1. **Non-Executive Bills – witness expenses:** The Committee will be invited to delegate to the Convener responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses in the inquiry.

2. **Non-Executive Bills:** The Committee will take evidence from—

   Paul Grice, Clerk/Chief Executive, on behalf of the Scottish Parliamentary Corporate Body;

   and then from—

   Michael Russell, former member in charge of the Gaelic Language (Scotland) Bill

   Keith Harding, former member in charge of the Dog Fouling (Scotland) Bill

3. **First Minister’s Question Time:** The Committee will review the success of the changes to the timing and duration of First Minister’s Question Time recommended in its 1st Report, 2003 (Session 2).

4. **Emergency Bills:** The Committee will consider a paper on possible changes to Rule 9.21, and take evidence from Frances Bell, Legislation Team.

5. **Suspension of standing orders:** The Committee will consider a further paper from the Clerk.
6. **Items in private:** The Committee will decide whether to consider, in private at its next meeting, draft Reports on First Minister’s Question Time, Emergency Bills and suspension of standing orders.

Andrew Mylne  
Clerk to the Committee  
Room 5.19 PHQ  
Ext 85175  
andrew.mylne@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda item 3**
Note by the Clerk

Statistics on timings and supplementary questions at FMQT

Letter from BBC Scotland

Note by Participation Services

**Agenda item 4**
Note by the Legislation Team

**Agenda item 5**
Note by the Clerk

The following papers are attached for information:

Nature Conservation (Scotland) Bill – referral to the Committee (note by the Clerk)

Evaluation Report on the civic participation exercise during the Oral Questions in the Chamber inquiry


Minutes of the last meeting
PROCEDURES COMMITTEE

First Minister’s Question Time: Review

Note by the Clerk

Introduction

1. When the Committee recommended (in its 1st Report, 2003) scheduling FMQT for 12 noon on Thursdays, the recommendation was that this should operate for a trial period until the end of 2003. It is therefore now time to review that trial, with a view to making a further short Report to the Parliament.

2. The First Minister, when he originally advocated moving FMQT to 12 noon, gave as a principal reason the benefits to visiting school groups, which often had to leave before FMQT was over under the previous arrangements. It may therefore be worth considering the success (or otherwise) of the trial for school groups in particular.

3. During the Committee’s subsequent inquiry on oral questions, which of course included further consideration of FMQT, some evidence was received on the timing of FMQT, both from MSPs and from members of the public (including the civic participation focus groups whose reports informed the Committee’s conclusions on oral questions).

4. The purpose of this note is to summarise the evidence and to outline the options now open to the Committee. In considering whether to recommend any change to the timing of FMQT, the Committee should also complete its consideration of when the new hour-long part-thematic Question Time recommended in its 2nd Report should take place.

5. In that Report, the Committee recommended that Question Time should take place as first item on either Wednesday or Thursday afternoon (paragraph 77) and that it should begin at 2 pm rather than at 2.30 pm, to minimise the impact on debating time in the remainder of the afternoon in question (paragraph 78).

6. Although the trial period recommended in the Committee’s 1st Report related only to the timing of FMQT, it may be worth also reviewing the success of the other change it recommended, namely the extension of FMQT from 20 minutes to 30. A separate note contains data collected during the trial period, showing the time spent on each of the 6 questions and the numbers of supplementary questions asked. This can be contrasted with the similar data collected prior to the extension of FMQT – set out in Annex B to the Committee’s 1st Report.

Evidence

Views of MSPs

7. A large majority of MSPs who expressed a view (in evidence to the Oral Questions in the Chamber inquiry) felt that the move of FMQT to 12 noon had not been a success, though there was less consensus on what time it should begin.
Fergus Ewing, Tricia Marwick and David Davidson favoured 2 pm or 2.30 pm, while the LibDem group (and Jamie Stone and Mike Rumbles separately) thought it should revert to 3.10 pm on Thursdays. Brian Adam agreed it should revert to the afternoon.

8. Robin Harper felt FMQT had “definitely lost a bit of atmosphere” as a result of the move. Carolyn Leckie’s objection to the 12 noon slot was that it took time from debates chosen by the non-Executive parties (cols 95-96). Richard Lochhead, Carolyn Leckie, Tricia Marwick and Jamie Stone noted that press interest in Question Time had declined as a result of its separation from FMQT, so that it was no longer an “event”.

9. However, the Presiding Officer saw merit in separating FMQT from Question Time: it helped to avoid the impression that Question Time was merely a warm-up for FMQT and enabled the two items to “build their own identity” (col 61). The Minister for Parliamentary Business said that splitting FMQT from Question Time had increased the number of school groups able to watch these items from the gallery (col 124).

10. None of the MSPs who gave written evidence commented on the extension to 30 minutes. Of those giving oral evidence on behalf of their parties, only George Lyon commented directly and he said the “jury was still out” (col 107). The Minister for Parliamentary Business said that the extra time for backbenchers was a good feature, and the fact that all 6 questions were now being reached was “a real plus” (col 123). The Presiding Officer felt there was “great merit” in the extra time, which had helped to ensure better representation among the parties; proportionality was now greater than had been possible last session (col 61).

Views of the general public

11. Of the 462 members of the public who responded to the two public gallery questionnaires (one distributed during FMQT and one during Question Time, over two consecutive Thursdays – 30 October and 6 November), 47% were in favour of the present arrangements with regard to timing (i.e. with FMQT separated from Question Time by a lunch break). 11% preferred the previous arrangement (i.e. with the two items one after the other in the afternoon), while 16% felt both were equally convenient.

12. As the data in Annexe 2 shows, the proportion in favour of the current arrangements was higher (53%) among those attending FMQT at noon than among those attending Question Time after lunch (41%).

13. On the issue of duration, the views of the general public were more mixed. 45% were in favour of a 30-minute slot, while 27% thought it should be longer and 11% thought it should be shorter.

1 Note: some of the 243 members of the public who responded to the FMQT questionnaire may also have been among the 219 who responded to the Question Time questionnaire – i.e. there were not necessarily 462 separate individuals who responded. The data does not make it possible to tell how many people filled in two questionnaires in a given day (or who attended on both weeks of the survey).
14. It should be noted that these questionnaire respondents cannot necessarily be regarded as representative of the interested public more generally. The survey was conducted among those present at the relevant times – i.e. those for whom those times were more likely to be convenient to start with. This makes it more difficult to assess how much weight to give to this data. (The same is of course true of the school group data mentioned in the following paragraphs.)

Views of school groups

15. Of the 107 questionnaire respondents who identified themselves as members of a school group, 64% were in favour of the present arrangements with regard to timing, 7% preferred the previous arrangements and 12% felt both were equally convenient.

16. Among the school group respondents, there was a much greater discrepancy between those who attended FMQT and those who attended Question Time. 73% of those who attended FMQT favoured the current arrangements (i.e. FMQT at noon), compared with only 38% of those who attended Question Time. However, 31% of those attending Question Time felt that the previous arrangements (i.e. with both FMQT and Question Time in the afternoon) were equally convenient, a view shared by only 5% of FMQT respondents. This presumably reflects the fact that the school groups attending FMQT were the ones who had directly benefited by its move to the earlier time, whereas those attending Question Time were less affected by the change that had been made, and hence felt less strongly.

17. The school group respondents were slightly more in favour of the current 30-minute duration than respondents as a whole – 54% rather than 45%. However, unlike the public as a whole, those school group respondents who preferred a different duration were more in favour of making it shorter (29%) rather than longer (10%).

Views of civic participation focus groups

18. Of the six focus groups, only Moray Against Poverty commented on the timing of FMQT, saying that “both sessions should be either in the morning or the afternoon and not straddle the lunch break.” Three of the groups also suggested that FMQT should be longer than 30 minutes.

Evidence from journalists

19. BBC Scotland has supplied data (see letter circulated separately) showing that average viewing figures for Holyrood Live have fallen from 46,000 prior to the move of FMQT to 18,000 during the period of the trial.

20. Other journalists were also invited to offer views on the success of the trial changes to FMQT, but none has so far done so.
Evidence from Participation Services

21. The memo from the Parliament’s Participation Services office (circulated separately) indicates that the 12 noon time for FMQT offers some benefits to the Education Service (which works with visiting school groups) but causes some practical difficulties for Public Information (which deals with ticketing for all gallery visitors).

Procedural constraint

22. There is a further consideration which might influence the Committee’s view of whether FMQT should remain at 12 noon, namely the implications of that timing for Rule 5.6.

23. Rule 5.6.1(b) requires the Bureau to ensure that business chosen by non-Executive parties (or groups of smaller-party or non-party members) is considered in the Chamber on 16 “half sitting days” in each Parliamentary year. Rule 5.6.2 defines a half sitting day as “the period between 09:30 and 12:30 or between 14:30 and 17:00 on a sitting day from Monday to Thursday and the period between 09:30 and 12:00 on a sitting day on Friday”.

24. The Bureau has quite regularly allocated Thursday mornings for non-Executive business. Since FMQT was moved to noon on Thursdays, the non-Executive parties whose business has taken place on Thursday mornings have therefore had half an hour less time than they would otherwise have been allocated.

25. It is worth noting that, under Rule 5.6, a half sitting day can be either 2½ hours or 3 hours in length, depending on when it takes place, so it can therefore be argued that the non-Executive parties have not necessarily received less time for their business than they were entitled to. All the same, it might be thought undesirable to make permanent an arrangement that does not correspond to the implication of Rule 5.6 – namely that, where a non-Executive party is allocated a half sitting day on Thursday morning, this should cover the whole period up to 12.30 pm.

26. If the Committee decides to recommend that FMQT remains at 12 noon on Thursday, therefore, it may wish to consider recommending an amendment to Rule 5.6 to remove the above implication (for example, to make clear that a half sitting day need not be longer than 2½ hours, whenever it takes place). Such a change might be desirable even if FMQT is to be moved to the afternoon, just to make the duration of half sitting days more consistent and to increase the flexibility of timetabling.

Options for the Committee

27. In relation to the timing of FMQT, the first question for the Committee to consider is whether—

- to recommend no change, so that FMQT remains at 12 noon on Thursdays; or
to recommend moving FMQT to after lunch on either Wednesday or Thursday.

28. In deciding this, the Committee should also consider when Question Time – in its new hour-long part-thematic, part-general format – should take place.

29. If the recommendation is to keep FMQT at noon on Thursday, the Committee should then decide whether Question Time—

- should remain as first item on Thursday afternoon (but starting at 2 rather than 2.30 pm) – see Option C in Annexe 1); or

- move to Wednesday afternoon (again, starting at 2 pm rather than 2.30) – see Option B in Annexe 1).

30. If the recommendation is to move FMQT to after lunch, it may then be considered undesirable to have both it and Question Time on the same day. With FMQT extended to 30 minutes and Question Time to an hour, that could be too much oral questioning without interruption. It would also leave a slot of only 1½ hours for debates, even with a 2 pm start. (Although this is the same duration as was available most of last session for a debate after Question Time and FMQT, it is less easy now to create a satisfactory 1½-hour debate, given the need for opening and closing contributions from 6 parties.) These considerations suggest having either FMQT on Wednesday afternoon and Question Time on Thursday afternoon, or vice versa.

31. The second question for the Committee would therefore be: which item should be on which day?

32. One possible advantage of keeping FMQT on Thursday is to maximise its potential as a forum for raising the topical issues of the week (through supplementary questions without notice) – something that may be easier if it takes place on the second of the two days of Chamber business. Topicality may be less of an issue for Question Time, which can be expected to stick more closely to the questions of which advance notice has been given. The revised lodging deadline of 4 pm on Tuesday for Question Time (as recommended by the Committee) would enable Question Time to be moved to Wednesday afternoon without this having a substantial impact on the notice period (i.e. there would only be a slight reduction in the time available to the Executive to prepare material for Ministers to answer the selected questions).

33. As noted above, the Committee’s recent Report suggests that Question Time should be first item on either Wednesday or Thursday afternoon and business should begin at 2 pm on that day, to minimise the impact on remaining debating time that afternoon. However, there would still be some impact – the time left for debate after Question Time would be reduced to 2 hours, as would the time after FMQT on the other afternoon (assuming that other afternoon’s business begins, as at present, at 2.30 pm). The result would be that neither afternoon could be used for a non-Executive “half sitting day” under Rule 5.6 (even if that Rule was amended so that a half sitting day was always 2½ hours rather than 3).
34. So long as the Committee wanted to recommend moving to a 2 pm start on only one of the two afternoons, the alternative would be to have the earlier start on whichever afternoon FMQT takes place rather than the afternoon Question Time takes place. This would have the advantage of keeping a whole 2½ hour slot for a debate after FMQT (which could therefore be a non-Executive “half sitting day” if desired). But the disadvantage would be that debating time after Question Time would be reduced to only 1½ hours – arguably a less useful period for a meaningful debate.

35. This raises a further possibility that might provide the best overall distribution of time – namely to start the afternoon’s business at 2 pm on both days, but to end Thursday morning’s business at 12 noon, thus preserving the two-hour lunch-break on that day (useful for cross-party group meetings). That would result in a better overall distribution of debating-time across the two days – i.e. debate slots of (approximately) 2 hours, 2½ hours, 2½ hours, rather than 2 hours, 3 hours, 2 hours or 1½ hours, 3 hours, 2½ hours.

36. This option (Option A) would give the following sitting pattern for the Chamber—

<table>
<thead>
<tr>
<th>Wednesday</th>
<th>Thursday</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 – 2.05 pm</td>
<td>9.30 am – 12 pm</td>
</tr>
<tr>
<td>Time for Reflection</td>
<td>Debates (2 hours 30 mins)</td>
</tr>
<tr>
<td>2.05 – 3.05 pm</td>
<td>[12 – 2 pm]</td>
</tr>
<tr>
<td>Question Time</td>
<td>Lunch</td>
</tr>
<tr>
<td>3.05 – 5 pm</td>
<td>2 – 2.30 pm</td>
</tr>
<tr>
<td>Debates (1 hour 55 mins)</td>
<td>FMQT</td>
</tr>
<tr>
<td></td>
<td>2.30 – 5 pm</td>
</tr>
</tbody>
</table>

37. So the final question for the Committee might be: does it agree that Option A above is the best overall sitting pattern, or does it prefer one of the alternatives (set out in Annexe 1.) The Committee can either make definite recommendations about the times FMQT and Question Time should take place, or make only general recommendations (e.g. about the day but not the precise time) and leave it to the Bureau to choose the specific times to be recommended to the Parliament.

38. Note: If the Committee endorsed the sitting pattern outlined in paragraph 35 above, Rule 5.6 would need to be amended at least to the extent of enabling a debate from 9.30 am to 12 noon on a Thursday to qualify as a “half sitting day”.

39. In relation to the duration of FMQT, there appears to be no significant pressure for re-opening the issue, and the Committee may therefore wish simply to note that the extension has apparently achieved its purpose of allowing all 6 questions to be reached and a better balance of party leaders and backbench contributions to be achieved.
Annexe 1: Alternative timetabling options

<table>
<thead>
<tr>
<th>Option B – FMQT at noon on Thu; Question Time on Wed</th>
<th>Option F – Both in afternoon; FMQT on Wednesday</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wednesday</strong></td>
<td><strong>Wednesday</strong></td>
</tr>
<tr>
<td>2 – 2.05 pm  Time for Reflection</td>
<td>2.30 – 2.35 pm  Time for Reflection</td>
</tr>
<tr>
<td>2.05 – 3.05 pm Question Time</td>
<td>2.35 – 3.05 pm FMQT</td>
</tr>
<tr>
<td>3.05 – 5 pm  Debates (1h 55m)</td>
<td>3.05 – 5 pm  Debates (1h 55m)</td>
</tr>
<tr>
<td><strong>Thursday</strong></td>
<td><strong>Thursday</strong></td>
</tr>
<tr>
<td>9.30 am – 12 pm Debates (2h 30m)</td>
<td>9.30 am – 12.30 pm Debates (3h)</td>
</tr>
<tr>
<td>12 – 12.30 pm FMQT</td>
<td>[12.30 – 2 pm Lunch]</td>
</tr>
<tr>
<td>[12.30 – 2.30 pm Lunch]</td>
<td>2 – 3 pm  Question Time</td>
</tr>
<tr>
<td>2.30 – 5 pm  Debates (2h 30m)</td>
<td>3 – 5 pm  Debates (2h)</td>
</tr>
</tbody>
</table>

**Option C – Both on Thursdays; FMQT at noon**

| **Wednesday**                                       |
| 2.30 – 2.35 pm  Time for Reflection                  |
| 2.35 – 5 pm  Debates (2h 25m)                        |

| **Thursday**                                        |
| 9.30 am – 12 pm Debates (2h 30m)                    |
| 12 – 12.30 pm FMQT                                  |
| [12.30 – 2 pm Lunch]                                |
| 2 – 3 pm  Question Time                             |
| 3 – 5 pm  Debates (2h)                              |

**Option D – Both on Thursdays; FMQT after lunch**

| **Wednesday**                                       |
| 2.30 – 2.35 pm  Time for Reflection                  |
| 2.35 – 5 pm  Debates (2h 25m)                        |

| **Thursday**                                        |
| 9.30 am – 12 pm Debates (2h 30m)                    |
| 12 – 1 pm  Question Time                            |
| [1 – 2 pm Lunch]                                    |
| 2 – 2.30 pm FMQT                                    |
| 2.30 – 5 pm  Debates (2h 30m)                       |

**Option E – Both on Thursdays; both after lunch**

| **Wednesday**                                       |
| 2.30 – 2.35 pm  Time for Reflection                  |
| 2.35 – 5 pm  Debates (2h 25m)                        |

| **Thursday**                                        |
| 9.30 am – 12.30 pm Debates (3h)                     |
| [12.30 – 2 pm Lunch]                                |
| 2 – 3 pm  Question Time                             |
| 3 – 3.30 pm FMQT                                    |
| 3.30 – 5 pm  Debates (1h 30m)                       |
Annexe B: Data from FMQT and Question Time Questionnaires

From FMQT Public Gallery Questionnaire

First Minister’s Question Time is a period of up to 30 minutes each week. In terms of your own interest and meeting the needs of the Parliament, would you have preferred a longer or shorter session, or is 30 minutes the right length? PLEASE TICK ONE BOX ONLY.

<table>
<thead>
<tr>
<th></th>
<th>All respondents (243)</th>
<th>School group members (78)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prefer a longer session</td>
<td>27%</td>
<td>10%</td>
</tr>
<tr>
<td>Prefer a shorter session</td>
<td>11%</td>
<td>29%</td>
</tr>
<tr>
<td>30 minutes is the right length</td>
<td>45%</td>
<td>54%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>13%</td>
<td>6%</td>
</tr>
</tbody>
</table>

For a trial period First Minister’s Question Time takes place at noon on Thursdays, with Question Time (when Scottish Ministers other than the First Minister are asked questions) currently taking place at 2.30 pm on the same day. Previously, First Minister’s Question Time took place immediately after Question Time without the separation for lunch. Which of the arrangements is more convenient for you? PLEASE TICK ONE BOX ONLY.

<table>
<thead>
<tr>
<th></th>
<th>All respondents (243)</th>
<th>School group members (78)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current arrangement (i.e. split by lunch)</td>
<td>53%</td>
<td>73%</td>
</tr>
<tr>
<td>Previous arrangement (i.e. without split for lunch)</td>
<td>9%</td>
<td>4%</td>
</tr>
<tr>
<td>Both are equally convenient</td>
<td>13%</td>
<td>5%</td>
</tr>
<tr>
<td>Neither are particularly convenient</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>16%</td>
<td>14%</td>
</tr>
</tbody>
</table>

From Question Time Public Gallery Questionnaire

For a trial period Question Time takes place at 2.30 pm on Thursdays, with First Minister’s Question Time (when only the First Minister is asked questions) currently taking place at noon on the same day. Previously, First Minister’s Question Time took place immediately after Question Time without the separation for lunch. Which of the arrangements is more convenient for you? PLEASE TICK ONE BOX ONLY.

<table>
<thead>
<tr>
<th></th>
<th>All respondents (219)</th>
<th>School group members (29)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current arrangement (i.e. split by lunch)</td>
<td>41%</td>
<td>38%</td>
</tr>
<tr>
<td>Previous arrangement (i.e. without split for lunch)</td>
<td>12%</td>
<td>14%</td>
</tr>
<tr>
<td>Both are equally convenient</td>
<td>18%</td>
<td>31%</td>
</tr>
<tr>
<td>Neither are particularly convenient</td>
<td>1%</td>
<td>-</td>
</tr>
<tr>
<td>Don’t know</td>
<td>22%</td>
<td>17%</td>
</tr>
</tbody>
</table>
## PROCEDURES COMMITTEE

### First Minister’s Question Time: Review

Supplementary questions and time allocations during trial period

| Questions Called at First Minister’s Question Time (since Rules were changed) |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                 | Q1              | Q2              | Q3              | Q4              | Q5              | Q6              | All opp’n party Qs |
|                 | JS (4 + 0); 0 | DM (2 + 1); 3 | TS (1 + 1); 3  | (1 + 1); 0  | (1 + 2); 0  | (1 + 4); 2  | 3 Qs 20/32 mins |
|                 | 10 mins        | 6 mins          | 4 mins          | 4 mins        | 3 mins        | 5 mins        | (62%)            |
| 11 Sep          | JS (4 + 0); 3 | DM (2 + 2); 3 | RH (2 + 0); 0  | (1 + 0); 0  | (1 + 1); 0  | (1 + 5); 2  | 3 Qs 17/30 mins |
|                 | 6 mins         | 8 mins          | 3 mins          | 3 mins        | 3 mins        | 7 mins        | (57%)            |
| 18 Sep          | JS (3 + 0); 1 | DM (2 + 2); 1 | TS (2 + 1); 1  | (1 + 1); 0  | (1 + 1); 1  | (1 + 1); 0  | 3 Qs 19/32 mins |
|                 | 8 mins         | 9 mins          | 5 mins          | 4 mins        | 1 4 mins     | 6 mins        | (59%)            |
| 25 Sep          | RC (3 + 0); 1 | DM (2 + 0); 6 | ES (2 + 2); 1  | (1 + 2); 3  | (1 + 0); 1  | (1 + 0); 9  | 3 Qs 21/30 mins |
|                 | 5 mins         | 12 mins         | 7 mins          | 4 mins        | 2 mins       | 5 mins        | (70%)            |
| 1 Oct           | JS (3 + 1); 0 | DM (2 + 0); 6 | TS (2 + 3); 1  | (1 + 1); 1  | (1 + 1); 1  | (1 + 3); 0  | 2 Qs 13/31 mins |
|                 | 8 mins         | 12 mins         | 4 mins          | 1 4 mins     | 4 mins       | 6 mins        | (42%)            |
| 9 Oct           | JS (3 + 1); 3 | DM (2 + 0); 3 | RH (2 + 2); 1  | (1 + 1); 3  | (1 + 1); 3  | (1 + 1); 8  | 3 Qs 19/30 mins |
|                 | 8 mins         | 12 mins         | 6 mins          | 3 mins       | 5 mins       | 5 mins        | (63%)            |
| 30 Oct          | JS (3 + 0); 2 | DM (2 + 4); 3  | TS (2 + 3); 1  | (1 + 1); 1  | (1 + 1); 1  | (1 + 3); 0  | 3 Qs 18/31 mins |
|                 | 6 mins         | 12 mins         | 5 mins          | 4 mins       | 4 mins       | 6 mins        | (58%)            |
| 6 Nov           | JS (3 + 0); 7 | DM (2 + 2); 3  | RH (2 + 2); 0  | (1 + 2); 1  | (1 + 0); 1  | (1 + 2); 1  | 3 Qs 18/28 mins |
|                 | 7 mins         | 12 mins         | 5 mins          | 4 mins       | 2 mins       | 4 mins        | (64%)            |
| 13 Nov          | JS (3 + 0); 2 | DM (2 + 4); 3  | TS (2 + 1); 1  | (1 + 1); 2  | (1 + 0); 0  | (1 + 0); 3  | 3 Qs 18/31 mins |
|                 | 6 mins         | 12 mins         | 4 mins          | 6 mins       | 2 mins       | 3 mins        | (58%)            |
| 20 Nov          | JS (4 + 0); 7 | DM (2 + 1); 1  | RH (2 + 2); 0  | (1 + 2); 1  | (1 + 0); 1  | (1 + 2); 1  | 3 Qs 18/28 mins |
|                 | 7 mins         | 6 mins          | 5 mins          | 4 mins       | 2 mins       | 4 mins        | (64%)            |
| 27 Nov          | JS (3 + 0); 3 | DM (2 + 2); 3  | (1 + 1); 0     | (1 + 1); 1  | (1 + 2); 1  | (1 + 2); 1  | 2 Qs 13/31 mins |
|                 | 7 mins         | 6 mins          | 3 mins          | 4 mins       | 1 6 mins     | 5 mins        | (42%)            |
| 4 Dec           | JS (4 + 0); 0 | DM (3 + 1); 4  | TS (2 + 2); 2  | (1 + 2); 1  | (1 + 3); 1  | (1 + 0); 3  | 3 Qs 20/31 mins |
|                 | 6 mins         | 8 mins          | 2 mins          | 3 mins       | 5 mins       | 6 mins        | (64.5%)          |
| 11 Dec          | JS (3 + 0); 1 | DM (2 + 2); 2  | RH (2 + 2); 4  | (1 + 2); 2  | (1 + 0); 1  | (1 + 3); 0  | 3 Qs 19/31 mins |
|                 | 6 mins         | 7 mins          | 6 mins          | 5 mins       | 2 mins       | 5 mins        | (61%)            |
| 18 Dec          | JS (3 + 0); 0 | AG (2 + 2); 1  | TS (2 + 2); 0  | (1 + 1); 2  | (1 + 1); 2  | (1 + 1); 2  | 3 Qs 19/32 mins |
|                 | 7 mins         | 7 mins          | 5 mins          | 4 mins       | 6 mins       | 3 mins        | (59%)            |
| Averages        | (3.3 + .15); 1 | (2.1 + 1.6); 2 | (1.8 + 1.5); 1 | (1 + 1.5); 1| (1 + 1); 1  | (1 + 1.8); 2.6| 18.4/30.8 mins |
|                 | 6.8 mins       | 7.2 mins        | 5.0 mins        | 4.2 mins     | 3.7 mins     | 4.0 mins      | (60%)            |
The letters and figures in each box indicate:

- Initials of questioner (opposition party leaders or their deputies only):
  
  JS = John Swinney; RC = Roseanna Cunningham; DM = David McLetchie; TS = Tommy Sheridan; RH = Robin Harper; ES = Eleanor Scott; AG = Annabel Goldie.

- No. of supplementary questions called (by original questioner + other members); no. of members not called (NB: the original question, whether or not a diary-type question, is excluded from these figures)

- Time taken for the entire question (including all supplementaries) to nearest minute

The final column indicates the amount and proportion of time taken by the 2 or 3 questions asked by opposition party leaders (or their deputies) – i.e. those grey-shaded in the table.
PROCEDURES COMMITTEE

Review of FMQT timing

Submission by Participation Services


Education Service

As anticipated splitting FMQT and Question Time benefits the visits programme. The change in time allows two groups to see either an FMQT or Question Time. In the past, only one group saw part of the combined slot. Also, because of the change in timing, organisation of the question and answer sessions with MSPs has been facilitated because now they do not arrive or leave in the middle of the presentations.

Public Information Service

The change that has been noticed here is the impact on the booking pattern for tickets to view the plenary sessions on a Thursday. There is now more pressure on a Thursday morning. Before the time change, it was easier to stagger visits to the Visitor Centre. Currently most people want to book for Thursday mornings and arrive just in time for FMQT. There have been more requests from MSPs for groups to see FMQT. Although the front row of the gallery is reserved for Parliament staff and MSPs guests, and can be used to complement the block of seats allocated to groups, this has not always been sufficient to meet demand from MSPs. This section can become full quite quickly and then we place the MSPs guests in the ad hoc section reserved for members of the public. This can reduce this quota considerably and we have had to ask members of the public to wait for a free seat. Our staff resources are also stretched at this time, because we are required to have a staff presence at the Chamber all morning (instead of the first half hour as previously) to monitor the number of ad hoc seats available for visitors who turn up on the day without booking.

Groups also book for morning and afternoon to view both FMQT and Question Time. Sometimes they do not turn up for Question Time, having already seen FMQT. This can mean that, other groups which had been told that we were fully booked for the afternoon meeting miss out on an opportunity to visit, and seats remain unfilled in the public gallery.

We have not changed our booking system, i.e. we book and issue tickets for Wednesday afternoon, Thursday morning and Thursday afternoon as a whole. We decided that we would not issue separate tickets for FMQT as there would be no way of ensuring that visitors who had booked for the morning session on the Thursday would vacate their seats for those who had booked solely for FMQT.
We consulted the security staff and their conclusion is that visitor figures are split evenly between the two question times and that visitors tend to arrive in the morning just before FMQT.

From a visitor management point of view the pressure point for visitors arriving would be easier to coordinate at the beginning of the meeting rather at the end, as this would ease seat allocation.

Sherry Wilson  
Visitor Services Development Officer  
January 2004
The current Rule

1. Rule 9.21 (see Annexe A) allows Bills to be designated as Emergency Bills and provides for Bills so designated to follow an expedited procedure. By virtue of Rule 9.1, Rule 9.21 is a “Special Rule”. Rule 9.1 provides that where any Special Rule applies, the Special Rule shall supersede the General Rules (Rules 9.2 to 9.13) to the extent that they are inconsistent.

2. Rule 9.21 provides that all of the Stages of an Emergency Bill shall be taken on the day on which the Parliament decides that the Bill is to be treated as an Emergency Bill (although an alternative timetable can be set by the Parliament on a motion of the Parliamentary Bureau). The default procedure established for Emergency Bills by the interaction of Rule 9.21 and the General Rules is therefore, in outline, as follows (all on one day):

   - debate on motion that an Executive Bill be treated as an Emergency Bill
   - Stage 1 – debate on motion that general principles of Bill be agreed to (meeting of the Parliament – no committee consideration)
   - Stage 2 – consideration of amendments (all of which would be manuscript amendments) and agreement to each section and schedule of the Bill (by Committee of the Whole Parliament)
   - Stage 3 – consideration of amendments (again, all manuscript amendments) and debate on motion to pass the Bill (meeting of the Parliament).

3. Experience has shown that there can be inconsistencies in the practical operation of Rule 9.21 and the General Rules in relation to Emergency Bills. This tension has not been resolved by the provision in Rule 9.1 to the effect that the Special Rules are to supersede any inconsistent General Rules. As a result, a number of Standing Orders have been suspended on each occasion on which the Parliament has considered an Emergency Bill.

4. There have been three Emergency Bills to date:

   - Mental Health (Public Safety and Appeals) (Scotland) Bill (SP Bill 1, Session 1)
   - Erskine Bridge Tolls Bill (SP Bill 33, Session 1)
• Criminal Procedure (Amendment) (Scotland) Bill (SP Bill 49, Session 1).

The relevant motions on suspension of Standing Orders are reproduced in Annexe B.

5. The Rules suspended varied in each case, with only Rule 9.7.9 (referral to Subordinate Legislation Committee at end of Stage 2) being suspended on all three occasions. The reasons for these variations are as follows:

• different timetables being followed in the case of different Emergency Bills
• changes to the General Rules meaning that additional rules needed to be suspended to achieve the same effect
• changes in interpretation of, or practice in relation to, some of the General Rules.

The case for change

6. The aim of Rule 9.1 and the Special Rules is to provide a workable procedure in relation to various special types of Bills, without restating all of the standard provisions which are still intended to apply. However, as noted above, some General Rules have had to be suspended every time the Parliament has considered an Emergency Bill. This illustrates the fact that the interaction of Rule 9.21 and the General Rules does not by itself currently produce a workable procedure for Emergency Bills, as intended by Rule 9.1. The different views taken on different occasions as to whether particular Rules needed to be suspended also show that greater clarity in the Rules would be desirable.

7. With a number of changes to Standing Orders (or in some cases, simply to established procedure in relation to suspension of Standing Orders or other motions relating to Emergency Bills) it would be possible to produce an Emergency Bill procedure that works in the maximum possible number of cases with the minimum possible number of procedural motions being required. Such an approach would enhance transparency by ensuring that the procedure is known in advance, rather than only being fixed once a motion suspending Standing Orders has been agreed to. Minimising the number of procedural motions would also save time and focus attention on the substance of the Bill under consideration.

Possible changes

8. It is suggested that changes to Standing Orders (or established procedure) could usefully be made in the following areas:

• decision on motion that Bill be treated as an Emergency Bill: the motion under Rule 9.21.1 proposing that a Bill be treated as an Emergency Bill must be agreed to before the rest of Rule 9.21 applies to the Bill. But such a motion is not explicitly covered in Rule 11.3.1, which provides for the question on certain
motions to be put immediately after the debate on the motion rather than at Decision Time.

- **Stage 1**: there is a question (1) as to whether Rule 9.21.2 necessarily excludes the possibility of a lead committee existing in relation to an Emergency Bill and (2) as a consequence, as to how much of Rule 9.6 (which contains the General Rules for Stage 1 of a Bill) is automatically superseded by Rule 9.21.2 and which parts of it need to be suspended if the intention is that they should not apply.

- **Stage 2**: most of Rule 9.7 (which contains the General Rules for Stage 2 of a Bill) works satisfactorily in the context of an Emergency Bill. However, there is one issue about the rule and one issue about the method of voting:
  - **Rule 9.7.9**: this Rule requires a Bill which has been substantially altered at Stage 2 in respect of its powers to make subordinate legislation to be referred back to the SLC for consideration. While this Rule is not necessarily inconsistent with Rule 9.21, there is little point in the SLC reporting after Stage 3 has taken place, as might happen if a subordinate legislation making power was inserted or amended at Stage 2 of an Emergency Bill.
  - **method of voting**: Rule 9.21.3 requires Stage 2 of an Emergency Bill to be taken by a Committee of the Whole Parliament. By virtue of Rule 11.8.3, the default method of voting in a committee is by show of hands. Specifying in Rule 9.21 that votes at Stage 2 of an Emergency Bill should be cast using the electronic voting system would remove the need for a specific motion making a direction to this effect.

- **Stage 3**: in the absence of any special provision in relation to Stage 3 of an Emergency Bill in Rule 9.21, the standard procedure set out in Rule 9.8 applies. There are two issues:
  - **ability to amend an Emergency Bill at Stage 3**: before Rule 9.10.2A was amended to allow manuscript amendments to be taken at Stage 3, it was, in practice, impossible for Stage 3 amendments to be lodged in respect of an Emergency Bill that was following the default one-day procedure. Since Rule 9.10.2A was amended, however, the prohibition on lodging amendments at Stage 3 has been retained in practice by means of the suspension of Rule 9.8.3. The Committee may wish to consider whether there is any reason in principle why an Emergency Bill should not be open to amendment at Stage 3.
  - **ability of member in charge to move to adjourn Stage 3 proceedings to a later day (Rule 9.8.5) or to refer the Bill back to committee (Rule 9.8.6)**: currently these procedures are available to the member in charge of an Emergency Bill which has been taken over more than one day but (arguably) not in the case of one following the default one-day procedure.
There seems to be no reason for this inconsistency. The purpose of these Rules is to provide flexibility to deal with unexpected circumstances. If there is no reason in principle why these procedures should not be available in relation to Emergency Bills, the inconsistency could be resolved by ensuring that the procedures were able to be used in the case of an Emergency Bill following the default one-day procedure.

- **amendment deadlines:** Rule 9.21 does not provide for any alternative deadlines to those specified in Rule 9.10.2 (for Stage 2) and Rule 9.10.2A (for Stage 3) to apply in the case of amendments to Emergency Bills. The practical effect of this, in relation to Stage 2 for example, is that unless there are at least two days between Stage 1 and Stage 2 of an Emergency Bill, all Stage 2 amendments are manuscript amendments. As such, they will be considered only if the PO agrees to them being taken. That is, they do not have an automatic right to be taken as is the case with normal Stage 2 amendments. However, if Rule 9.10.2 is suspended in order to preserve this automatic right, there is no deadline by which Stage 2 amendments must be lodged – which has practical difficulties, including lack of notice of amendments for members. An ability to specify a revised deadline, appropriate to the timetable being followed by a particular Emergency Bill, would be useful.

- **Reconsideration Stage:** the need for a Reconsideration Stage may arise in relation to an Emergency Bill in the same way as any other Bill.\(^1\) Obviously it would be impossible for such a Stage to be taken on the day on which the Parliament decides that the Bill is to be treated as an Emergency Bill – the need for reconsideration would not be known until after the Bill has been passed. Nevertheless, that is what Rule 9.21.5 requires when it says “… all of the Stages of an Emergency Bill shall be taken on the day on which the Parliament decides that the Bill is to be treated as an Emergency Bill.”

**Other issues**

9. The Committee may also wish to consider a few more general points in relation to Emergency Bills:

- Stages 1-3 of an Emergency Bill may be taken on a single day or on different days: is it right that the default position is all 3 Stages on a single day?

- Is there any reason why either or both of the types of motion permitted under Rule 9.21.5 (a motion that a timetable other than the default be used and a motion setting out how much time is available for each Stage) should not be debated or amended?

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\(^1\) Reconsideration Stage is the extra stage that can take place after a Bill is passed if it is blocked from being sent for Royal Assent (by the Law Officers or Secretary of State, under section 33 or 35 of the Scotland Act). It allows the Bill to be further amended to resolve whatever problem led to it being blocked; so far it has never been used.
• Should it be possible to designate a Bill as an Emergency Bill even if it has already commenced or completed Stage 1 under the normal procedure?

Conclusion

10. The Committee is invited to consider whether changes in the areas listed in paragraph 8 above are, in principle, desirable. If so, a further paper examining the proposed changes in more detail and including draft Rule-changes will be prepared for consideration at a future meeting. In addition, the Committee is invited to consider whether any of the more general points listed in paragraph 9 (or any other points in relation to Emergency Bills) should also be addressed in any such paper.
Annexe A: Current Rule 9.21

1. Any member of the Scottish Executive or a junior Scottish Minister may by motion propose that an Executive Bill introduced in the Parliament be treated as an Emergency Bill. If the Parliament agrees to such a motion, the provisions of this Rule shall apply to such a Bill.

2. At Stage 1, an Emergency Bill shall be referred immediately to the Parliament for consideration of its general principles and a decision on whether they are agreed to. A report on the Bill’s general principles from a committee shall not be required.

3. Stage 2 of an Emergency Bill shall be taken by a Committee of the Whole Parliament.

4. [paragraph deleted, 4.5.01, 1st Report 2001]

5. Unless the Parliament decides otherwise on a motion of the Parliamentary Bureau, all of the Stages of an Emergency Bill shall be taken on the day on which the Parliament decides that the Bill is to be treated as an Emergency Bill. The time available for each of the Stages of an Emergency Bill, and for debates at each of those Stages, shall be decided by the Parliament on a motion of the Parliamentary Bureau. A motion under this paragraph may not be debated or amended.

Annexe B: Emergency Bills – motions to suspend Standing orders

S1M-111 Tom McCabe on behalf of the Parliamentary Bureau: Mental Health (Public Safety and Appeals) (Scotland) Bill Procedures—That the Parliament agrees that (a) Rules 9.7.8 and 9.7.9 of Standing Orders should be suspended for the purposes of the meeting of the Parliament at which Stages 2 and 3 of the Mental Health (Public Safety and Appeals) (Scotland) Bill are taken, and (b) directs that any vote to be taken during Stage 2 of the Bill in the Committee of the Whole Parliament shall be conducted using the electronic voting system. (agreed to on Thursday 2 September 1999)

S1M-2170 Mr Tom McCabe on behalf of the Parliamentary Bureau: Suspension of Standing Orders—That the Parliament agrees that Rules 9.6.2, 9.7.8, 9.7.9, 9.8.3, 9.10.2, 9.10.4 and 9.10.6 of the Standing Orders be suspended on Thursday 6 September 2001. (agreed to on Wednesday 5 September 2001)

S1M-2795 Euan Robson on behalf of the Parliamentary Bureau: Criminal Procedure (Amendment) (Scotland) Bill – Suspension of Standing Orders—That the Parliament agrees that Rules 9.7.9, 9.8.3 and 9.10.2 of the Standing Orders be suspended for the purposes of the Criminal Procedure (Amendment) (Scotland) Bill. (agreed to on Wednesday 27 February 2002)
PROCEDURES COMMITTEE

Suspension of Standing Orders

Note by the Clerk

1. At its last meeting on 16 December 2003, the Committee considered a paper (PR/S2/03/9/2) on possible changes to Rule 17.2 and agreed to consider a further paper giving additional details.

2. Firstly, the Committee requested examples of where the current Rule had proved insufficiently flexible. Two examples are given below.

3. Secondly, the Committee requested options for who should be entitled to move a motion proposing the suspension or alteration of Standing Orders. These options are also set out below.

Inflexibility of Rule 17.2

Example 1: Suspension of Rule 9.10.2A

4. The inflexibility of Rule 17.2 was illustrated by the circumstances relating to the lodging deadlines for Stage 3 amendments to the Land Reform (Scotland) Bill, the Criminal Justice (Scotland) Bill and the Mental Health (Care and Treatment) (Scotland) Bill. In each case, Stage 3 proceedings were held over two consecutive days.

5. Rule 9.10.2A refers to the lodging deadlines for Stage 3 amendments. In particular, the second sentence of the Rule states that “where Stage 3 is being taken over more than one day, notice of amendments may be given no later than 3 sitting days before each day of proceedings at that Stage”. In practice, in relation to these Bills, it was considered preferable to have a single lodging deadline for both days of Stage 3, partly to enable the Marshalled List printed for the first day to be as complete as possible, and partly to streamline the administrative arrangements for each day of Stage 3.

6. In order to achieve this singular deadline, it was necessary to suspend the second sentence of the Rule. However, as Rule 17.2 does not permit individual sentences within paragraphs to be suspended, the second sentence could not be suspended without also suspending the first sentence. However, suspension of the first sentence would have led to there being no requirement for members to give notice of Stage 3 amendments. As a result, it was not possible to suspend the second sentence either. In the event, therefore, the normal Rules remained in place, and instead members were encouraged to lodge all amendments for both days of Stage 3 by the earlier deadline. Although this had the desired effect, it fell short of the solution that was considered preferable.

Example 2: Suspension of Rules 13.6.4 and 13.6.7

7. Rules 13.6.4 and 13.6.7 have both been suspended in the last two years in order that the lodging deadline and day on which oral questions are to be selected for
the first Question Time following the Christmas recess do not fall on a day when the Office of the clerk is closed.

8. The problem arises from the current wording of the Rule, which sets the lodging deadline, and requires selection to be carried out, on the eighth day before the relevant Question Time. Because the eighth day before the first Question Time in January has always fallen on a day when the Office of the clerk is closed (most recently, on 31 December 2003), the Rules have been suspended and an alternative non-binding lodging deadline has been set by the Parliamentary Bureau (most recently, a deadline of 23 December 2003).

9. In suspending these two Rules, however, it is necessary (because of the current inflexibility of Rule 17.2) not only to suspend the parts of the Rules that cause the difficulty in lodging and selecting questions for Question Time, but also other important text. The last sentence of Rule 13.6.4 states that “a member may lodge only one question for answer at any Question Time”, and Rule 13.6.7 also contains the requirement that “these questions shall be selected on a random basis”. The result has been that, for the first Question Time in 2003 and 2004, there has been no formal obstacle to a member lodging more than one question, and no formal requirement on the clerks to select the questions randomly.

10. These problems should of course no longer arise if the Parliament agrees to the changes recommended to Rule 13.6 in the Committee’s 2nd Report 2003 on Oral Questions in the Chamber. The example does nevertheless illustrate the general inflexibility of Rule 17.2.

**Right to move to suspend Standing Orders**

11. Rule 17.2 currently states that any MSP or the Bureau may move a motion to suspend a Rule for the purpose of a specified meeting (of the Parliament or a committee); whereas only the Bureau may move a motion to suspend a Rule for the purpose of a particular item of business (e.g. a Bill). The rationale for this particular distinction is not clear.

12. The Committee is asked to consider whether it is appropriate for all MSPs to retain their current right (under Rule 17.2.1) to propose a suspension of the Rules, or whether this right should be reserved only to the Bureau. An alternative option might be to limit the right to relevant categories of member including, in addition to members of the Bureau, committee conveners and members in charge of a Bill. It may be noted that there appears to have been only one instance of a member (other than a Bureau member) exercising the current right to lodge a motion under Rule 17.2.1 (Fergus Ewing – see Annexe B to the previous paper).

13. One argument in favour of restricting the right to move such a motion is that it would reduce the likelihood of that right being misused. If the Rule itself is made more flexible, and the opportunities for using it thus extended, there may be more of a case for such a restriction on who may exercise the right.

14. The Rules are there to protect the interests of all members, and should not be set aside or departed from lightly. Requiring any motion to do so to be lodged by the
Bureau ensures that it will be subject to scrutiny twice – once when it is proposed in a meeting of the Bureau and again when it is moved in the Chamber. This at least ensures that all of the main parties have had an advance opportunity to consider whether their interests would be affected by the departure from the Rules that has been proposed. Filtering such motions through the Bureau in this way also ensures that officials have an opportunity to advise on exactly which Rules need to be suspended to achieve the desired purpose (something that is not always straightforward).

15. On the other hand, it may be argued that enabling any member to lodge such a motion should be harmless, since no such motion will be scheduled for debate, still less agreed to, unless it has a broad degree of political support (including within the Bureau). On this view, there should be a presumption in favour of equality, with this right (as with many others) open to all members.

16. Another factor is that the Bureau does not directly represent the interests of everyone who may be affected by a particular departure from the Rules – such as independent members or committees. An alternative option might therefore be to limit the entitlement to members with a particular interest or role in whichever item of business for the purpose of which the departure from the Rules is proposed. Thus, for example, a motion to depart from the Rules for the purposes of a particular Bill could be moved by the member in charge of the Bill, and a motion to depart from the Rules for the purpose of a committee meeting by the convener of that committee. (In either case, it could remain open to the Bureau also to move the relevant motion.)

17. If the Committee favoured keeping the right to move such a motion unrestricted (i.e. so all members had the right), but also wished to put in place a safeguard against such a motion being agreed to too easily, another approach would be to specify a minimum level of support such a motion would require to be agreed to – for example, an absolute majority (at least half of the 129 MSPs) rather than a simple majority (at least half of those present).

Conclusion

16. In relation as to whether to increase the flexibility of Rule 17.2, the Committee should consider the following options:

- to leave the Rule unchanged (though perhaps with a minor alteration to put beyond doubt that individual paragraphs of Rules may be suspended, as is the practice);
- to amend the Rule to enable smaller units to be suspended (down to individual words);
- to amend the Rule to enable Rules to be suspended to whatever extent is specified in the motion;
- to add a Rule enabling alternative provision to be made instead of or in addition to the suspension of some aspect of an existing Rule.
In each of the above options, the basic restrictions would remain that any suspension or alternative provision would be a one-off departure, applicable on a specified occasion or for a specified purpose only, with automatic reversion to the normal Rules. It would also remain impossible to suspend or alter any Rules in any way that would conflict with a requirement of the Act.

17. In relation to who should be able to move such a motion, the following appear to be the options:

- to leave the Rule unchanged, with the Bureau always able to lodge the motion and any Member also able to do so in some or all cases;
- to restrict the right to move such a motion to members of the Bureau only, in all cases;
- to restrict this right to—
  - members of the Bureau, for the purposes of a particular meeting of the Parliament (or for any purpose);
  - the member in charge of a Bill, for the purposes of that Bill (and conveners of Private Bill Committees, for the purposes of a Private Bill);
  - Ministers, for the purposes of statutory instruments; and
  - Committee conveners, for the purposes of items of committee business, or for meetings of their committees.

18. If the Committee agrees in principle to any such revisions, draft Rule-changes could be prepared for consideration at a future meeting.
PROCEDURES COMMITTEE

Nature Conservation (Scotland) Bill – referral to the Committee

Note by the Clerk

1. The Environment and Rural Development Committee recently published its Stage 1 Report on the above Bill. Paragraph 41 of the Report draws to the attention of the Procedures Committee its concern that a draft of the strategy referred to in the Bill was not available to it during Stage 1.

2. Paragraph 8 of the Committee’s Report explains the context:

“The Bill has three main purposes. Part 1 of the Bill relates to biodiversity, and section 1 of the Bill introduces a general duty on all public bodies and office holders to further the conservation of biodiversity. In doing so each public body and office holder must have regard to the UN Environmental Programme Convention on Biological Diversity and act with reference to the aims and objectives of any Scottish Biodiversity Strategy, which Ministers have the power to designate under section 2.”

3. Paragraphs 37 to 41 then set out the Committee’s view:

“The Scottish Executive has issued a consultation paper Towards a strategy for Scotland’s biodiversity: Biodiversity Matters!. However, the final strategy is not expected to be complete until approximately May 2004.

[...].

The Committee is disappointed that the finalised strategy was not available for scrutiny prior to the introduction of the Bill. Given the inter-relationship between the strategy and Part 1 of the Bill, the Committee, and other witnesses, have found it difficult to ascertain precisely how Part 1 of the Bill will operate in practice, and to quantify the effect that the duty to conserve biodiversity will have on public bodies and office holders. The Committee notes that other committees have also been in the position of scrutinising Bills which rely upon the implementation of strategies that have not yet been developed. The Committee believes that this practice is unsatisfactory and does not promote effective parliamentary scrutiny. The Committee draws this general concern to the attention of the Procedures Committee.

4. The concerns raised here – about the difficulty for a committee of scrutinising a Bill effectively where a draft of an associated document is not yet available – is similar to the concerns raised by the Health Committee in its recent Stage 1 Report on the Primary Medical Services
(Scotland) Bill. Correspondence between the Conveners of that Committee and of this Committee on that point was circulated to members for the 6th meeting, 2003 (PR/S2/03/6/4).

5. The Convener has now written to the Convener of the Environment and Rural Development Committee (copy attached for information). Any further correspondence on the subject will also be circulated.
Dear

Nature Conservation (Scotland) Bill – Stage 1 Report

I write with reference to the referral to my Committee made by your Committee in paragraph 41 of the above Report – namely, your Committee’s general concern about what is described as the Executive’s unsatisfactory practice of asking committees to scrutinise Bills which rely upon the implementation of strategies that have not yet been developed.

While I understand the concerns that your Committee has raised in this instance, I am unclear what you expect my Committee to do about this. In particular, I am unsure to what extent this is a problem that is amenable to any general procedural solution.

A number of circumstances may arise which make it difficult for a committee to scrutinise a Bill effectively because the overall effect of the Bill depends on other aspects of an overall policy package that are not yet available at the time the Bill is under scrutiny. This instance, where a Bill refers to a strategy that is still at the early stages of development is one example. Another is where a Bill provides for much of the detailed policy to be made in subordinate legislation and where drafts of the key instruments are not available during Stage 1.

I imagine the Executive’s argument in response to such criticisms is likely to be that it makes more sense, in terms of delivering the overall policy objective of the Bill, to put the legislation in place first and then finalise the strategy (or the subordinate legislation). The argument, in each instance, about whether it is reasonable for a committee to demand sight of a strategy (or subordinate legislation) during Stage 1 is therefore, essentially, a political argument – in the broad sense of being about policy, priorities and accountability.
As you know, the standing orders require a basic range of supporting information to be provided in the form of “accompanying documents” for Bills, especially Executive Bills. The requirements about what these accompanying documents must contain are necessarily expressed in fairly general terms, since the circumstances of different Bills vary so widely. It seems to me that it must always be a matter of judgement what further information is needed in any particular case, and it is the job of a committee scrutinising a Bill at Stage 1 to obtain the information that it thinks it needs in order properly to assess the likely effect of the Bills provisions.

Committees already has a range of effective “levers” for applying pressure to the Executive in a case where they feel that such information needs to be provided – they can write to Ministers, question them about it during oral evidence, and make adverse comments in Reports or in debate if the material sought has not been provided.

I therefore find it difficult to see how there could be a general, procedural solution to the concern your committee has raised. If, however, you have in mind any particular procedural solution, I would be happy to put it to my Committee as a possible subject for a future inquiry.

In the meantime, I am copying this letter, together with relevant extracts from your Committee’s report, to the members of my Committee.

Yours sincerely,

Iain Smith MSP
Convener
Scottish Parliament Procedures Committee
Inquiry into Oral Questions
Civic Participation Initiative
November 2003

Evaluation Report

1. Background
2. Project Aims and Objectives
3. The Groups Involved
4. The Process Involved
5. Outcomes
6. Feedback Comments

December 16th 2003
Jane Jones
Public Participation
Development Officer
Participation Services
1. Background

Whilst the issue of oral questions can be seen as a technical issue, oral questions is one of the most publicly recognised areas of Parliamentary business. As such it was seen that it was appropriate and would assist the committee considerations to obtain views from the wider public on this issue in addition to evidence. The initiative was organised in conjunction with Participation Services.

2. Project Aims and Objectives

The overall aim of this initiative was to try and obtain useful evidence on a technical issue from groups who were not part of the existing consultation network.

Objectives

- to reach groups who would not normally be involved in the work of the Committee but who had an interest in political issues.
- to target groups with a variation of interests and a geographic spread
- to provide an education input and a visit to Parliament for participants to enable them to understand the issues being considered in the committee’s inquiry
- to work through locally based tutors and community workers

3. The Groups Involved

Through Participation Services, contact was made with the following six groups who agreed to take part in the initiative and to work to an agreed timetable. 62 people took part.

**Greenock Inverclyde**

16 local people who had been involved in community activity who are on a pre-access course organised by the Community Development Department at Glasgow University

**West Lothian**

8 members of community groups who have been active around mental health issues and done some preliminary work on Scottish Parliament

**Easterhouse**

7 people from One Plus project “Community Connections”. A single parent group studying SVQ’s on community development

**Edinburgh**

8 members of the Disability, Democracy, and Society group who have been campaigning for accessible transport for wheelchair users. Five members came in wheelchairs to the Parliament.
Moray
8 people from the anti-poverty group Moray Against Poverty who have experienced poverty and been campaigning locally for poverty issues to be recognised. This group came down the night before and stayed over in Edinburgh.

Dumfries & Galloway
9 people from Healthier Communities Community Partnership group. This group has been involved in partnership work in Dumfries area and have an active interest in participation.

4. The Process Involved

This was carried out in four stages which had to be run to a fairly tight timetable over 3 – 4 weeks.

Stage 1 Briefing Session
This took the form of a Briefing Session, run by the clerks from the Committee for the tutors and group workers so they could learn about relevant aspects of oral questioning in relation to the Scottish Parliament. This covered:

- the key functions of the Parliament
- the function and role of oral questions
- the questions the committee was interested in

For those workers from Dumfries and Moray, a video was made of the briefing session by Broadcasting, to reduce the time and cost of them being involved. In the event, this proved useful for all the group workers, to have a record of the technical aspects that they could refer to again.

Other useful information from the Public Information section was put into a pack for the workers.

Stage 2 Education Session
Using the information supplied and the briefing session, the group workers then each ran an information session for their group on the role of oral questions, and the questions the committee was interested in.

Stage 3 Visit to Parliament
Each group was given 2 possible visit days to come up to the parliament to see Oral Questions in the chamber. Five of the groups elected to come on the same day which caused some logistical problems of room space and organisation but this meant that the disability group, including 5 wheelchair users, who came on the other day visit had plenty of attention and time to get around. The groups met each other, then had another short briefing from the
clerks about what would happen in the chamber and the different types of questions that would come up in the chamber. Lunch was provided.

**Stage 4 Discussion and Submission of Evidence**

Once back home, the group workers then organised another session with the group to formulate their responses to the specific questions and areas in which the committee has an interest in for the purposes of this inquiry.

The group workers and tutors were responsible for attending the briefing session, organizing the two education and discussion sessions, travel and childcare arrangements, and submitting written evidence to the committee.

5. Outcomes

This initiative was reasonably successful in meeting our aim and objectives.

- The groups contacted had not previously been involved in any consultation network, represented a range of interests, and were located across Scotland.

- The initiative produced useful and interesting written evidence although not all groups submitted a report on time and three produced a report at a later date. The tight timetable presented difficulty for half of them.

To capture the value of working through local tutors and community workers, each group leader was asked to fill in a short evaluation form to give an indication of the way we had organised the initiative and the value of the process for the groups participating.

The feedback (see 6 below) indicates that the briefing sessions and information provided to the groups was crucial in preparing them for the visit to Parliament and their subsequent discussions.

What also comes through very strongly in response to questions 3 and 4 (below) is the educative outcome of this initiative. This is important, not only for the group members but for the community workers and tutors. As educators within these communities of people who do not usually engage with the Parliament the experience has been positive and educative for them and has the potential to influence their future work within the community. Overall it would seem by their comments that they had gained a respect and interest in the workings of the Scottish Parliament. The suggestion that a larger group discussion between the groups would have been a rich exchange of first impressions, could perhaps be incorporated into any similar initiative.
6. Feedback Comments

1. The Goup leaders were asked how useful they found the Briefing /Information Session?

“Was really useful in giving me a background to the consultation which enabled me to facilitate the DDS group’s preparatory workshop. It helped me to understand the intricacies of the systems while focusing me on the point of the consultation”

“We felt this was good, plenty of written information before the visit as well as a video of the briefing session. Well done and well organised. We felt that we knew what to expect when we got there.”

“Unfortunately we missed the final briefing session, unable to locate the Parliament as we took the wrong direction. A member of staff kindly directed us via the mobile phone. We did receive a snapshot briefing on arrival, which was sufficient”.

“Worthwhile and informative”

“This was a really useful process- it allowed the facilitators to meet each other and the have the opportunity to discuss with clerks the remit for the visit”.

“The Briefing Session was very informative and very well presented and helped me immensely throughout the facilitation of my workshops.”

“The idea of videoing this session was also of benefit to myself and the candidates participating”

2. About the Visit to Parliament?

All of the group really enjoyed the day. They were able to meet others and chat and share opinions with each other.

Excellent day out. Well organised, everything ran very smoothly – shortbread was fab! Observations of the parliament were shared with that of the group.

Fantastic experience. Both group members and myself thought the parliament staff were welcoming and were more than willing to answer any questions from myself or group members. The Visitors Centre was interesting and we would have liked longer to browse.

Every member of the group enjoyed the visit immensely. There was only one small glitch when we came to the reception and they told us the meeting was not happening. (Communication?) we found the staff on reception at this point unhelpful and abrupt.
The introduction to the day was brief and to the point and we felt well looked after and that there were no gaps in the day – it was pretty seamless. Lunch was good and it was good to get out for a walk halfway through the day. We found the sessions in the debate extremely interesting and thought provoking. It was exciting and interesting. Was certainly needed as part of this consultation. All staff were very helpful and friendly. Wheelchair access is pretty dire but that’s understandable given that a new building will be available.

The visit to the Scottish Parliament was a fantastic experience for all the candidates who participated. The candidates found this an excellent opportunity to see first hand the political and democratic processes that operate within the parliament. It also allowed the candidates an opportunity to meet with several MSP’s and discuss oral questioning in the chamber and their views on this.

The Briefing Session that was conducted before FMQT and Question time was very informative and allowed participants the opportunity to ask questions before and after FMQT and Question time. This also allowed the participants an opportunity for them to network with the other groups and organisations attending.

3. The value of the experience for the group you were working with?

“Being asked to be involved was a great honour and boost for the group I work with (Disability group). Actually visiting the parliament was really interesting and I think will help to promote greater political awareness in the group.”

“Extremely valuable, especially as we come from a rural area and it is easy for people to feel divorced from the central belt and the centre of power where decisions are made. Many of our group live on a very low income and have a lack of opportunities generally, so they found it extremely powerful and empowering to feel their voice might make a difference in such a big arena. It was a very big boost to the confident levels of all those that attended on lots of different levels. We will be taking a report of the day back to the wider MAP network and copies of our report are being distributed in Moray.”

“This visit provided an excellent experience for the participants as they are all working towards the SVQ Community Development Work qualification. An element of this qualification is looking at the political and democratic processes that operate within the government and within their local communities. Several participants indicated that they would like to develop a workshop around their experiences of their visit to the parliament. These workshops will be delivered to the young people they are working with in their placements”
“The group talked about the experience all the way home from Edinburgh to Dumfries. The group talked about the building, the staff, the MSP's as well as giving their reaction to First Ministers question time and Question Time. The experience has been of great value to the group. Two of the members had shown no interest in politics previous to the visit and one of the members expressed how they only voted in local elections and this created a debate with others. This also raised issues on how organised or disorganised their own group were in dealing with meetings in which they participate.”

“The group were impressed by how well organised both question time and first ministers time appeared to be and this raised issues on how the group manage time at their own meetings. The group indicated that they would like to pay another visit and encourage other groups to visit.”

“The group have had a wonderful experience, so much so that they are now going to do a few sessions with local community education on decision making and influencing power.”

“All of the group had never had the opportunity to attend the Parliament before. It gave them a flavour of how business is carried out.”

4. How useful was this experience for you as a locally based community worker?

“The group are all mature students, and having now had the experience of Parliament, it has helped to make real the discussions we will have regarding politics and parliament. They now have a personal experience and connection that was absent before.”

“I found this very useful as I was not aware of the processes within the Parliament and the content of FMQT and Question Time. This visit allowed me to gain a clearer understanding of this and will allow me to develop sessions for future participants of the programme. This will allow them to gain an insight into the political processes that exist within the Scottish Parliament.”

“I had a great time. I learnt more about how parliament works and the value of the committee structure. I really do believe that it is the people of Scotland who will make the Scottish parliament adhere to the basic principles of being open and transparent. Events such as this provide ordinary people like the group with an opportunity to impact on change for Scotland. This provides me with more knowledge which I can share in my work in North Lanarkshire and that of Scottish Civic Forum. Thanks for the opportunity. I would love to do some more work with the parliament so please keep in touch.”

“Particularly useful for the area of work I have in developing the capacity of the group. The visit has highlighted issues which I can now go on to develop with the group. As well as giving members an understanding of politics at a national level. The opportunity for the group to be involved in the Oral Inquiry
created interest in what happens in Parliament. I believe the group gained so much because they were in a participatory role, had a task to achieve, and their views will be heard and recorded.”

“I found it very valuable indeed. To see the beginnings of real interest in the working of democratic processes and the work of the Scottish Parliament in folks who probably would not usually have that connection was great to see. It really opened the eyes of many of our group and helped them put some of the things they experienced locally into a wider perspective. I was surprised by how interested and insightful they were and that was really positive. I would like to return to the public gallery with my children to let them experience the parliament at work”.

“I found the process and visit to be useful as another relevant piece of work that I could do with the group. Personally I have become a great deal more informed about the workings of the parliament.”

5. Anything else you would want to feedback to us?

“It is very hard for groups like MAP (Moray Against Poverty) to attend this sort of thing and I guess it is important to underline that, and what can we do to allow more visits to the Scottish Parliament from more rural communities? We needed to come down the night before. Also it was great to see the parliament properly in the context of the beautiful city of Edinburgh!

The group did express that they thought the visit and attendance at First Ministers Question time and question time was more stimulating because they were task oriented. The group expressed that they might not have found the visit so stimulating had they not been involved in the Inquiry. They said it might have been boring otherwise. I would just like to thank the people involved for allowing us the opportunity to be involved in this inquiry and for a wonderful experience.”

“The staff and ministers who visited were all very down to earth, helpful and willing to answer any questions. All the sessions were user friendly. Not too much jargon with plain English”.

“Looking back I feel that perhaps we lost an opportunity to have a full group discussion there on the day. Maybe if this was to happen again, this would be something that could be incorporated in the day. It would capture the richness of immediate responses. However it would still be necessary to have the single groups’ feedback after the event. The only drawback has been the timescale we had to work within.”
FIRST MINISTER’S QUESTION TIME – TRIAL PERIOD

Thank you for your request for observations on the changes to First Minister’s Questions during the trial period from September to December.

As a result of the changes, the transmission time of *Holyrood Live* on Thursdays was changed, from the afternoon to 1130, for one hour. This has allowed us to carry most of FMQT live, although the technicalities of finishing the programme smoothly mean that we must always leave the Chamber before the end of the session.

The average audience for Thursday editions of the programme in the 1130 slot during this period was **18,000**, a share of 3%. This information is provided by the Broadcasters’ Audience Research Board (BARB).

This represents a significant fall in viewing figures. Perhaps the most useful comparison is a direct one with Thursday editions of the programme for the same period in 2002, when the average audience across the full duration of the programme was 46,000, a share of 7%.

I hope this information will be useful to the committee in their further deliberations.

Yours sincerely

Alasdair Macleod
Editor Scottish Parliamentary Unit
BBC Scotland

AUDIENCE RESEARCH TERMS

The Broadcasters’ Audience Research Board (BARB) is responsible for providing estimates of the number of people watching television. This includes which channels and programmes are being watched, at what time, and the type of people who are watching at any one time. BARB
provides television audience data on a minute-by-minute basis for channels received within the UK. Viewing estimates are obtained from panels of television owning households representing the viewing behaviour of the 24+ million households within the UK. The panels are selected to be representative of each ITV and BBC region.

Share - The amount of viewing obtained by a particular programme expressed as a percentage of all viewing during the same time slot. E.g. if a programme achieves a share of 10% it means that of all the people watching TV at that time 10% were watching that programme.

Average Audience - The number of people watching a programme averaged over its transmission time. E.g. if a programme achieves an audience of 100,000, it means that an average 100,000 people were watching the programme at any given moment.
PROCEDURES COMMITTEE

MINUTES

9th Meeting, 2003 (Session 2)

Tuesday 16 December 2004

Present:

Mr Richard Baker  Mark Ballard
Cathie Craigie  Bruce Crawford
Karen Gillon (Deputy Convener)  Jamie McGrigor
Iain Smith (Convener)

The meeting opened at 10.33 am.

1. **Non-Executive Bills:** The Committee considered possible witnesses to give oral evidence at future meetings and agreed to invite a member of the SPCB; business managers or other representatives of the main political parties; Keith Harding and Mike Russell as former members-in-charge of Members’ Bills supported by the Non-Executive Bills Unit (NEBU); and Mike Watson (together with a representative of the Scottish Campaign Against Hunting with Dogs) as a former member-in-charge of a Member’s Bill not so supported.

2. **Suspension of standing orders:** The Committee considered a paper on possible changes to Rule 17.2 and agreed to consider a further paper giving examples of where the current Rule had proved insufficiently flexible and setting out options as to who should be entitled to move a motion under the Rule.

3. **Oral questions in the Chamber (in private):** The Committee considered a revised draft Report and a draft annexe of changes to standing orders. A number of changes were agreed to (one by division). It was agreed that, subject to the revised versions being approved after circulation by e-mail, the Report would be published prior to the Christmas recess.

The meeting closed at 12.10 pm.

Andrew Mylne
Clerk to the Committee