EDUCATION, CULTURE AND SPORT COMMITTEE

AGENDA

1st Meeting, 2001 (Session 1)

Wednesday 10 January 2001

The Committee will meet at 10.00 am in Committee Room 3

1. **New Members of Committee**: The new members of Committee will make a declaration of interests.

2. **Convener**: The Committee will choose a new Convener.

3. **Item in Private**: The Committee will decide whether to take item 6 in private.

4. **Subordinate Legislation**: The Committee will consider the following negative instruments—

   - The Education (Provision of Information as to Schools) (Scotland) Amendment Regulations 2000 (SSI 2000/406)
   - The Education (School and Placing Information) (Scotland) Amendment Regulations 2000 (SSI 2000/407)

5. **Public Petitions**: The Committee will consider the following petitions—

   - PE 23 from the Save Wemyss Ancient Caves Society. The Transport and Environment Committee have concluded their consideration of this petition and have passed relevant papers to the Education, Culture and Sport to inform its ongoing consideration of the petition.

   - PE 233 by the Technology Teachers Association calling for the Scottish Parliament to advance Technical/Technology Education within Scottish Secondary Schools as a national priority. This petition has been passed to Education, Culture and Sport from Enterprise and Lifelong Learning as the subject of the petition lies out with its remit.

   - PE 307 from Mr Dougal Carnegie on behalf of Scottish Traditional Music Lobbying Group calling on the Scottish Parliament to provide funding and support to promote traditional arts and culture in Scotland.
6. **Forward Work Programme**: The Committee will consider a second draft forward work programme.

The following papers are attached for this meeting—

- **Clerk's note on SSI 2000/406**
  - Copy of SSI 2000/406 and Executive Note
  - (Agenda item 4)
  - ED/01/1/1

- **Clerk's note on SSI 2000/407**
  - Copy of SSI 2000/407 and Executive Note
  - (Agenda item 4)
  - ED/01/1/2

- **Clerk's note on Petition PE 23: Save Wemyss Ancient Caves Society (Agenda item 5)**
  - ED/01/1/3

- **Clerk's note on Petition PE 233: Technology Teachers Association (Agenda item 5)**
  - ED/01/1/4

- **Clerk's note on Petition PE 307: Mr Dougal Carnegie (Traditional Music Lobbying Group) (Agenda item 5)**
  - ED/01/1/5

- **Topics for Work Programme (Private Paper)**
  - ED/01/1/6(P)
1. The Education (Provision of Information as to Schools) (Scotland) Amendment Regulations 2000 (SSI 2000/406), was laid on 21 November 2000, and is subject to negative procedure. It came into force on 12 December 2000, and will remain in force, unless it is annulled by the Parliament within 40 days of being laid before the Parliament, excluding the recess period, i.e. until 17 January 2001.

2. The purpose of the Instrument is to amend the Regulations specifying the information that schools must provide to Scottish Ministers. Full details are contained in the Executive Note attached to the Instrument.

3. The Education, Culture and Sport Committee is the lead committee for this Order, and should report to the Parliament by 15 January 2001. There are no other committees to report to this Committee. The Minister responsible is Jack McConnell, Minister for Education, Europe and External Affairs.

4. The Subordinate Legislation Committee have reported on this Instrument and drew the attention of the Parliament and the lead Committee to defective drafting in the Instrument. The question of defective drafting has been raised with the Education Department and their response is attached as Annexe A to this note and includes the Subordinate Legislation Committee's comments on the defective drafting in the Instrument.

5. A copy of the SSI, an explanatory note which is not part of the Order, and a separate Executive Note are attached.

6. The Committee is invited to consider whether it wishes to make any recommendation in relation to the instrument. The Order is not subject to amendment.

7. A procedural note is attached.
Procedural Note

Standing Orders

1. The procedures for dealing with Scottish Statutory Instruments (SSIs) are covered by Chapter 10 of Standing Orders. SSIs are laid by being lodged with the chamber clerks, and are published in the Business Bulletin. They are referred to the Subordinate Legislation Committee, the appropriate subject committee (the ‘lead committee’), and, where relevant, any other committee.

SSIs subject to annulment: ‘negative instruments’

2. Where an SSI is subject to annulment, it comes into force on a specified date and then remains in force unless it annulled by the Parliament. Any MSP may by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument. Such motions are lodged with the chamber clerks.

3. The lead committee debates such a motion for no more than 90 minutes.

4. The lead committee reports to the Parliament, setting out its recommendations. If it recommends annulment, the Bureau will propose to the Parliament a motion that nothing further is to be done under the instrument.

5. All the above must take place within 40 days of the instrument being laid, excluding recesses of more than 4 days.

6. To date, no motion to annul SSI 2000/407 has been lodged with the chamber clerks.

Proceedings in the committee

7. This committee is invited to discuss the SSI. Members will then be asked whether the committee wishes to make any recommendation in its report to the Parliament.
Negative Instruments

The Education (Provision of Information as to Schools) (Scotland) Amendment Regulations 2000, (SSI 2000/406)

1. The Committee raised a number of points on the instrument.

2. The Committee noted that regulation 3(2) of the principal Regulations (amended by regulation 2(2) of these Regulations) specifies 15th September in each year as the date by which the information specified in the paragraphs of the Schedule referred to in that paragraph must be provided. The Committee also notes that regulation 2(2) of the present Regulations purports to substitute for the words "paragraphs 2, 3, 4, 5 or 7" in regulation 3(2) the words "paragraphs 5 or 7". Regulation 3(2) does not, however, contain a reference to paragraph 5 of the Schedule, the reference being to paragraph 6.

3. Moreover, the Committee noted that regulation 3(3) of the principal Regulations, which does not seem to have been amended, makes specific provision in relation to paragraph 5. It specifies 30 October as the date by which the information specified in paragraph 5 of the Schedule must be provided. It appeared to the Committee that the proposed amendment to regulation 3(2) would thus conflict directly with regulation 3(3). The Committee asked for an explanation.

4. The Committee was concerned that the figure "5" in the phrase "paragraphs 2, 3, 4, 5 or 7" in its application to regulation 3(2) of the principal Regulations might have been a mistype for "6", and that the words "5 or 7" were intended to substitute for all the paragraphs referred to. This would have had the effect of removing the requirement to provide the information specified in paragraph 6 of the Schedule by a particular date. The Committee asked if this was the intention.

5. The Committee noted that SI 1993/1605 appeared to have been amended by SI 1994/351 and, while this seemed to be a relevant amendment, it was not referred to in the footnote. The Committee requested an explanation.

6. In its reply, reprinted at Appendix A, the Education Department stated that it accepted that regulation 3(2) of the principal Regulations did not contain a reference to paragraph 5 of the Schedule. This is acknowledged as a drafting error and an amending instrument will be brought forward to rectify the matter. The amending instrument would also make it clear that the date specified for paragraph 5 will be 30 October.

7. The Department also replied that the amendment to regulation 3(2) was not intended to remove the reference to paragraph 6. However, consideration would be given to clarifying this in the amending instrument.
8. The Department accepts that the footnote is incomplete and will ensure that the annual bound volume contains the relevant reference. The Department accepts that the drafting of the instrument is defective and has undertaken to prepare a revised instrument.

9. The Committee therefore draws the instrument to the attention of the Parliament and lead Committee on the grounds of defective drafting as above, acknowledged by the Executive.
The Education (Provision of Information as to Schools) (Scotland) Amendment Regulations 2000, (SSI 2000/406)

On 28 November 2000 the Committee asked:

1. The Committee notes that regulation 3(2) of the principal Regulations (amended by regulation 2(2) of these Regulations) specifies 15th September in each year as the date by which the information specified in the paragraphs of the Schedule referred to in that paragraph must be provided. The Committee also notes that regulation 2(2) of the present Regulations purports to substitute for the words "paragraphs 2,3,4,5 or 7" in regulation 3(2) the words "paragraphs 5 or 7". Regulation 3(2) does not, however, contain a reference to paragraph 5 of the Schedule, the reference being to paragraph 6.

2. Moreover, it is also noted that regulation 3(3) of the principal Regulations, which does not seem to have been amended, makes specific provision in relation to paragraph 5. It specifies 30 October as the date by which the information specified in paragraph 5 of the Schedule must be provided. It appears to the Committee that the proposed amendment to regulation 3(2) will thus conflict directly with regulation 3(3) and the Committee would welcome an explanation on the foregoing points.

3. It appears that the proposed amendment to regulation 3(2) might also have the effect of removing the requirement to provide the information specified in paragraph 6 of the Schedule by a particular date and the Committee asks if this is the intention.

4. The Committee notes that SI 1993/1605 appears to have been amended by SI 1994/351 and while this seems to be a relevant amendment it is not, however, referred to in the footnote. The Committee requests an explanation.

The Education Department responds as follows:-

1. The Department notes that Regulation 3(2) does not contain a reference to paragraph 5 and accepts this is a drafting error. An amending SSI will be brought forward to rectify this matter.

2. The amending SSI will also clarify that the date specified for paragraph 5 will be 30 October.

3. The amendment to Regulation 3(2) does not remove the reference to paragraph 6. However, consideration will be given to clarifying this in the amending instrument.

4. The Department accepts that the footnote was incomplete. However we will ensure that the annual bound volume contains the relevant reference.

Date 30 November 2000

for Scottish Executive Education Department
EDUCATION, CULTURE AND SPORT COMMITTEE

20 January 2001

Scottish Statutory Instruments – SSI 2000/407

1. The Education (School and Placing Information) (Scotland) Amendment Regulations 2000 (SSI 2000/407), was laid on 21 November 2000, and is subject to negative procedure. It came into force on 12 December 2000, and will remain in force, unless it is annulled by the Parliament within 40 days of being laid before the Parliament, excluding the recess period, i.e. until 17 January 2001.

2. The purpose of the Instrument is to amend the Regulations specifying the content and timing of school handbooks. Full details are contained in the Executive Note attached to the Instrument.

3. The Education, Culture and Sport Committee is the lead committee for this Order, and should report to the Parliament by 15 January 2001. There are no other committees to report to this Committee. The Minister responsible is Jack McConnell, Minister for Education, Europe and External Affairs.

4. The Subordinate Legislation Committee have reported on this Instrument and drew the attention of the Parliament and the lead Committee to defective drafting in the Instrument. The question of defective drafting has been raised with the Education Department and their response is attached as Annexe A to this note and includes the Subordinate Legislation Committee's comments on the defective drafting in the Instrument.

5. A copy of the SSI, an explanatory note which is not part of the Order, and a separate Executive Note are attached.

6. The Committee is invited to consider whether it wishes to make any recommendation in relation to the instrument. The Order is not subject to amendment.

7. A procedural note is attached.
Standing Orders

1. The procedures for dealing with Scottish Statutory Instruments (SSIs) are covered by Chapter 10 of Standing Orders. SSIs are laid by being lodged with the chamber clerks, and are published in the Business Bulletin. They are referred to the Subordinate Legislation Committee, the appropriate subject committee (the ‘lead committee’), and, where relevant, any other committee.

SSIs subject to annulment: ‘negative instruments’

2. Where an SSI is subject to annulment, it comes into force on a specified date and then remains in force unless it annulled by the Parliament. Any MSP may by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument. Such motions are lodged with the chamber clerks.

3. The lead committee debates such a motion for no more than 90 minutes.

4. The lead committee reports to the Parliament, setting out its recommendations. If it recommends annulment, the Bureau will propose to the Parliament a motion that nothing further is to be done under the instrument.

5. All the above must take place within 40 days of the instrument being laid, excluding recesses of more than 4 days.

6. To date, no motion to annul SSI 2000/407 has been lodged with the chamber clerks.

Proceedings in the committee

7. This committee is invited to discuss the SSI. Members will then be asked whether the committee wishes to make any recommendation in its report to the Parliament.
The Committee noted that in regulation 2(2), in the definition, the word "mean" should read "means" and that the word "if" seemed to be a typing error. In addition, paragraph 2 appears in Part II of Schedule 2. The Committee further noted that in all the sets of amending Regulations referred to in the footnote the reference is always to "Part II" of Schedule 1 and it therefore suggested that the above Regulations ought to be consistent.

The Committee noted, also in the definition, that, unusually, the columns of the Table are labelled "left" and "right". The Committee observed that the normal practice is to number columns and asked why the columns are differently identified in this instance.

The Committee noted that regulation 2(3) both omits sub-paragraphs (r) and (s) of Paragraph 2 of Part II of Schedule 1 and substitutes new sub-paragraphs for these sub-paragraphs. The Committee inquired how it is possible both to omit and substitute sub-paragraphs at the same time.

Regulation 3(a) and (b) refers to "qualification results". This term is not defined in the Regulations. The Committee asked if the term was intended to refer to the information referred to in the first line of this regulation or to some other information. The Committee also noted that paragraph (a) of this regulation refers to "handbooks". The Executive was asked to explain whether the term is intended to refer to the "school handbooks" mentioned elsewhere in the principal Regulations or to some other handbooks.

Regulation 3, in any event, appeared to be wrongly drafted in that paragraphs 2(r) and (s) of "Schedule 1" to the 1982 Regulations do not seem to require the publication of any information. Rather, they appear to specify the information that has to be published. The requirement for publication appeared to be required by other provisions of the principal Regulations such as regulations 9 and 10.

In its response, reprinted at Appendix B, the Education Department stated firstly, that it noted that the Regulations contain two typing errors in that "mean" should read "means" and "if" should read "in" in regulation 2(2). The Department will correct this when the Regulations are amended in the future. The Department acknowledges that paragraph 2 appears in Part II of Schedule 1. The Department considers it acceptable practice not to refer to a Part when the paragraph numbers run consecutively.
16. The Department accepts that labelling columns by number is a valid alternative way of drafting. The Department also accepted that it should have said in regulation 2(3) that it is substituting the new sections. However, in its view the meaning of the Regulation is clear.

17. The Department confirmed that the Committee was correct in stating that new paragraphs 2(r) and (s) specify the information to be published. Regulation 3 was inserted to assist local authorities in the preparation of this year’s information due to the delay of the provision of statistical information caused by the problems at the Scottish Qualifications Agency.

18. The Department agreed that it might have been appropriate to give a definition of "qualification results". However, it was thought that the context made it clear that the reference was to the first line of the Regulation. The Department confirmed that the word "handbooks" refers to school handbooks and considered that the context made this clear.

19. As regards the reference to Part II of the Schedule the Committee considers that, as a matter of good draftsmanship, an amending instrument should follow the style of the original instrument to be amended. This means using the same terminology and following the same form and style. Failure so to do can lead needlessly to problems of interpretation. Where different terminology is used, the question always is whether a different meaning is intended. The same applies to the terms "handbooks" and "qualification results". In this instance, the meaning may be clear in the context, but nevertheless the reader should not be put on inquiry.

20. Again, the Committee considers that columns of a Table in legislation should not be labelled "left" and "right" if only to avoid potential problems arising from printing errors, for example, where columns become transposed. In the Committee’s view, therefore, as a matter of good practice, columns should be named by reference to their contents, numbered or both.

21. The Committee considers that the reference to omission as well as substitution in regulation 2(3) is unnecessary and so constitutes bad drafting. The Department accepts that it would have been better to have used "substituting" alone but believes that the meaning is nonetheless clear. In the Committee’s view, the wording used is nevertheless short of best practice.

22. The Department does not appear to have fully taken on the Committee’s general point about regulation 3. The purpose of the regulation is not in doubt. The drafting is simply inadequate. Paragraphs 2(r) and (s) do not impose any requirements as to publication. As the Department has confirmed, they simply specify certain information, for purposes set out elsewhere in the Regulations. In particular, regulation 9 and 10 of the principal Regulations make provision regarding publication etc. Regulations 9 and 10 are not amended but for the transitional provisions to be properly effective, they should have been. Regulation 3 is, in the view of the Committee, defectively drafted.
23. The Committee therefore draws the instrument to the attention of the Parliament and lead Committee on the grounds of defective drafting as above, partially accepted by the Executive.
Negative Instruments

The Education (School and Placing Information) (Scotland) Amendment Regulations 2000, (SSI 2000/407)

On 28 November 2000 the Committee asked:

1. The Committee notes that in regulation 2(2), in the definition, the word "mean" should read "means" and that the word "if" seems to be a typing error. Paragraph 2 in fact appears in Part II of Schedule 2. The Committee further notes that in all the amending Regulations referred to in the footnote the reference is always to "Part II" of Schedule 1 and it is suggested that these Regulations ought to be consistent. The Committee requests explanation of the foregoing.

2. The Committee notes, also in the definition, that, unusually, the columns are labelled "left" and "right". The Committee observes that the normal practice is to number columns and asks why the columns are differently identified in this instance.

3. The Committee also notes regulation 3 appears to be wrongly drafted in that paragraphs 2(r) and (s) of "Schedule 1" to the 1982 Regulations do not seem to require the publication of any information. Rather, they appear to specify the information that has to be published.

4. The Committee notes that regulation 2(2) both omits sub-paragraphs (r) and (s) of Paragraph 2 of Part II of Schedule 1 and substitutes new sub-paragraphs for these sub-paragraphs. The Committee inquires how it is possible both to omit and substitute sub-paragraphs at the same time.

5. Regulation 3(a) and (b) refer to "qualification results". These terms are not defined in the Regulations. The Committee asks are the terms intended to refer to the information referred to in the first line of this regulation or to some other information. The Committee also notes that paragraph (a) of this regulation refers to "handbooks". The Executive is asked to explain whether this term is intended to refer to the "school handbooks" that are mentioned elsewhere in the principal Regulations or to some other handbooks.

The Education Department responds as follows:

1. It is noted that the regulation contains two typing errors in that "mean" should read means and "if" should read in. The Department will correct this when the Regulations are amended in the future. Paragraph 2 appears in Part II of Schedule 1. The Department considers it acceptable practice not to refer to a Part when the paragraph numbers run consecutively.
2. The Department accepts that labelling columns by number is a valid alternative way of drafting.

3. The Committee is correct in stating that the paragraphs 2(r) and (s) specify the information to be published. This Regulation was inserted to assist local authorities in the preparation of this year’s information due to the delay of the provision of statistical information caused by the problems at SQA.

4. The Department accepts it should have said it is substituting the new sections. However the meaning of the Regulation is clear.

5. It might have been appropriate to give a definition of "qualification results". However it was thought that the context made it clear that the reference was to the first line of the Regulation. The Department confirms the word "handbooks" refers to school handbooks and it was thought that the context made this clear.

for Scottish Executive Education Department

Date 30 November 2000
EDUCATION CULTURE AND SPORT COMMITTEE

10 January 2001

Petition PE 23: Save Wemyss Ancient Caves Society

The Petition

1. Petition by the Save Wemyss Ancient Caves calling for action to be taken to repair storm damage to the access of the caves.

Action to date

2. This petition has been considered by the Public Petitions Committee on 2 November 1999 and the 18 January 2000, the Education Culture and Sport Committee on 22 February 2000 and most recently by the Transport and Environment Committee on 1 November 2000.

Decisions

3. A minute of the decisions agreed by each Committee are detailed below—

   Minute of Public Petitions Committee 2/11/99
   PE23 Petition by Save Wemyss Ancient Caves Society calling for action to be taken to repair storm damage to the access of the caves. Agreed to pass petition to Historic Scotland and also send a copy of the petition to the relevant Minister. The Committee agreed to write to Fife Council to confirm what steps they had already taken.

   Minute of Public Petitions Committee 18/1/00
   PE23 Petition by Save Wemyss Ancient Caves Society, responses from Fife Council and Historic Scotland now received. Agreed to pass the petition to the Education, Culture and Sport Committee for their comments in addition to the Transport and Environment Committee. Also agreed to seek comments from East of Scotland Water.

   All papers and correspondence of relevance to the above meetings are listed and attached as Annexe A to this note.

   Minute of Education, Culture and Sport 22/2/00
   The Committee considered Petition PE23 by Save Wemyss Ancient Caves Society on action to be taken to repair storm damage to the access of the Wemyss Caves. It was agreed to seek views from the petitioners on responses from Fife Council and Historic Scotland and views from the Scottish Executive on its policy of grant aid in such areas.
Minute of Transport and the Environment Committee 1/11/00

Petition PE23 from Save Wemyss Ancient Caves Society calling for action to be taken to repair storm damage to the access of the caves. The Committee agreed to pass copies of letters received on the petition from the Scottish Executive and Fife Council, and a copy of the Official Report of the Committee’s discussions on the petition, to the petitioners and to the Education Culture and Sport Committee to inform that Committee’s on-going consideration of the petition.

All papers and correspondence of relevance to the above meetings are listed and attached as Annexe B to this note.

Current Position

4. The position of Fife Council and the Scottish Executive are clearly set out in Annexe B: items 3 and 4. Protection work in this area depends on prioritising the allocation of limited financial resources within Fife Council's own coastal erosion strategy. The Scottish Executive state "it must be made clear that it is up to Fife Council itself to decide what areas are a priority for protection and to make a case for their protection, and for funding support. In relation to the Wemyss caves, no such case was made to the Scottish Executive so we cannot comment on their observations regarding the actual or assumed costs and benefits."

5. However the Council states that "until there is an established method to value heritage assets there is likely to be continued difficulty in justifying expenditure to protect them (the caves) under existing coast protection procedures."

6. Having noted to the decisions taken by the Public Petitions Committee and the Transport and the Environment Committee, this Committee is invited to consider the petition in the light of its own remit and in particular the cultural and heritage issues involved or any other concerns members may have.

Ian Cowan  Martin Verity
Assistant Clerk  Clerk to the Committee
ANNEXE A

1. Internal Memo on transfer of petition to Education, Culture and Sport Committee 14 Feb 2000

2. Letter to petitioner (Mrs Watters) from Clerk of Petitions Committee 7 Feb 2000

3. Letter to East of Scotland Water from Clerk of Petitions Committee 7 Feb 2000

4. Response from East of Scotland Water to Clerk of Petitions Committee 2 Feb 2000

5. Response from Fife Council to Clerk of Petitions Committee 29 Dec 1999

6. Response from Historic Scotland to Clerk of Petitions Committee 14 Dec 1999
## ANNEXE B

1. **Internal Memo from Clerk of Transport and the Environment Committee to Education, Culture and Sport Committee**
   - 9 Nov 2000

2. **Extract from official report of Transport and the Environment meeting**
   - 1 Nov 2000

3. **Response to Clerk of Transport and the Environment Committee from Fife Council**
   - 17 Oct 2000

4. **Response to Clerk of Transport and the Environment Committee from Scottish Executive Environment Group**
   - 28 Apr 2000

5. **Internal Memo from Clerk of Petitions Committee with attached correspondence from East of Scotland Water**
   - 4 Apr 2000

6. **Petitioners' response to Historic Scotland and Fife Council replies received by Petitions Committee (Annexe A: items 5 and 6)**
   - 2 Mar 2000
The Petition

1. The petitioners call on the Scottish Parliament to advance Technical/Technology Education within Scottish Secondary Schools as a national priority.

Action

2. On 12 September 2000 the Public Petitions Committee, having considered a response from the Minister, agreed to take no further action and to pass the Minister’s response to the petitioners. It further agreed to pass a copy of the Minister’s response to the Enterprise and Lifelong Learning Committee requesting its comment on whether it considers that there is a deficit in applied technology training in schools, which would have a knock on effect on universities.

Referral to Education, Culture and Sport

3. Clarification of Committee remits and the petitioners’ concern with education at secondary school level has resulted in the petition being passed to Education, Culture and Sport as the more appropriate Committee to give comment on the existence of a deficit in applied technology training in schools. This has been agreed with the Clerks of the Committees concerned.

Information

4. A memo from the Clerk of the Public Petitions Committee, the briefing paper prepared for the Public Petitions Committee and the Executive’s response are attached as Annexe A to this note.

5. A reply to the Minister’s response by the petitioners is attached for information as Annexe B.

6. The Committee has been asked to comment on whether it considers there is a deficit in applied technology training in schools which would have a knock on effect on universities.

Ian Cowan  Martin Verity
Assistant Clerk  Clerk to the Committee
EDUCATION CULTURE AND SPORT COMMITTEE

10 January 2001

Petition PE 307: Mr Dougal Carnegie

1. The Public Petitions Committee referred this petition to the Committee for its consideration on 4th December 2000. The Public Petitions Committee has suggested that the Education, Culture and Sport Committee may wish to take a view on the issues raised as part of any future examination of traditional arts and culture in its forward work programme.

The Petition

2. The petitioner calls on behalf of the Scottish Traditional Music Lobbying Group for the Scottish Parliament to provide the necessary support and funding to promote traditional arts and culture in Scotland. To be achieved through the inclusion of these topics in the mainstream educational curriculum and the establishment of a Traditional Arts Centre in Edinburgh and regional Centres throughout Scotland.

3. The Committee is invited to consider the above petition.