which it will have as a result of the Scotland Bill, it will be even more important that ministers be held accountable. As I said in my introductory remarks, I do not think that ministers and departments are held accountable enough in the current ministerial question time, which adds to that argument.”

Allocation of time in the existing working week

14 – Margaret Mitchell MSP – Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 112

“As an MSP who serves nine constituencies, I value and need Mondays and Fridays in my region to do the job properly. I would not be keen to extend our work here to Mondays. For members who live in the Highlands and Islands, there must be a balance in their constituency work, private life and what they do in the Parliament, for goodness’ sake.”

15 – Rhoda Grant MSP – extract of written submission

“...while for someone who needs to be away from home to attend the parliament there are no hours that could be family friendly, the current hours do however allow for civic Scotland, pressure groups and individuals to interact with the parliament through cross party groups and receptions – we need to protect that interaction.”

16 – Alasdair Allan MSP – extract of written submission

“I cannot get back to the islands on a Thursday night, but instead get the 7am Friday plane from Edinburgh to Stornoway (or sometimes a plane from Glasgow to either Benbecula or Barra). To make the best use of constituency time I currently fly down to the Parliament on a Tuesday morning, as much as possible. Depending on what island I am flying from, and whether I am flying into Glasgow or Edinburgh airports, it is often late afternoon on Tuesday before I can get in to Parliament. The alternative is to encroach into Mondays and try to corral all constituency engagements, regardless of how many different islands they are on, into Fridays or Saturdays.”

17

A - Law Society for Scotland – extract of written submission

“The actual sitting pattern of the Parliament is, in the Society’s view, a matter for the Parliament to determine. MSPs and officials know best how to structure the Parliamentary week between constituency work and Parliamentary work. The important focus should, however, be on maintaining the key principles of the Parliament, affording adequate time for legislation, ensuring proper scrutiny of

Government and accountability to Parliament and the people and maintaining openness and accessibility.”

B - Scottish Council for Voluntary Organisations – extract of written submission

“To facilitate interaction with the Scottish parliament from third sector staff and volunteers the current sociable operating hours and alignment of recess dates with school holidays should be retained...”

“It should also be noted that the parliamentary week allows MSPs and parliamentary staff a better work/life balance, particularly if they have children, and this is something which is worth maintaining. Although not directly relevant to the third sector, the idea that becoming a MSP should be a possibility for people from the widest variety of backgrounds and circumstances is something the sector supports.”

The need for greater flexibility

18 - Natascha Engel, Chair of the House of Commons Backbench Business Committee Standards, Procedures and Public Appointments, Official Report, 8 November 2011, Col 138

“What has changed is the culture of the way in which Parliament works. Previously, members on the back benches, whether they were in the Government party or one of the Opposition parties, had little access to legislation or even to time on the floor of the House. We have adjournment debates at the end of the day, which are decided by ballot. That is done by the Speaker on a raffle system. At the moment we are running at one debate per seven people putting in for debate and being selected, which is a low ratio.

Until now, debates have never been assigned according to the merits of the subjects that people propose. There are small debates in Westminster Hall and there are debates on private members’ bills, but they never get very far. The feeling on the back benches was that members could not do their job of holding the Government to account and scrutinising it properly. The establishment of the Backbench Business Committee has empowered back benchers to a much greater extent than was the case previously.”

19

A - Richard Simpson MSP – extract of written submission

“Any member’s debate which gets more than one third of the members supporting should have the option of being a motion with a vote. The vote being held at the first decision time after the debate.”

B - Natascha Engel, Chair of the House of Commons Backbench Business Committee – Standards, Procedures and Public Appointments, Official Report, 8 November 2011, Col 137 – 138

“When the Backbench Business Committee was established, which was before petitions were introduced, among the only things relating to its business in the standing orders was the number of days that the Government allocated to back benchers. It allocated 35 days per parliamentary session, 27 of which were days on the floor of the House of Commons. We have two chambers: the main chamber and Westminster Hall, which is equal to the main chamber but no votes can take place there. Obviously, time allocated in the main chamber is at a premium.

The way in which we allocate debates was not originally in the standing orders, so we had to make it up as we went along. We decided early on that it would be inappropriate for a committee of seven members plus a chair to meet in private to select their personal hobby-horses to debate in the chamber. We decided that we would be led entirely by business ideas or suggestions that back benchers brought to us. We opened up to public representation sessions, which someone called our salon and others have called the dragon’s den. We do not like to call our sessions either of those things.

It is interesting that at first the process was quite slow because it was such a different way of doing things. Back benchers were entirely unused to being given control over what they do with their time. The process has taken quite a while to bed down, but now that it has done so we get a huge number of representations.

We select debates against a published set of criteria that includes topicality—a debate has to be relevant to today. A debate must have cross-party support. We are very strong on that. We are not a forum for the Government to gain general debates to promote its legislative agenda, nor are we a forum to create more Opposition days, because the official Opposition has its own days on the floor of the House. Cross-party support is extremely important to us. A debate must also be good. If the subject is something that everyone agrees on, it will not be a good debate. We insist on being persuaded that the subject for debate has more than one side.”

20 – Bruce Crawford MSP - Standards, Procedures and Public Appointments, Official Report, 22 November 2011, Col 197

“My view is that there has to be discipline about when meetings of Parliament finish, not just for the purposes of business managers, but for the purposes of ordinary back benchers, so that they know when their time will be required and what they will have to do at a given time. That is also necessary to give discipline to the debate. Regardless of whether we finish at 5 o’clock or 6 o’clock, the trick is how we use the available time and create flexibility within it”

21

A - Christine Grahame MSP – Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 107

“I hate time limits for things. Some members make really good speeches in the chamber but are cut off, while other members make awful speeches that we must listen to for six minutes. The Presiding Officers have a bit of flexibility in that regard, but they should have more.”

B - Hugh Henry MSP – Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 123

“If we are going to use the term “debate”, the Presiding Officer has to force it to be a debate rather than a set of speeches where people are talked at. It might be that, if a member has six or seven minutes and someone wants to intervene—it does not always happen—they should be required to take one or two interventions. That requirement would have to come from the chair, and there would have to be a degree of compensation.”

Sitting patterns – potential changes

22 – Extract of letter from the Presiding Officer to the Convener of the Standards, Procedures and Public Appointments Committee, 23 August 2011

“The current time gap between the Parliament rising on a Thursday evening and resuming on a Wednesday afternoon means that the Parliament may not always be in a position to respond to emerging or urgent issues, I consider this to be a weakness that could be addressed by, for example, the Parliament meeting in plenary session on three afternoons a week (ie Tuesday to Thursday to reduce the times during which the Parliament is not able to consider issues; and committees meeting on three mornings a week. I am aware that this change would not, of itself, require a change to Standing Orders recommended by your committee but in seeking to improve the structure of the parliamentary week I am also very mindful of the need to use parliamentary time to best effect. I would therefore welcome a view from your committee on the possible benefits to be derived from such a change.”

23 – Bill Aitken (comment in the media)

“I would make Decision Time seven o'clock. That would allow more time for some proper debating.”

24

A - Iain MacWhirter - Standards, Procedures and Public Appointments, Official Report, 8 November 2011, Col 162 – 163

“It is possible to have debates while committees are in session—there does not have to be a full complement of people in the debating chamber at any one time.”

B - Hugh Henry MSP - Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 125

“If a committee is examining a hugely topical and controversial issue that is of interest, it should be allowed to meet at the same time as the Parliament and not by exception, which is what has happened with Scotland Bill Committee meetings. Christine Grahame’s committee is doing something that has clearly attracted attention; the Scotland Bill Committee has attracted attention; and when we come to debate the alcohol bill there will be a huge interest in those proceedings. At the moment, we pigeonhole the debates into certain times. Why should we not allow Christine Grahame’s committee to run into a Wednesday afternoon, Thursday morning or Thursday afternoon?”

25

A - Session 3 Conveners Group legacy paper

“Given the range of work to be undertaken by committees, the Standards, Procedures and Public Appointments Committee should look at the balance of the parliamentary week between committees and the Chamber.

The Group recognises the need for sufficient Chamber time, particularly for the passage of legislation but believes that the current arrangements do not properly reflect the range and importance of committee business. It might be appropriate to consider a more flexible division of the parliamentary week which would recognise that the Chamber might need more time at particular points in the year or session such as the weeks immediately preceding the summer recess or dissolution. The work of committees could be given a larger proportion of the parliamentary week at other times of the year. Other options should also be considered including devoting weeks exclusively to committee or Chamber business. The Group recognises that changes of this kind would require a new approach to business programming.”

B - Margaret Mitchell MSP - Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 101

“I return to the suggestion in my submission of having one week of plenary business, with First Minister’s question time and themed questions, and one week of committee business. A week of committee business would provide more time for inquiries, for evidence sessions, for questioning ministers more often and for getting down to the nitty-gritty of the aspects on which a committee questions a minister.”

Remodelling the Parliamentary week versus making better use of existing sitting patterns

26

A - Lord McConnell – extract of written submission

“At the moment, if something happens on a Thursday night, the Parliament is unable to hear a ministerial statement on that until the following Wednesday afternoon. That is not a way for a Parliament to conduct itself. It has to be more topical and react more immediately when it is required to do so.”

B - David McLetchie MSP – extract of written submission

“In general terms we need to ensure that the business of the Parliament whether conducted in the chamber or in committees is topical and is addressing issues of current public concern. I think it is a fair criticism that sometimes procedures and established methods of working are preventing a more rapid response to issues in the Parliament itself. This means that Parliament ceases to be the forum in which these topics are aired and discussed which is not good for the standing and reputation of the Parliament as the national forum for debate and for holding the Government to account.”

27

Paul Martin MSP – Standards, Procedures and Public Appointments, *Official Report*, 22 November 2011, Col 181

“From the point of view of the public and the media, I can see how the idea of having three sessions over three days would be good in terms of presenting the Parliament in a good light. However, the committee must consider whether that would make a significant difference to the Parliament in practice.”

Liam McArthur MSP – Standards, Procedures and Public Appointments, *Official Report*, 22 November 2011, Col 182

“Like Paul Martin, we would have some reservations about setting out that there should be three afternoon meetings of Parliament, because I am not sure that that would get to the nub of the problem, which is about making business in the Scottish Parliament relevant and ensuring that members across the chamber have a timely opportunity to hold ministers to account.”

28

Alex Fergusson MSP - Standards, Procedures and Public Appointments, *Official Report*, 27 September 2011, Col 68

“However, there might be difficulties if the whole Parliament meets in the afternoons, as that reduces the flexibility for committees to hold longer meetings, which they sometimes have to do, particularly when they are discussing

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legislation. Stage 2 legislative procedure often results in longer meetings; I recall from the first parliamentary session a meeting of the Rural Development Committee that finished at half past 8 at night, having started at half past 2.”

Bruce Crawford MSP – Standards, Procedures and Public Appointments, *Official Report*, 22 November 2011, Col 183

“I can see the advantages of Parliament meeting on Tuesday, Wednesday and Thursday afternoons, but that timetable is not without complications....”

“There are some complications. A lot depends on what the second part of the committee’s inquiry unearths on the core issue of the importance of committees to the Parliament. We must ensure that whatever we do in regard to the plenary session does not undermine one of the strengths of the Scottish Parliament, because it is perceived—it is not just a perception; it is real—that the committee process is one of the Parliament’s strengths.”

29

A - Examples of recommendations from the Procedures Committee, Session 2

The Procedures Committee recommended in reports in 2003, 2004 and 2005 that First Minister’s Questions should remain at 12 noon. A summary of these and other reports from previous Procedures Committees reports is available in the [SPICe paper](#) issued to the Committee for its meeting on 27 September 2011.

B - Scottish Conservative and Unionist Party – extract of written submission

“As regards the timing of FMQs, our Members would support retention of the present 12-12.30 slot on Thursdays. Accordingly if committees were to meet on Thursday mornings they would require to finish by 11.45 a.m. There is no reason why this can’t be done and the committees if necessary could start their meetings 30 or 45 minutes earlier.

Returning FMQs to a Thursday afternoon slot would be a retrograde step. As a former party leader who has experience of such a timetable, I can say it resulted in the focus of the First Minister and opposition party leaders and their staff being on that session for virtually the whole of the day. Having FMQs at 12 noon means that the First Minister and opposition party leaders still have a meaningful amount of time in the day after FMQs to deal with other matters and engagements.”

C - Lord McConnell – Standards, Procedures and Public Appointments, *Official Report*, 27 September 2011, Col 83 – 84

“The key reason for the change to 12 o’clock, which I proposed, was that school parties could never watch First Minister’s question time at 3 o’clock, because they always had to leave before then to get back for the end of the school day. The time was changed to allow school parties to sit in on First Minister’s question time. That was the right thing to do. It would not be good to deny schoolchildren the

chance to see the primary event of the week up close. Remember that the Parliament does not meet during the school holidays.”

30 – Alasdair Morgan - Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 74

“The members who want ministers in the chamber to answer questions will be the same members who will be annoyed if they have had to cancel a visit to their constituency as a result. It is a difficult balancing act, but it will require the maximum amount of notice and co-operation among the people involved.”

31 – Alasdair Morgan - Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 63

“...whatever you do should be done in order to address a problem, rather than in order to make a change for change’s sake.”

32 – Alex Fergusson MSP - Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 67

“I share your view [Convener] ; I have a similar constituency, although it is not quite as large as yours, in the south-west of Scotland. It is two and a half to three hours to the furthest point in my constituency. You will have that dichotomy wherever your Parliament is situated. Westminster has the same issue. I do not think that you can build that into your procedures, but you can have a time set aside each week that is expected to be parliamentary time...All of us who represent constituencies or regions know that. On the whole, if we assume a five-day week—and I wish I had one—the three-day, two-day split between parliamentary and non-parliamentary activity is about right. It is about how we make best use of that time. I am not necessarily in favour of extending that time; we need to concentrate on how we make better and best use of it.”

Responding to peaks in workload

Committee business

33

A - Lord McConnell - Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 65

“I noticed that at one point there was a suggestion—I think that it came from George Reid and David Steel—that committee and plenary meetings happen at the same time in the Scottish Parliament. I think that our numbers work against that.”

B - Conveners Group – extract of written submission

“It was suggested that committees should be more flexible in considering when they meet, including at times when the Chamber sits. This could enable committees to be more responsive. The removal of some meeting restrictions could also play a part in highlighting the role and work of committees to the public, making meetings more relevant and accessible. Any relaxation in Rule 12.3.3A could be used sparingly and be conditional upon regulating the circumstances and authority necessary to allow concomitant meetings and to avoid committee business conflicting unintentionally with chamber business.”

C - Rhoda Grant MSP – extract of written submission

“I do not believe that changing the sitting patterns will benefit the parliament or the debate. I do however believe that the chamber should be allowed to sit, in an emergency situation at the same time as committees and it should be easier to reconvene Parliament should this be required.”

D - David McLetchie MSP – extract of written submission

“In exceptional circumstances, committees should be able to meet at the same time as debates are being held in the chamber. However if we have committee meetings on Tuesdays, Wednesdays and Thursdays, this should provide greater flexibility for timetabling witness sessions so this would remain a comparative rarity.”

Chamber business

34

A - Stage 3 debate, Crofting Reform etc (Scotland) Bill

[Official Report](#), Stage 3, 25 January 2007.

B - Conveners Group – extract of written submission

“Conveners raised concerns about the current timing of Stage 3 proceedings. The Group was aware of occasions in the past where amendments had either not been debated, or had only received a very short time allocation, due to the need to conclude proceedings by 5.00 pm. Views were therefore expressed that, in the interests of ensuring that the Parliament passes the best possible legislation, Stage 3 proceedings should be allowed to run until such time as each amendment has been properly debated and disposed of.”

35 – Irish Parliament reforms

Three members of the Committee undertook a fact-finding visit to the Irish Parliament and a summary of the findings of the members is in Annexe x. This includes an extract of the coalition Government’s Programme for Government, one of the commitments in this programme was—

“We will introduce a package of changes that will bring about a 50 per cent increase in Dáil sitting days. Dáil Éireann will in future meet four days a week”

36

A - Scottish Conservative and Unionist Party – extract of written submission

“Our Members were in favour of extending Decision Time on Tuesdays and Wednesdays to 6 pm or later where we are dealing with Stage 3 of a major Bill to allow a fuller discussion of final stage amendments or in debates where the subject matter is contentious and of significant public interest.”

B - Hugh Henry MSP - Standards, Procedures and Public Appointments, *Official Report*, 25 October 2011, Col 113

“There are times when I think that we should consider extending the debate on a Wednesday evening, and not only to debate legislation. If a debate has captured the public imagination and members want to get involved, we should make the time available. We should allow the public to see that their MSPs are articulate in representing their concerns. Such a change would undoubtedly impact on CPG meetings that take place on a Wednesday night, and I am not advocating that it should be the norm. However, we should be flexible and mature, and seize the opportunity. When we have an opportunity to have a proper debate on a significant issue, we should take it.”

Question times

37 – Lord McConnell - Standards, Procedures and Public Appointments, *Official Report*, 27 September 2011, Col 83

“It is true that, in most Parliaments, questions to ministers can become dull. Perhaps I should except Canada, where question time is particularly lively—it is even more so in the national Parliament in Ottawa than it is in Quebec, for example. However, in a concentrated departmental question time, in which supplementary questions are allowed, if the minister is not answering on an issue that is very topical, the minister comes under pressure. In my view, that is good for ministers, as well as being good for the Parliament and the public. Ministers must know their brief and they must do their job properly; if they do not do so, that gets pointed out, they are moved on and someone else takes their place. Currently, it is just too easy for ministers, which is not healthy.”

“Ministerial Question Time would benefit from a major overhaul to raise its profile and to properly hold Ministers to account. Each Ministerial team could face Questions every three weeks and I would suggest that the time for each session should be at least 30 minutes.”

38 – SPICe international comparisons paper²⁹

39

A - Rhoda Grant MSP – extract of written submission

“Question time does not work because having to put questions in so far in advance makes them pretty meaningless – one supplementary can be evaded – again this is a change of format rather than time.”

B - Christine Grahame MSP - Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 108

“A question might be topical when it is put down, but it will often not be when it is asked. That is part of the dead hand of procedure.”

C - The Scottish Conservative and Unionist Party – extract of written submission

“Our Members do not think that Ministerial Question Times work satisfactorily. There is not enough spontaneity or topicality due to the requirement to table questions one week in advance.”

D - Conveners Group – extract of written submission

“In addition to scheduling question times at an earlier point during the parliamentary week, suggestions included speeding up the ballot and selection process as a means of increasing the topicality of question times. In particular, some views were expressed that the requirement to lodge the text of a question so far in advance did not lend itself to raising current issues.”

More spontaneous questions through supplementary questions

40

A - Lord McConnell – Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 63

“Ministerial question time is too easy for ministers. That has been the case almost from the very start. That process needs to be reformed.”

B - Alex Fergusson MSP – Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 83

“There are occasions when there should be an increased willingness to allow further supplementary questions, so that members can properly question the minister, tease out the answer and get to the bottom of what they are trying to ask

²⁹ The SPICe paper on international comparisons details the time allocated to question times in a number of different parliaments and the formats of those question times.

about. Of course, when that happened would be the preserve of the Presiding Officer.”

C - Hugh Henry MSP – Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 103

“I would argue that we should take longer for questions but allow more supplementary questions—not just a second supplementary but possibly a third and a fourth if that is what is required to tease out a specific issue.”

D - Bruce Crawford MSP - Standards, Procedures and Public Appointments, Official Report, 22 November 2011, Col 183

“I am not sure that my ministerial colleagues will love me for saying this—I believe that there must be the potential to allow more supplementary questions to give the member who asks the question the chance to probe a bit deeper. That would improve scrutiny”

Topical and Portfolio Question Time

41

A - Conveners Group – extract of written submission

“The Group also discussed the arrangements for question times and broadly agreed that the current timing and operation of question times could be improved. It was suggested that changes needed to be brought in that would enable question times, particularly themed questions, to be more topical and relevant.”

B - Alex Fergusson MSP – Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 80

“...we all agree that there is no spontaneity at present. It is desperately needed and it would help to make question time more topical.”

“I understand that [John Bercow] has introduced at Westminster much greater use of the emergency question as a means of raising topical issues promptly with ministers. Although that is not necessarily something that I would want to happen every day of the week, could not a procedure based on that allow far more spontaneous questions to be asked outwith normal question times?”

C - Liam McArthur MSP - Standards, Procedures and Public Appointments, Official Report, 22 November 2011, Col 201

“Rather than falling down on the issue of whether something constitutes an emergency, we can all make a judgment on whether something is topical and whether it would be helpful to our constituents if we were seen to be raising it at the earliest opportunity. I certainly think that Wednesday afternoons would afford that opportunity, with a freer form of question time for 20 minutes or so.”

Backbench business

42 – Lord McConnell – extract of written submission

“Fundamentally, I believe that the status and credibility of the Parliament will be enhanced in the eyes of the public if we can encourage longer debates, greater backbench involvement and a move away from the perception that debates are almost pre-programmed on a party political basis.”

43 - Christine Grahame MSP - Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 118

“However, I think that the member who secures a members’ business debate should have the right to sum up—that is a good idea. When the minister had said their stuff, the member could say—as they could if they were leading a normal parliamentary debate—“I hear what the minister had to say,” but then go on to have the last word. I think that that would be good, but having votes in members’ business debates might mean that some motions might not get signed.”

44 – Alasdair Morgan - Standards, Procedures and Public Appointments, Official Report, 27 September 2011, Col 70

“You would have to relax some of the ludicrous rules that apply to motions that are accepted for members’ debates, such as the fact that a regional MSP has to work the name of their region into the motion for it to be accepted. Rather than debates having to be Opposition-sponsored or Government-sponsored, there is room for giving members slots to debate subjects about which they have genuine feelings.”

42 - Christine Grahame MSP – Standards, Procedures and Public Appointments, Official Report, 25 October 2011, Col 104

“I would like members’ business debates to take place during the day sometimes. Certain member’s business debates have been excellent and shown the Parliament at its best. Quite often they are non-contentious and worthwhile, and they help to progress the issue outside Parliament or in legislation.”

46 – Extracts from windfarm debate

Deputy Presiding Officer – Meeting of the Parliament, *Official Report*, Col 4295—

“The debate is heavily subscribed and many members wish to speak. If members keep to speeches of a maximum of four minutes, I hope that we will get everyone in, but I would appreciate it if speeches were of less than four minutes, if possible.”

Alex Fergusson MSP – Meeting of the Parliament, *Official Report*, Col 4304—

“I am sorry. I would like to take interventions, but, as the Presiding Officer has made obvious, we are horribly tight for time.”

Graeme Pearson MSP – Meeting of the Parliament, *Official Report*, Col 4296—

“It will be hard, in four minutes, to pull together all that I have learned in the past six months about the issue.”

47 – Irish Parliament reforms

Three members of the Committee undertook a fact-finding visit to the Irish Parliament and a summary of the findings of the members is in Annexe C. This includes an extract of the coalition Government’s Programme for Government.

Flexibility in debates – the importance of the intervention

48

A - Scottish Conservative and Unionist Party – extract of written submission

“Generally speaking, fewer but longer speeches are considered preferable to a greater number of relatively short 4 or 6 minute open debate speeches. Quality is far more important than quantity. An emphasis on fewer but longer speeches would facilitate interventions and lead to a livelier and better informed debate overall. Longer debates with even more 6 minute open debate contributions are likely to produce a turgid outcome with tedious repetition of the same points.”

B - Jackson Carlaw MSP – extract of written submission

“The current arrangements result in a situation whereby a similar number of speakers make speeches in each debate regardless of the tenor of their contribution.”

49

A - Richard Simpson MSP – extract of written submission

“That there should be themed debates on government business on topics that are of importance over three sessions Wednesday Thursday am and pm. The government should be the proposer but the corporate body/opposition should have the power to reject. These debates should allow longer times for speakers. They should also allow for more interruptions and so more ‘real debate’ [suggest that in the meantime a note should be made of the frequency with which interruptions are not taken, though clearly this will reflect the brevity of speeches not encouraging attempts at interruptions]”

B - Mark Macdonald MSP – extract of written submission

“While I would not like us to head down the model of Westminster and have speeches which go on, and on, and on, I would be keen to see us try and move away from situations where ‘the member has four minutes’ as I do not think four minutes is enough time to deliver a considered contribution and also account for interventions.”

ANNEXE A: EXTRACT FROM MINUTES

3rd Meeting, 2011 (Session 4), Tuesday 13 September 2011

Work programme (in private): The Committee agreed its work programme.

4th Meeting, 2011 (Session 4), Tuesday 27 September 2011

Decision on taking business in private: The Committee agreed that its review of evidence heard on its inquiry into reform of parliamentary business should be taken in private at this and future meetings.

Reform of parliamentary business: remodelling the parliamentary week: The Committee took evidence from—

Alex Fergusson MSP, (Presiding Officer 2007-2011);

Rt Hon Lord McConnell, (First Minister 2001-2007);

Alasdair Morgan, (Deputy Presiding Officer 2007-2011).

Reform of parliamentary business: remodelling the parliamentary week (in private): The Committee reviewed the evidence heard earlier in the meeting.

5th Meeting, 2011 (Session 4), Tuesday 25 October 2011

Decision on taking business in private: The Committee agreed that its consideration of a draft report on Reform of parliamentary business: remodelling the parliamentary week should be taken in private at future meetings.

Decision on taking business in private: The Committee agreed to take item 5 in private.

Reform of parliamentary business: remodelling the parliamentary week: The Committee took evidence from—

Christine Grahame MSP;

Hugh Henry MSP;

Margaret Mitchell MSP.

Reform of parliamentary business: remodelling the parliamentary week (in private): The Committee reviewed the evidence heard earlier in the meeting.

6th Meeting, 2011 (Session 4), Tuesday 8 November 2011

Reform of parliamentary business: remodelling the parliamentary week: The Committee took evidence from—

Natascha Engel MP, Chair of Backbench Business Committee, and Dr Sue Griffiths, Clerk, Table Office/Backbench Business Committee, House of Commons;

Dr Peter Lynch, Senior Lecturer, University of Stirling;

Iain MacWhirter, political commentator, Herald/Sunday Herald;

Henry McLeish, Former First Minister.

Reform of parliamentary business: remodelling the parliamentary week (in private): The Committee reviewed the evidence heard earlier in the meeting.

7th Meeting, 2011 (Session 4), Tuesday 22 November 2011

Reform of parliamentary business: remodelling the parliamentary week: The Committee took evidence from—

Bruce Crawford MSP;

Paul Martin MSP;

Liam McArthur MSP.

Reform of parliamentary business: remodelling the parliamentary week (in private): The Committee reviewed the evidence heard earlier in the meeting.

8th Meeting, 2011 (Session 4), Tuesday 22 November 2011

Reform of parliamentary business: remodelling the parliamentary week: The Committee took evidence from—

Michael P Clancy, Law Society of Scotland;

Chloe Clemmons, Scottish Churches Parliamentary Officer, Scottish Churches Parliamentary Office;

John Downie, Director of Public Affairs, Scottish Council for Voluntary Organisations;

Andy Myles, Parliamentary Officer, Scottish Environment LINK;

Dr Paul Cairney, Senior Lecturer in Politics, Head of Department of Politics and International Relations, University of Aberdeen.

Reform of parliamentary business: remodelling the parliamentary week (in private): The Committee reviewed the evidence heard earlier in the meeting.

9th Meeting, 2011 (Session 4), Tuesday 6 December 2011

Reform of parliamentary business: remodelling the parliamentary week (in private): The Committee considered a draft report.

10th Meeting, 2011 (Session 4), Tuesday 13 December 2011

Reform of parliamentary business: remodelling the parliamentary week (in private): The Committee considered a draft report and agreed that final changes should be approved by the Convener and Deputy Convener.

ANNEXE B: INDEX OF ORAL EVIDENCE

4th Meeting, 2011 (Session 4), Tuesday 27 September 2011

Alex Fergusson MSP, (Presiding Officer 2007-2011);
Rt Hon Lord McConnell, (First Minister 2001-2007);
Alasdair Morgan, (Deputy Presiding Officer 2007-2011).

5th Meeting, 2011 (Session 4), Tuesday 25 October 2011

Christine Grahame MSP;
Hugh Henry MSP;
Margaret Mitchell MSP.

6th Meeting, 2011 (Session 4), Tuesday 8 November 2011

Natascha Engel MP, Chair of Backbench Business Committee
Dr Sue Griffiths, Clerk, Table Office/Backbench Business Committee, House
of Commons;
Dr Peter Lynch, Senior Lecturer, University of Stirling;
Iain MacWhirter, political commentator, Herald/Sunday Herald;
Henry McLeish, Former First Minister.

7th Meeting, 2011 (Session 4), Tuesday 22 November 2011

Bruce Crawford MSP;
Paul Martin MSP;
Liam McArthur MSP.

8th Meeting, 2011 (Session 4), Tuesday 22 November 2011

Michael P Clancy, Law Society of Scotland;
Chloe Clemmons, Scottish Churches Parliamentary Officer, Scottish Churches
Parliamentary Office;
John Downie, Director of Public Affairs, Scottish Council for Voluntary
Organisations;
Andy Myles, Parliamentary Officer, Scottish Environment LINK;
Dr Paul Cairney, Senior Lecturer in Politics, Head of Department of Politics and
International Relations, University of Aberdeen.

**ANNEXE C: INDEX OF WRITTEN EVIDENCE, CORRESPONDENCE AND
BACKGROUND INFORMATION**

Written submissions

[Alasdair Allan MSP \(9KB pdf\)](#)

[Jackson Carlaw MSP \(5.6MB pdf\)](#)

[Angela Constance MSP \(7KB pdf\)](#)

[Conveners Group \(11KB pdf\)](#)

[Bruce Crawford MSP, Cabinet Secretary for Parliamentary Business and
Government Strategy, Scottish Government \(8KB pdf\)](#)

[Federation of Small Businesses \(48KB pdf\)](#)

[Neil Findlay MSP \(8KB pdf\)](#)

[Christine Grahame MSP \(14KB pdf\)](#)

[Rhoda Grant MSP \(13KB pdf\)](#)

[Law Society of Scotland \(24KB pdf\)](#)

[Rt Hon Lord McConnell \(17KB pdf\)](#)

[Mark McDonald MSP \(8KB pdf\)](#)

[Alison McInnes MSP, on behalf of Scottish Liberal Democrats \(11KB pdf\)](#)

[David McLetchie MSP, on behalf of the MSPs of the Scottish Conservative and
Unionist Party \(13KB pdf\)](#)

[Margaret Mitchell MSP \(9KB pdf\)](#)

[Parliamentary Bureau \(11KB pdf\)](#)

[Scottish Churches Parliamentary Office \(20KB pdf\)](#)

[Scottish Environment LINK \(43KB pdf\)](#)

[SCVO \(38KB pdf\)](#)

[SPCB \(8KB pdf\)](#)

[Richard Simpson MSP \(8KB pdf\)](#)

Correspondence

[Letter from Tricia Marwick MSP, Presiding Officer, to Party Leaders, 25 May 2011](#)

[Letter from Tricia Marwick MSP, Presiding Officer, to all MSPs, 8 July 2011](#)

[Letter from Tricia Marwick MSP, Presiding Officer, to Dave Thompson MSP, Convener of the Standards, Procedures and Public Appointments Committee, 23 August 2011](#)

Background information

[SPICe briefing – international comparisons](#)

[SPICe briefing –27 September meeting](#)

[SPICe briefing – House of Commons Backbench Committee](#)

[Briefing on Reform of Dáil Procedures in the Irish Parliament – recent developments](#)

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