The Committee will consider the admissibility of a proposed petition by James Duff in relation to an alleged failure to comply with the Bankruptcy (Scotland) Act 1913.
Revised Guidance on the Submission of Public Petitions

Introduction

1. The Committee is invited to consider and agree the attached draft revised guidance on the Submission of Public Petitions. A copy of the original guidance is also attached for Member’s information.

Background

2. The guidance has been revised to reflect the changes to the standing orders in relation to the admissibility of petitions which were agreed by the Parliament on 23 November 2005:

   - MSPs cannot lodge petitions;
   - Petitioners are prevented from resubmitting petitions which are the same or substantially similar to a petition lodged by or on behalf of the same person or body and closed less than a year previously during the same Parliamentary session.

3. The guidance has also been revised to provide clearer details of the administrative arrangements for the processing of petitions.

4. Once the text has been finalised, the Guidance will be published in a style consistent with other parliamentary public information publications. As with existing guidance, the guidance will be available in a variety of languages and formats.

Options for action

5. The Committee is invited to note the changes and agree to the publication of the revised Guidance on the Submission of Petition.

Committee Clerk
March 2006
HOW TO SUBMIT A PUBLIC PETITION

Introduction

Petitioning the Scottish Parliament on issues of national concern gives members of the public a direct influence and role within the political process. Members of the Scottish Parliament (MSPs) cannot submit petitions but there are no other restrictions on who can submit a petition and there is no requirement to collect numerous signatures in support of a petition. Petitions can also be lodged in any language. The petitions system is, therefore, key to meeting the Parliament’s key objectives of sharing power, accountability, access and participation and equal opportunities.

What does the Public Petitions Committee (PPC) do?

The PPC is a parliamentary committee dedicated to considering petitions. Petitions are considered individually at a meeting of the PPC. The Committee generally meets fortnightly when the Parliament is sitting. All its meetings are held in public.

The membership of the Committee broadly reflects the balance of the various political groupings in the Parliament. Six new petitions are normally considered at each meeting and some petitioners will be given the opportunity to speak to the Committee in support of their petition. Generally this will be where a petition raises a new issue for the Committee. Petitioners may also provide written evidence in support of their petition.

The Committee’s role is to ensure that appropriate action is taken in respect of each petition. In fulfilling this function, the Committee takes responsibility for the initial consideration of the issues raised. This can involve:

- hearing evidence from petitioners;
- conducting background research;
- seeking written evidence from interested organisations

The Committee may consult with the Scottish Executive or other bodies if appropriate and also invite relevant Scottish Executive Ministers to appear before it. It should also be noted, however, that the Committee is not bound to undertake any particular action and may close a petition without further consideration. In such cases, however, the petitioner will be advised that the petition is closed and the reason for closing it.

Following consideration of the written and oral evidence gathered by the Committee, a decision will be taken as to whether the issues raised by a petition merit further consideration. If the Committee agree that a more detailed investigation is required
it will usually refer the petition to the relevant subject committee of the Scottish Parliament. The Committee can also bid for parliamentary time for a petition to be debated by the whole Parliament. Once again, having considered a petition the Committee or the relevant subject Committee may agree that no further action is required by the Parliament and close the petition. The Committee always notifies the petitioner of any action and may give that notification in the language of the petition if that language is not English.

**What can I petition the Parliament about?**

Petitions should raise issues in relation to matters which fall within the competence of the Scottish Parliament. These are known as devolved matters and include issues such as health, education and the environment. A full list of issues which are devolved to the Scottish Parliament and those reserved to Westminster are set out below. The primary role of the Committee is to hold the Scottish Executive to account on its policies on devolved issues. The Committee has no remit to intervene in the executive decisions or actions of other public bodies in Scotland including health boards and local authorities.

However, many petitions are driven by the experience of petitioners at a local level, for example, through a campaign to stop a local school closure or to prevent development on a local playing field. While the Committee cannot become directly involved in such matters it can ask the Scottish Executive to review its policies and/or guidance which governs the actions of local authorities and other public bodies.

Petitions may not ask the Committee to adjudicate on personal or commercial interests which should be determined by a court or other tribunal. Additionally, where the petitioner has or could have an admissible objection in relation to a Private Bill the petitioner would be expected to proceed under that procedure. Petitioners must also be able to show that there is a public interest in what they are calling for. The Committee is also unable to consider petitions that are the subject of any current court proceedings (sub-judice) or which are potentially defamatory or otherwise contain offensive language. Petitions should therefore generally avoid naming individuals.

Petitions should not include:

- offensive, intemperate, inflammatory, sarcastic or provocative language or language to which those reading could reasonably take offence.
- false or defamatory statements;
- information which is protected by an interdict or court order
- commercially sensitive or confidential material;
- the names of individuals, or information whereby they may be easily identified, in relation to criminal accusations.

Petitioners need to show that they have already taken previous steps to resolve the issues raised by their petition, for example, through raising it with their MSP or local councillor or directly with the Scottish Executive.
Petitions which are the same or substantially similar and which are lodged by or on behalf of the same person or organisation during the same Parliamentary session can only be considered if more than a year has passed since the original petition was closed by the Committee.

Petitions which do not follow these guidelines will be considered inadmissible. In such cases, you will be informed in writing of the reasons why your petition is considered inadmissible. Further advice on admissibility can be obtained from the Committee Clerk whose contact details are listed below. In cases of dispute, the Public Petitions Committee shall decide whether a public petition is admissible.

What can a petition achieve?

The petitions process allows ordinary members of the public to have direct influence in the political process through the Public Petitions Committee. Petitioning provides direct access to elected Members and other key policy makers. Petitioning can raise the awareness of a particular campaign and put issues on the agenda which might not otherwise be considered by the Parliament or Executive.

Petitions can inform the scrutiny of legislation and lead to changes in the law. They may be considered as part of a wider parliamentary or governmental review of policy. They can stimulate parliamentary debate and discussion and can result in policy changes by the government and/or other public bodies.

How do I submit a petition?

Petitions should be submitted using the template for public petitions. The template can be obtained from the Parliament’s website or by contacting the Clerk to the Committee.

Petitions should include the following information:

- **Details of the principal petitioner:** include your name, a contact address where all correspondence will be sent to, an email address and a phone number.¹

- **Text of petition:** state clearly and concisely what action you want the Scottish Parliament to take.

- **Additional information:** provide any additional information relevant to your petition and set out the reasons why you consider the action requested to be necessary. This information will be made available to Members of the Committee before it considers your petition and should be limited to no more than four sides of A4.

¹ If you do not wish your contact details to be made available publicly, for personal or other reasons, you can request that these be withheld. It should be noted, however, that such requests will normally only be granted in particularly sensitive or exceptional circumstances.
• **Action taken before submitting the petition**: provide a summary of the action you have taken to resolve your issue of concern including details of those you have approached.

• **Petitioners appearing before the PPC**: the Convener may invite you to appear before the Committee to speak in support of your petition. You should indicate whether you are willing to make a brief statement to the Committee and answer questions that Members may have if invited to do so by the Convener.

Completed petitions should be sent to the Clerk to the Committee. Section 100 of the Postal Service Act 2000 provides that petitions can be posted to the Parliament free of charge if handed in at a post office. To make use of this service, petitions should be clearly marked "Petition to the Scottish Parliament" and should use the postal address provided below. Where possible petitions should also be submitted in electronic format.

**What if I want to use the e-petition system?**

The e-petition system enables you to promote your petition on the internet from where you can attract a wider audience and gather more names in support before formally submitting it to the Public Petitions Committee.

E-petitions are hosted on the Parliament's website for an agreed period, usually between four and six weeks at:

[http://epetitions.scottish.parliament.uk/](http://epetitions.scottish.parliament.uk/)

Each e-petition has its own discussion forum, where visitors and supporters can discuss and debate the petition and related issues. Petitioners are asked to provide some initial comments to stimulate online discussion.

When the agreed period for hosting an e-petition is over, the petition is formally submitted to the Committee for consideration in the normal way.

**What happens next?**

Once your petition has been formally lodged, we will send you a written acknowledgement and advise you of when the Committee is to consider your petition.

All petitions are considered in public by the Public Petitions Committee. Petitioners are welcome to observe proceedings from the public gallery and may also be invited to speak in support of their petition at such a meeting.

Full details of the progress of your petition can be found on the Scottish Parliament website at:

[www.scottish.parliament.uk/petitions.](http://www.scottish.parliament.uk/petitions.)
A written record of everything that is said during the Committee meeting will be published in the Official Report which is also available on the internet. In addition, all meetings of the Committee are broadcast live over the internet at:

www.holyrood.tv

Petitioners are informed of any decision taken by the Committee and the reasons for that decision.

Who should I contact if I need assistance or have any queries?

This guidance note is also available in a range of different languages. Petitions can also be submitted in Braille and, where appropriate, in other formats by those with special needs. You should discuss any such requirements with the Clerk to the Committee before you submit your petition.

Further information and advice on submitting petitions to the Scottish Parliament can be obtained from:

Clerk to the Public Petitions Committee
The Scottish Parliament
EDINBURGH
EH99 1SP
Telephone: 0131 348 5186
E-mail: petitions@scottish.parliament.uk
Introduction

1. The Committee is invited to consider and agree a proposal for commissioning research from external sources on reviewing the first 1,000 petitions.

Background

2. It is anticipated that the 1,000th public petition will be lodged within the next six months. The Committee may wish to consider that this significant milestone provides an opportunity to commission an independent review to assess the operation of the petitions system. The review will consider how well the petitions process works, take into account the views of petitioners on how their petition was handled, and consider the impact of the petitions system as a means of engagement with the democratic process. The outcome of the review will help inform the way the PPC and the Parliament’s subject committees deal with public petitions.

3. The research will aim to provide a clear picture of the use made of the public petitions system and the experiences of those who have used the system since 1999.

4. It is proposed that the research will comprise four main components:

   - An overview of the development of the petitions system since 1999 including a short review of how petitions are dealt with in other parliaments;
   - Quantitative analysis of the data on open and closed petitions held on the PPC database;
   - A questionnaire survey of those who have submitted petitions to assess their motivations, expectations and experiences;
• Qualitative interviews with a sample of participants in the petitions process.

5. The expected outputs of this project would include a full research report, 4 page summary and presentation of the findings to the Committee. The results of the research would be expected by September 2006.

Options for Action

6. The Committee is invited to consider and agree to put forward this research proposal to the Conveners Group with the costs to be met from the external research budget held by SPICe.

Committee Clerk and Simon Wakefield, SPICe
March 2006