The Committee will meet at 10.15 am in Committee Room 2.

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

   Patricia Ferguson, Minister for Parliamentary Business

   and then consider what further information it needs in order to complete the inquiry.

2. **Private Bill procedure**: The Committee will take evidence from—

   Ken Hughes, Head of the Chamber Office; and

   Rodger Evans, Private Bills Unit

   on two areas of proposed change in Private Bill procedure, and will consider draft amendments to the *Guidance on Private Bills*.

3. **Legislation inquiry**: The Committee will consider a draft remit for its forthcoming inquiry and give initial consideration to possible witnesses to give oral evidence.

4. **Suspension of standing orders (in private)**: The Committee will consider a draft Report and a draft change to 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 1**
Submission by the Scottish Conservative and Unionist Party

Non-Executive Bills in the Canadian House of Commons (note by the Assistant Clerk)

Next steps in the inquiry (note by the Clerk)

**Agenda item 2**
Procedures Committee role in considering Guidance (note by the Clerk)

Note by the Private Bills Unit, including revisions to *Guidance on Private Bills*

**Agenda item 3**
Draft remit, possible witnesses and timescale (note by the Clerk)

**Agenda item 4**
Note by the Clerk

The following papers are attached for information:

Correspondence between the Convener and the Scottish Gamekeepers Association on lodging deadlines for Bill amendments

Correspondence between the Convener and Murdo Fraser on Policy Memorandums

Correspondence between the Convener and the Equality Network on Sewel motion procedure

Letter from Minister for Parliamentary Business to Convener of European and External Relations Committee *(Note: copies of this letter were handed round to members at the last meeting)*

Minutes of the last meeting
Other relevant papers:

**Agenda item 1**
Members may wish to refer to the letter to the Convener from the Minister for Parliamentary Business, submitted for the last meeting (when she was initially invited to give evidence) – PR/S2/04/2/10.
I refer to previous correspondence and discussions and I regret that due to my present injury I was not able to attend the Committee. Accordingly, I am submitting this letter outlining the Scottish Conservative & Unionist Party’s stance on this matter.

I think that there is a genuine and general recognition that not all legislation should be promoted by the Executive and indeed we already have on the Statute book several examples of Bills promoted by Committees and individual members which have been well received by the Parliament as a whole. This having been said, clearly there is a requirement to ensure that the number of Bills coming forward is managed in order in turn to ensure that the Bills can receive the necessary attention and support which they deserve.

It was on this basis that the matter was discussed by Business Managers some time ago and a way forward was agreed in respect of the prioritising of Bills of this type.

My own Group’s thinking is that there clearly has to be some sort of sifting and prioritisation process but it would not be appropriate for the Parliamentary Bureau to effectively carry this out, particularly bearing in mind the fact that we now have independent members. On this basis, it would seem sensible for the Bureau to look at the outstanding Bills once a year and to make recommendations to the Parliament either for acceptance or rejection.

In order to make matters simpler both for the Bureau and for the Parliament as a whole, it is essential that members submitting Bills undertake responsibility for the consultation process, although clearly members would, from time to time, require assistance from the Parliamentary authorities in carrying out this task.

One of the issues which certainly exercised Business Managers in the past has been the way in which Bills have been introduced fairly late in the last year of the Parliamentary session. Clearly this creates significant problems with regard to timetabling and in the absence of any self-denying ordinance it will be necessary for a cut-off date to be imposed which would be around August in the last year of the Parliament.

I very much hope that this submission is of some assistance.

Bill Aitken
3 February 2004
PROCEDURES COMMITTEE

Non-Executive Bills – Private Members’ Bill procedure in the Canadian House of Commons

Paper by the Assistant Clerk

Background

1. Private Members’ Bills (the Canadian equivalent of Members’ Bills at the Scottish Parliament) are termed together with Private Members’ Motions (the equivalent of our Members’ Business motions) under the heading of Private Members’ Business.

2. Private Members’ Business is dealt with in the House during Private Members’ Hour, which occurs five days a week – Mondays, from 11.00-12.00 noon, Tuesdays, Wednesdays and Thursdays, from 5.30-6.30 pm, and Fridays from 1.30-2.30 pm. The weekly sitting times of the House are: Mondays from 11.00 am – 6.30 pm, Tuesdays from 10.00 am – 6.30 pm, Wednesdays from 2.00 pm – 6.30 pm, Thursdays from 10.00 am – 6.30 pm and Fridays from 10.00 am – 2.30 pm.

3. The rules pertaining to Private Members’ Business at the Canadian House of Commons have recently been replaced with a provisional chapter in the Standing Orders. Although these changes have been brought forward on a trial basis, they are expected to be made permanent or to be at least to be extended.

4. The Canadian Parliament is closely based on the Westminster model and uses much of the same terminology. It is a bicameral Parliament consisting of a House of Commons and an upper house (the Senate). Bills require to be passed by both Houses before they become law. In each House the main stages a Bill must pass through are First Reading (introduction, purely formal), Second Reading (debate on general principles), Committee Stage (main amending stage, usually in a Committee of the Whole House), Report Stage (further amending stage, in plenary) and Third Reading (debate on whether to pass the Bill).

5. The Canadian system is a two-tier system that combines both a random ballot system (the creation of a List for the Consideration of Private Members’ Business, which in turn dictates the Order of Precedence) and a secondary sifting or de-selection process, as performed by the Subcommittee on Private Members’ Business which reports to the Standing Committee on Procedure and Home Affairs, which in turn reports to the House.

Establishing the Order of Precedence

6. At the beginning of a Parliament, a random draw is conducted of the names of all Members of the House to establish the List for the Consideration of
Private Members’ Business. The first 30 eligible names on this List constitute the Order of Precedence. Members are referred to as eligible if they are not restricted by their position of office to introduce Private Members’ Business, and they have either a Bill that has already been introduced and given first reading or a motion that has been placed on the Notice Paper. If a Member is deemed as ineligible for the latter reason, their name is dropped from the List and will not be re-selected until either the List is exhausted or until the beginning of the next Parliament, when a new List is created.

7. The List provides, therefore, the sequence for the Order of Precedence. In turn, items of Private Members’ Business (motions and Bills) are called for debate according to their Order of Precedence.

8. Items are debated and disposed of or dropped from the Order of Precedence. Once the number of items on the Order of Precedence has dropped to 15, the next 15 names on the List are used to replenish the Order of Precedence. This process continues until there are fewer than 15 items on the List, at which time a random draw is conducted to establish a new List. Members may have only one item on the Order of Precedence at a single time.

9. Although it could be seen as rather an arbitrary manner in which to select items of business, there being a maximum of 30 Private Members’ Bills in progress at any one time, these procedures help to avoid the situation where the Parliament’s resources are stretched beyond capacity. In addition, by managing the Order of Precedence in this way, it is clear and easy to see which Bills are in progress.

Second reading – selection of non-votable items

10. Once on the Order of Precedence all items of Private Members’ Business are votable by default – that is, they are entitled to 2 hours of debate ending with a vote. After the first hour of consideration, the item drops to the bottom of the Order of Precedence. It will be considered once again for its second hour of consideration when it returns to the top of the Order of Precedence.
Votable items that receive agreement in the House proceed to the third reading.

11. Although votable by default, items may be classified as non-votable. This is done either on the basis of a request by the Member whose name the item is in, or by a designation made by the Subcommittee on Private Members’ Business. In designating items as non-votable, the Subcommittee applies the list of criteria (see below) established by the Standing Committee on Procedure. Non-votable items receive only an hour of consideration in the House and are then removed from the Order of Precedence.

12. The list of criteria for making items of Private Members’ Business non-votable is as follows:

- Bills and motions must not concern questions that are outside federal jurisdiction;
- Bills and motions must not clearly violate the Constitution Acts, including the Canadian Charter of Rights and Freedoms;
- Bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session of Parliament; and
- Bills and motions must not concern questions that are currently on the Order Paper or Notice Paper as items of government business.

13. For those Members whose items of Private Members’ Business are selected by the Subcommittee as being non-votable, an appeals process exists. Although it is for the Committee on Procedure and House Affairs to decide whether the Subcommittee’s designation is correct, the House itself will have the opportunity to vote on the matter if the sponsoring Member wishes to pursue their appeal.

14. The Subcommittee on Private Members’ Business is newly-constituted under the replacement rules. The previous rules required the Committee on Procedure and House Affairs to select, according to certain criteria, votable items rather than non-votable items. This procedure was deemed to politicize the selection and progress of Private Members’ Business to a great extent and was unpopular with the opposition Parties. The Westminster House of Commons Select Committee on Procedure notes in its 4th Report (as circulated with papers for the last meeting) that the Clerk of the House at Canada had said that this procedure had caused a serious rift in procedural relations between the political Parties. Perhaps this is understandable given that the Committee on Procedure and House Affairs merely made its selection and reported to the House, without there being any mechanism for

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5 The membership of the Subcommittee is chosen by the Committee on Procedure and House Affairs, and must have one member from each of the opposition Parties, two members and a Chair from the government Party.
the House to question it, other than in Rule 92(1) of the standing orders, which states that “in making its selection, the Committee shall … allow the merits of the items alone to determine the selection and shall report thereon”.

15. Under the new appeal rules, there is significantly greater opportunity for the House to authorize the designations made by the both the Subcommittee on Private Members’ Business and the Committee on Procedure and House Affairs. The clear list of criteria, together with the fact that items are selected as non-votable (on their lack of merit), goes some way to ensuring that the Committee on Procedure and House Affairs is not seen as merely a vehicle for securing the enactment of handed-out government Bills.

Third reading and Royal Assent

16. If a Private Member’s Bill is agreed to at its second reading, it is referred to a committee for closer examination and amendment if necessary. When the committee reports on the Bill, two Private Members’ hours are allocated to further discussion at this, the report and third reading stage. Where a Bill is given its third reading, it is sent to the Senate for further consideration and amendment if necessary. As at the second reading, after the first hour of debate the item will drop to the bottom of the Order of Precedence. On a motion that is supported by at least 20 Members, the final hour of debate may be extended by up to 5 hours. Once both the House of Commons and the Senate have agreed the text of the Bill, Royal Assent is given on a date determined by the Government.
PROCEDURES COMMITTEE
Non-Executive Bills prioritisation

Next steps in the inquiry: note by the Clerk

Evidence so far

1. Once the Minister’s evidence has been heard, the Committee will have taken all the evidence it agreed to take at its meeting on 16 December – the SPCB, the political parties represented in the Bureau and former members-in-charge of non-Executive Bills. It has also heard from NEBU officials.

2. At the end of the item dealing with this issue at the last meeting, the Convener invited members to let me know of any other areas they would wish to examine as part of the inquiry. No such suggestions have been received.

3. There has not been a general public call for evidence in this inquiry, nor has an invitation to submit written evidence been sent to specific individuals or bodies outside the Parliament. This was largely a product of the way the inquiry originated, with the Committee initially expecting to receive a specific proposal from the Bureau. Given the nature of the inquiry, it is not obvious who might be invited to give further evidence, though it may be that the Civic Forum or the Scottish Council for Voluntary Organisations (SCVO) could be approached (as they may have member organisations with an interest in pursuing changes to the law via Members’ Bills).

Next steps

4. The main question for the Committee to decide at this point is whether it is confident that it has the information it needs in order to reach a conclusion on the issues raised in the inquiry.

5. The main issues would appear to be:

- Is there sufficient evidence of a problem with the current system for introducing Members’ Bills that requires a procedural solution – i.e. a new mechanism for prioritising Members’ Bill proposals? Or would it be better to leave the current procedures largely unchanged?

- If a new mechanism is needed, should it permanently replace the existing mechanism for introducing Members’ Bills, or should it be a “reserve mechanism” that can be employed only when it is clear that there is a specific problem of excess demand?

- Is the purpose of a prioritisation mechanism only to ration access to NEBU support/drafting resources, or is it also directly to govern access to committee and Parliamentary time? Should members whose proposals have not been prioritised retain a right to find external (i.e. non-NEBU) support and then introduce their Bills? If so, on what basis would they compete with prioritised Bills for committee and Parliamentary time?
• Is it only Members’ Bills that need to be governed by such a system, or does it also need to encompass Committee Bills (which also require NEBU resources)?

• Should proposals be prioritised, as far as possible, according to their merits in order to prevent party-political considerations determining the result? If so, to what extent could the existing SPCB criteria for NEBU-supported proposals be used for this purpose? Or would a random ballot be a better way of ensuring fairness?

• Who should make prioritisation decisions – the Bureau, the Parliament as a whole or a committee? If it is to be a committee, should this be an existing committee (e.g. Procedures); a new committee of 5-15 members appointed on the normal proportional basis; or a “committee of backbenchers” appointed on some alternative basis?

6. Subsidiary issues that have arisen so far are:

• Should there be any alteration to the initial threshold that proposals must cross in order to be eligible for introduction (under the current mechanism) or for prioritisation (under any new mechanism) – for example, an increase in the number of supporters needed and/or a formal requirement to have conducted a consultation exercise?

• Should the current right of each member (other than Ministers) to introduce two Members’ Bills per session and to lodge an unlimited number of proposals be reduced to one Bill or even one proposal?

• Should there be a formal cut-off point towards the end of a session after which members will no longer be entitled to introduce Bills (or after which Bills will lose the right to be allocated time)? If so, when should this be?

7. It is not suggested that the Committee seeks to take decisions on the above questions at this meeting, but only that it decides whether it expects to be in a position to decide them at the next meeting, without first taking further evidence.

8. If it does expect to be able to make those decisions at the next meeting, a paper will be prepared for that meeting summarising the evidence received so far and setting out a range of options for the Committee to consider. That would enable the Committee to formulate a general view of the solution it favours. It might then wish to consult the SPCB, the political parties and members generally on that proposal before finalising a report to the Parliament or any standing order changes.
PROCEDURES COMMITTEE

Procedures Committee role in considering Guidance

Note by the Clerk

Procedural guidance and what it is for

1. Since the early days of the Parliament, the view was taken among the clerks that procedural guidance would be useful for members, clerks and the public. The main aim of such guidance is to provide a more complete and accessible description of the applicable procedures in a particular area than the standing orders themselves.

2. Guidance so far published covers the following areas:

   - Guidance on Motions
   - Guidance on Parliamentary Questions
   - Guidance for the Operation of Committees
   - Guidance on Public Bills
   - Guidance on Private Bills.

   All the above are published in hard copy and are also available electronically on the Parliament’s website (and on SPEIR).

3. In each case, the guidance does more than simply set out what standing orders provide in a more discursive style. In appropriate places, the guidance also:

   - provides an interpretation of a particular Rule, based on precedent, established practice, etc. This can in some cases greatly supplement what is contained in the Rule itself – for example, the Guidance on Public Bills includes nearly two pages of explanation of the requirement that amendments to a Bill must be “relevant” in order to be admissible;

   - refers to supplementary procedural authority, such as rulings by the Presiding Officer (including in response to points of order or by virtue of a power under the standing orders to make determinations). For example, the Guidance on Parliamentary Questions includes the criteria for selecting questions for FMQT that the Presiding Officer has adopted (where the Rule itself merely says that “the Presiding Officer may select …”);

   - gives examples of where particular procedural mechanisms have been followed. For example, the Guidance on Public Bills, as well as describing what an Emergency Bill is, names the Emergency Bills so far dealt with;
puts procedures in a wider context – including by reference to the origins of a particular Rule in the Scotland Act, or by comparing them with procedures in Westminster or elsewhere. For example, the Guidance on Private Bills explains the background to Private Bill procedure prior to devolution and how Chapter 9A was developed;

• explains the underlying rationale for particular Rules or practices. For example, the Guidance on Public Bills explains the principles on which the Rules governing the amendment process are based;

• explains the administrative processes that underpin the procedures, such as what role the clerks or other officials play at relevant points in the process. For example, the Guidance on Motions explains some of the basic conventions of wording used in motions, and gives the opening hours of the Chamber Desk;

• provides illustrations of what is referred to in the Rules. For example, the Guidance on Public Bills includes a one-page “dummy Bill” to illustrate the various component parts that make up a typical Bill.

4. By virtue of these various features, the guidance is or should be an important resource for members, clerks and the public.

5. For members, it is there to explain what the procedures are, how they will be applied in practice and why they work the way they do. Familiarity with the guidance should assist members in making best use of the procedural options open to them.

6. For clerks, the guidance is also a vital tool to ensure that the advice that is given to members is consistent and well-founded – particularly in relation to procedure that is relatively complex or with which a particular clerk is less familiar. In some instances, clerks may need to rely on the guidance as giving authority to their advice, particularly in explaining to a member why a particular course of action is not permitted.

7. The guidance also plays an important role in making the procedures of the Parliament more accessible to the interested public. In this context, it is most likely to be useful to people who have a close involvement in a particular aspect of the Parliament’s work – for example, as a witness in an inquiry, or following the passage of a particular Bill. (Other resources, such as the factsheets provided by Public Information, provide a more concise overview to the casual visitor.)

Role of the Committee

8. Because the guidance is about the Parliament’s procedure, it falls within the remit of the Procedures Committee. The view was therefore taken at quite an early stage in Session 1 that it would be appropriate to give the Procedures Committee an opportunity to see in draft and comment upon any proposed volume of guidance, and also to have an opportunity to comment on any substantial revision to a guidance volume. This had become the established
practice by the end of that Session, with all the existing volumes of Guidance having been considered by the previous Committee.

9. This can be a useful practice for a number of reasons. The exercise of reading through draft guidance can be useful in informing members of the current state of play in relation to an area of procedure. Comments made by members can point up errors or inconsistencies, and give an assurance that the end-product will be useful and relevant from a political perspective as well as an administrative one. It also gives the whole document an additional “stamp of authority” which clerks can then rely on when giving advice to members, particularly on more difficult or controversial issues. (It should be noted, however, that it remains only guidance and cannot itself impose a definitive interpretation. In particular, it cannot supersede the power of the Presiding Officer to determine any question as to the interpretation of the standing orders under Rule 3.1.1(c).)

10. Where guidance has first been prepared, the Committee will be invited to clear it for publication. As far as possible and appropriate, any comments and suggestions made by Committee members will be taken on board in the final version. However, guidance is published in the name of the Directorate of Clerking and Reporting, and officials therefore remain ultimately responsible for its content (including any errors).

11. Officials also take responsibility for updating guidance over time – for example, when the Rules are changed, or when administrative practices are altered. Any substantially new edition would normally be submitted for fresh clearance to the Committee, though it would be normal for only the substantive changes (and not minor alterations of style or presentation) to be highlighted.
PROCEDURES COMMITTEE

Changes to Guidance on Private Bills

Paper by the Private Bills Unit

Introduction


2. The Guidance on Private Bills is a working document published by the Parliament, and updated periodically, for use and reference by all clerks, MSPs, promoters, objectors, and members of the public interested in and involved with procedural aspects of Private Bills. It is an evolving document, based directly on what is set out in Standing Orders, but which also provides greater detail as to how Private Bills will be scrutinised by the Parliament and, particularly, the nature of the distinct processes to which Private Bills are subject.

Background

3. The Parliament has passed two Private Bills to date:
   • the Robin Rigg Offshore Windfarm (Navigation and Fishing) (Scotland) Act 2003; and
   • the National Galleries of Scotland Act 2003.

4. These were relatively straightforward and concise Bills pertaining to two particular projects quite individual in nature. In contrast, those Private Bills introduced into the Parliament subsequently are larger and more complex “works” Bills, relating to the construction of transport projects.

5. The four Private Bills currently before the Parliament are:
   • the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill;
   • the Waverley Railway (Scotland) Bill;
   • the Edinburgh Tram (Line One) Bill; and
   • the Edinburgh Tram (Line Two) Bill.

6. This purpose of this paper is to propose two sets of changes to the wording of the Guidance. It is suggested that changes to the Standing Orders are not required immediately to deal with the issues outlined below (although it may be desirable to make such changes in due course), and that the relevant procedure can (for the time being at least) be dealt with in the Guidance.

7. These changes are particularly pressing because of indications from the promoters of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill that they may wish to amend the Bill in a way that would affect new individuals; and there are several objections which have been lodged to the Waverley Railway (Scotland) Bill that are objections to the whole Bill.
Amendments to bills that may affect new individuals

Background

8. The nature of Private Bills is that they give powers to the promoter that are in excess of those available under general law. The promoter’s interests may clash with the interests of other individuals or organisations. Those individuals or organisations who consider that their interests are adversely affected by the Private Bill have a right to object to it. Following the introduction of the Private Bill there is an objection period of 60 days. One of the duties of the Private Bill Committee is that, if required, it will ultimately have to arbitrate between the competing rights of the promoter and the objector.

9. It has always been accepted that it is possible to amend Private Bills. Built into works bills (like the four Private Bills currently before the Parliament) are what are known as “lines of deviation”. What this means is that the Bill gives the promoter some leeway to alter the route of a particular transport project in a way that would not affect the interests of new individuals or organisations (since all relevant parties will have had a chance to object to the Bill when it was first introduced).

10. But there may be some amendments that would adversely affect the interests of an individual or an organisation not previously affected (or affected differently) by the Bill as first introduced. Examples when this may be desirable are if the promoter has engaged with objectors to the Bill and they have agreed that there may a solution to the objectors’ concerns that would involve works going outside the lines of deviation.

11. The possibility of amendments of this kind has significant procedural implications in that it opens up the possibility of a new group of property-owners being affected who would have not been given the formal opportunity to object to the Bill at the time it was introduced.

12. The current Guidance on Private Bills gives no indication of how such amendments may be addressed. Given this procedural lacuna, there is a compelling practical need to have a mechanism set down. Also in terms of the principles of accessibility of information and transparency of process, it is important that all those parties involved in the Private Bill process – be they the Private Bill Committee, the promoters or potential new objectors – understand what will be involved in these circumstances.

Mechanism

13. The mechanism proposed to deal with possible amendments beyond lines of deviation (or indeed any other suggested changes to the Bill that may bring potential new objectors into the picture) is essentially a procedural loop that would allow any “new” objector to have the same rights as an “original” objector.
14. This loop would take place before the end of evidence-taking at Consideration Stage – the second of the three stages when the Committee is looking at the detail of the Bill.

15. The notion of a possible amendment that would bring in new objectors may arise as a request from the Committee to the promoter or the other way about.

16. If the possible amendment is Committee-led then the Committee shall intimate to the promoter that it considers that there may be merit in amending the Bill. The promoter will be expected to respond to this intimation and may be asked to produce revised or supplementary accompanying documents to allow a new objection process to take place.

17. Should the promoter decline to accept the request of the Committee, then it should understand that the Committee may recommend to the Parliament that the Bill not be passed at Final Stage. The final decision as to whether the bill be passed is, of course, a matter for the Parliament as a whole.

18. If the promoter agrees to the request from the Committee, it will then be a matter for the Committee to decide how it wants the Promoter to proceed to enable the objection process to take place.

19. In the case of possible amendments suggested by the Promoter, the Committee will consider whether there may be merit in amending the Bill and, again, how it wishes the Promoter to proceed to enable the objection process to take place.

20. However, it can be expected that every Private Bill Committee will wish to allow potential new objectors to have the same level of information (via letters of notification, newspaper advertisements, revised or supplemented accompanying documents, like Environmental Statements) and indeed the same opportunity to object (during a 60 day objection period) as those who objected to the Bill when it was introduced.

21. The Committee would thereafter undertake preliminary consideration of any fresh objections and subsequently consider the detail of such objections according to the usual Consideration Stage process.

22. This consideration and reporting may or may not in turn lead to amendments being brought forward in the second phase of Consideration Stage when the Bill is considered in line-by-line detail. It is quite possible that the Committee considers that the new objectors have stronger cases than the original objectors and, therefore, in upholding the new objections, the Committee does not seek to amend the Bill.

23. Whether the rest of the Bill can continue or should pause during the course of discussions with the promoter or a new objection period may depend on the timing of the mechanism being triggered, the nature of the proposal of the scale of the Bill. Given the various permutations, it is proposed that the question of continuation or putting the Bill on hold be left to the Committee to consider on a case-by-case basis.
Proposed changes to Guidance

24. The relevant changes to Part Five of the Guidance proposed are set out in the Annexe in underlined text (principally paras 5.38-5.45).

Objections to the whole Private Bill

Background

25. The key issue here relates to objections which are against the whole Bill (i.e. objections to the general principles of the Bill) as distinct from those objections which are only against some aspects or specified provisions of the Bill.

26. The current Guidance on Private Bills is directed at objections to detail of a Bill and provides no information as to how or when objections to principle or objections to the Bill as a whole should be handled.

27. Given that one of the purposes of a Private Bill Committee at Preliminary Stage is for it to examine the general principles of a Bill (and that the Parliament decides whether to agree to the general principles of the Bill at the end of Preliminary Stage), it would appear proper and appropriate that objections to the Bill as a whole be dealt with entirely at this Stage and not be permitted to run over into Consideration Stage.

28. There are already several objections to the Waverley Railway (Scotland) Bill that are against the whole of the Bill rather than just specified provisions.

Mechanism

29. It should be noted that currently all objections are given preliminary consideration at Preliminary Stage. However, the mechanism proposed would ensure that all objections against the whole Bill would be dealt with entirely at the Preliminary Stage, leaving the Committee to consider the substance of objections only against specified provisions at Consideration Stage.

30. Dealing with objections to principle in this way at the Preliminary Stage would call for a broad replication of the approach to objections to detail at the Consideration Stage i.e. the Committee would need go beyond preliminary consideration and look at the substance of the objection and conclude whether it had any merit.

31. If the Committee came to the conclusion at Preliminary Stage that the substance of an objection to the principles of a Bill did not hold any merit, then the objection would be rejected. If the conclusion was otherwise, however, then the Committee may recommend to the Parliament that the general principles not be agreed and that the Bill should not proceed.

32. An important feature to note is that the rights currently enjoyed by objectors who are against only specified provisions of the Bill would be replicated for objectors who are against the whole Bill. There would be no difference in the options open
to the Committee for how such objections should be considered or the type of evidence which the Committee may wish to invite the objectors to produce.

Proposed changes to Guidance

33. The relevant changes to the Guidance being proposed are set out in the Annexe in underlined text (principally paras 5.13, 5.14 and 5.17).

Decision

34. The Committee is asked to consider and, if content, to endorse the changes to the Guidance on Public Bills along the lines indicated in the Annexe.

Private Bills Unit
February 2004
PROCEDURES COMMITTEE

Timescales and stages in the scrutiny of Bills

Note by the Clerk

1. The Committee agreed at its 8th Meeting, 2003 (2 December) that its next major inquiry would be on aspects of the legislative process, including issues of timetabling and deadlines and whether the process provides sufficient opportunity for considering the effects of amendments.

2. It is envisaged that the Committee might begin work on this inquiry after its current work on oral questions has been completed (i.e. after the expected debate in the second week of February), and while the ongoing inquiry into non-Executive Bills is continuing.

3. As members will recall, the previous Committee made a number of recommendations in its Founding Principles Report on the legislative process, and these were reflected by many of the contributors to the debate on that Report held on 26 November. (The note on the work programme circulated for the 8th Meeting, 2003 – PR/S2/03/8/2 – includes relevant excerpts from the debate.)

4. It would be useful if the Committee was now able to agree a general remit for the inquiry, to enable the clerks to begin preparatory work, including issuing a call for evidence and identifying possible witnesses.

Concerns raised

5. Perhaps the main underlying concern reflected in comments made (by witnesses to the Founding Principles inquiry, and by contributors to the debate) has been that the process of scrutinising Bills (in particular, Executive Bills) has often been too rushed.

6. In particular, concerns have been expressed that:

   • prospective witnesses are given insufficient time to submit written evidence to committees at Stage 1, and committees (lead committees and other committees) sometimes do not have time to hear from all the witnesses from whom they wish to hear;

   • there is insufficient time between the Stage 1 debate and the beginning of Stage 2 for external interested parties to contact members with suggestions for amendments, and for those members to consider those suggestions and seek assistance (from the clerks or elsewhere) in having the amendments drafted;

   • the pace of Stage 2 puts unreasonable pressure on all those directly involved (committee members, other MSPs, Ministers and their officials,
Stage 2 committees rarely have time to take evidence on proposed amendments at that Stage;

there is insufficient time between Stage 2 and Stage 3 for committees to review the Bill “as amended” and for members to consider what further amendments might be necessary;

if insufficient time is allocated for debating Stage 3 amendments, or if the timetabling motion does not accurately predict where the main areas of interest are going to be, debate on some groups of amendments can either be cut short or prevented altogether;

committees and members do not have a routine opportunity to review the Bill after it is amended at Stage 3 to ensure that concerns have been addressed and technical problems resolved before it is passed; and

more generally, where a new issue (not anticipated at Stage 1) is introduced by amendment at Stage 2 or – particularly – Stage 3, committees, members and external interested parties may have little or no opportunity to consider or comment upon it.

7. In considering what are appropriate periods of time to allocate to different parts of the legislative process, the challenge is to find procedural solutions that are suitable both for a small and straightforward Bill and for a large and complex one. Similarly, where the issue concerns opportunities for scrutiny, the challenge is to find a solution that works both for an uncontroversial Bill introduced after extensive consultation and with cross-party support and for a hotly-contested Bill, introduced without prior notice.

8. The underlying issue here is to strike an appropriate balance between the Executive’s legitimate expectation that it will get its legislation through the Parliamentary process in a reasonable time and the Parliament’s need to exercise properly its function of scrutiny and amendment.

9. Most of the concerns mentioned above arise primarily in the context of Executive Bills, many of which have been subject to demanding timetables set by the Bureau. Slightly different considerations arise in relation to Members’ Bills and Committee Bills, which generally speaking have been subject to considerably less timetabling pressure.

10. Finally, it might be necessary to consider what knock-on effects any changes to the Rules might have on the more specialised types of Public Bill such as Budget Bills and Consolidation Bills, and to what extent the changes should be reflected in the separate Rules governing Private Bills.
Possible issues about timing and opportunities for scrutiny

11. To address the concerns identified above, the following issues might be considered:

**Stage 1**

- Should committees (particularly the Stage 1 lead committee) have more control over the timescale of the Stage 1 inquiry, rather than being required to comply with a timescale set by the Parliament (on a motion of the Bureau)?

- Should there be a normal minimum duration for Stage 1 – i.e. where a deadline is imposed on the lead committee by which it must publish its Stage 1 report, should that normally have to be at least X weeks after the Bill was referred to the committee? If so, should this limit be specified in the Rules and in what circumstances should it be possible to depart from it (e.g. for a straightforward or uncontroversial Bill)?

**Stage 2**

- Should the minimum interval between Stages 1 and 2 – currently 7 sitting days (Rule 9.5.3A) – be extended?

- Should the Stage 2 committee have more control over the timescale for that Stage – and should there be a rule or presumption against such a committee meeting more than once a week to deal with amendments?

- Should committees be expected or encouraged to take evidence on proposed amendments before debating and disposing of them, in appropriate instances?

- Should the minimum notice period for Stage 2 amendments – currently 2 sitting days (Rule 9.10.2) – be extended, to give members (and officials) more time to prepare for the debates on amendments?

- Should there be a formal requirement on, or at least an opportunity for, each relevant committee to review the Bill after Stage 2 to consider any new or amended provisions of interest to that committee? (Relevant committees would be the “secondary committees” involved in considering the Bill at Stage 1, other than the committee which amended it at Stage 2, plus the mandatory committees with a formal role in Bill scrutiny, such as Finance and Subordinate Legislation.)

**Stage 3**

- Should the minimum interval between Stages 2 and 3 – currently 9 sitting days if the Bill was amended at Stage 2 and 4 sitting days if not (Rule 9.5.3B) – be extended?
• Should the minimum notice period for Stage 3 amendments – currently 3 sitting days (Rule 9.10.2A) – be extended?

• Is there a better method of timetabling Stage 3 amendment proceedings so that the overall amount of time available, or at least the way in which that time is divided, can be altered as the proceedings unfold, rather than being fixed at the outset?

• Should the debate on the motion to pass the Bill take place on a later day from the consideration of Stage 3 amendments, to give relevant committees a final opportunity to consider any new or amended provisions of interest to them – and to give the member in charge (and perhaps other members) with an opportunity to lodge “tidying-up” amendments (within the limits permitted at present by Rule 9.8.5 in cases where a motion to adjourn the remaining Stage 3 proceedings have been agreed to)?

Scope of the inquiry

12. The above list includes a number of potentially complex issues all directly related to a single, broad theme of timetabling and opportunities for scrutiny. There are, of course, many other aspects of the legislative process that could be the subject of separate inquiries, but to attempt to include these in the current inquiry would risk losing focus and extending the amount of time that would be needed to complete it.

13. In order to keep the initial call for evidence reasonably straightforward and accessible to the public, it is suggested that the draft remit in the Annex be used.

Audit Committee inquiry

14. The Audit Committee agreed in June 2003 to conduct an inquiry on the financial scrutiny of Bills, based on comments made by the Auditor General in relation to the passage of the Standards in Scotland's Schools Bill. An amendment to that Bill at Stage 2 introduced a duty to “mainstream” special educational needs in schools, as a result of which the expected overall implementation costs of the Bill were substantially increased – but the Auditor General felt this increase was not fully taken into account when the amendment was agreed to or later in the Bill’s passage. The Audit Committee’s intention therefore was to consider what, if anything went wrong on that occasion and what, if anything needs to be done to improve this aspect of scrutiny. Questions about the time available at amending Stages, or between Stages, may be relevant to improving opportunities for financial scrutiny of Bills, as well as for other aspects of scrutiny.

15. At its meeting on 20 January, the Audit Committee discussed the link between its planned inquiry and the Procedures Committee inquiry. The Audit Committee agreed that its Convener should discuss with the Convener of the Procedures Committee whether the consideration of cost-bearing amendments would be most appropriately and effectively considered by the Audit Committee (which would then feed its conclusions into the Procedures Committee inquiry).
or as part of the Procedures Committee inquiry. The meeting between the two Conveners has yet to take place.

**Witnesses and timescale**

16. The following are suggestions of who might be invited to give evidence in the inquiry:

- the Executive – the Minister for Parliamentary Business, and perhaps also (separately or accompanying the Minister) officials with experience of working on Bill teams
- members (other than Ministers) who have been members-in-charge of Bills
- committee conveners – and perhaps also committee clerks with experience of dealing with Bills and amendments
- outside individuals and organisations with experience of engaging with the Bills process – either as witnesses at Stage 1 or as proposers of ideas for amendments at later Stages
- legal practitioners or other “end users” with experience of working with the primary legislation that the Parliament has produced
- the Legislation Team (the clerks with overall responsibility for managing the administrative aspects of the process)

17. It is difficult to forecast how long an inquiry along these lines might take. It is unlikely to be possible to complete it before the summer recess, and a longer period may prove to be necessary. A possible timescale might involve:

- issuing a call for evidence before the February recess
- considering written evidence and taking oral evidence between late March and mid- to late-May
- considering a draft Report in June, with publication by the beginning of the summer recess.
Inquiry on Bills – Timescales and Stages

The Procedures Committee is undertaking a major inquiry into the procedures and practices that determine the speed at which Bills progress through the 3-Stage process from introduction to passing.

In particular, the Committee will be considering:

- whether sufficient time is available for evidence-taking at Stage 1, particularly when more than one committee is involved;
- whether sufficient time is available during Stages 2 and 3 for members (and outside interests) to prepare amendments for lodging, to consider amendments lodged by others and to debate amendments at meetings of committees and the Parliament;
- whether the current minimum intervals between Stages are appropriate;
- whether committees involved in considering a Bill after it is first introduced have sufficient opportunity at later Stages to consider the impact of amendments; and
- to what extent the timetable should be determined by the Executive (or the member-in-charge of the Bill), the Bureau, committees or the Parliament as a whole.

The main focus will be on Executive Bills, which have generally been subject to more timetabling pressure. But the scope of the inquiry extends to other types of Public Bill – Committee Bills and Members’ Bills – and will also take into account the effects of any procedural changes that may be proposed on specialised types of Bill such as Consolidation Bills and on Private Bills.

Written evidence is invited from any MSP, person or organisation with an interest in or previous involvement in, the passage of a Scottish Parliament Bill. Evidence should be submitted, preferably in electronic form (MS Word preferred), to the Clerk to the Procedures Committee, The Scottish Parliament, George IV Bridge, Edinburgh EH99 1SP, procedures@scottish.parliament.uk. Please keep submissions to a maximum of 6 sides of A4 if at all possible. A brief summary of the main points at the beginning or end would be helpful.

Please note that your submission will be treated as a public document unless you make it clear, when you send it in, that you do not want it to be published or circulated in public. All responses will be circulated to the Committee.

The initial deadline for written evidence is Wednesday 17 March 2004. Please indicate whether you would be prepared also to give oral evidence to the Committee if invited to do so. It is expected that oral evidence will be taken in late March and during April, with a view to completing the inquiry, if possible, before the summer recess.
PROCEDURES COMMITTEE
Suspension of standing orders

Note by the Clerk

1. The Committee first considered the above issue at its last meeting of 2003 (16 December), based on a note I had prepared (PR/S2/03/9/2) setting out in general terms why it might be useful to build a greater degree of flexibility into Rule 17.2. The Committee 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.

2. The further paper requested (PR/S2/04/1/5) was considered at the following meeting on 13 January. The Committee agreed that the Rule should be made more flexible to the extent of enabling individual words of the standing orders to be suspended and to consider a mechanism that would enable alternative provision to be made in appropriate cases (though no final decision was made as to whether that should be included). It also agreed that all members should retain a right to move motions under the Rule. It was separately agreed to consider a draft Report in private.

3. A draft Report was prepared to reflect these decisions and was circulated for the last meeting. However, the time spent on earlier agenda items meant that there was no time left to consider this item, and it had to be deferred.

4. For this meeting, members should bring with them the draft Report (including draft standing order change) circulated as a private paper for the last meeting (PR/S2/04/2/7). If any member no longer has the copy previously circulated, a further copy may be obtained on request from the clerks.
LETTER TO THE CONVENER FROM SCOTTISH GAMEKEEPERS ASSOCIATION

The Scottish Gamekeepers Association (SGA), of which I am Chairman, would like to bring a procedural matter to your attention as a matter of urgency.

The SGA Committee is made up of full time professional wildlife managers; our remit includes scrutiny of legislation affecting our members' jobs and where necessary, advising Parliamentarians of any adverse affects the proposals may have on rural employment, wildlife & the countryside and recommending amendments that will support the entire rural spectrum. We employ one full-time member of staff to assist us.

Amendments at Stage 2 of Bills are often lodged at the last minute leaving us unable to make comment. A good example of this is the Nature Conservation (Scotland) Bill currently in Stage 2 before the Environment & Rural Development Committee. Amendments lodged on Monday 26 January were not published until Tuesday 27 January for debate at the Committee’s meeting (commencing at 10am) on Wednesday 28 January.

Given that SGA committee members leave the house early in the morning and often do not return until evening, it is proving impossible for us to respond to these amendments and prepare briefing notes in time for them to be read by the relevant committee members before their meeting.

The current procedure clearly discriminates against the working man, which we are sure you would agree is against the ethos of the Scottish Parliament; we would urge you to make changes to the Parliament’s Standing Orders as soon as possible. We would be happy to discuss this with you further and very much hope you will give us the opportunity to voice our concerns in the very near future.

Alex Hogg
Chairman
27 January 2004

REPLY BY THE CONVENER

Thank you for your letter of 27 January concerning the difficulties members of your Association have encountered in keeping track of amendments to Bills lodged for Stage 2 committee meetings considering the Nature Conservation (Scotland) Bill.
The procedures governing the notice that is required for amendments to Bills are among those that the Procedures Committee expects to review in its next major inquiry on the timescales and stages of Bills. That inquiry is due to begin shortly, and I would hope that it could be concluded by the summer recess. I cannot of course say at this stage what the outcome of that inquiry will be, but it will provide an opportunity for your concerns to be addressed.

I note your offer to give oral evidence to the Committee to expand on your concerns. It will be for the Committee to decide in due course from whom it wishes to take oral evidence in the above inquiry. I will ensure the other members of the Committee are aware of your offer by copying your letter, together with this reply, to them.

Iain Smith MSP
Convener
29 January 2004
LETTER TO THE CONVENER FROM MURDO FRASER MSP

I am writing to you regarding a suggestion for an amendment to the Standing Orders of the Scottish Parliament.

According to rule 9.3, paragraph 3(c) of the Standing Orders, Executive Bills must include a Policy Memorandum specifying an assessment of effects on such issues as equal opportunities, sustainable development and human rights, as well as "any other matter which the Scottish Ministers consider relevant".

Whilst each of the criteria listed is of obvious importance, I am concerned that there is nothing which considers the potential impact of legislation upon economic growth. The Executive have stated that ‘growing the Scottish economy is the top priority’ and there is a growing political consensus that economic growth must be given greater emphasis. I would therefore like to propose that a new criterion be added to the list, specifying an assessment of effects on economic growth.

I would be obliged if you would raise this matter in the Procedures Committee, and look forward to hearing from you.

Best Regards

Murdo Fraser MSP
29 January 2004

REPLY BY THE CONVENER

Thank you for your letter of 29 January, which asks that the Procedures Committee consider whether the Policy Memorandums should be required to include an assessment of the effects of the Bill on economic growth.

This is not a point that could easily be considered as part of the Committee’s current work, nor as part of its forthcoming inquiry on the timescales and Stages of Bills. However, I will ensure that this issue is added to the Committee’s list of possible options for further work for it to consider when it next looks at its work programme.

In the meantime, it may be worth noting that the current Rules do not prevent the Executive including an assessment of the effects on economic growth in a
Policy Memorandum. It would also be open to any committee, or indeed any Member, to seek such an assessment from the executive in relation to any particular Bill, as part of the normal scrutiny process.

I am copying this letter, together with your reply, to the members of my Committee.

Yours sincerely,

Iain Smith MSP
Convener
5 February 2004
LETTER TO THE MINISTER FOR JUSTICE AND COPIED TO THE CONVENER, FROM THE EQUALITY NETWORK

Gender Recognition Bill

I am writing on behalf of the Equality Network, a network of groups and individuals in Scotland working for lesbian, gay, bisexual and transgender (LGBT) equality, to raise our serious concerns about the Sewel motion process for the UK Gender Recognition Bill.

As you know, the Equality Network strongly supports the Bill as a whole (although we have some concerns about some of the details), and we have been supporting the use of a Sewel motion as likely to be the fastest way of ensuring equality and ECHR compliance in this area as soon as possible.

Our support for the Sewel motion route was based on an understanding that the Scottish Parliament and its Committees would be able to scrutinise properly the very significant devolved parts of the legislation (the majority of the bill’s provisions concern devolved matters). This has not happened.

The introduction by the Executive of the Sewel motion just one week ago, despite the introduction of the bill at Westminster fully two months ago, and the scheduling of the Sewel motion vote for next week, have left no time for proper scrutiny.

The welcome work of the Equal Opportunities Committee in considering the bill in December has been completely undermined, as that Committee now does not have time to prepare a report either for the lead Justice 1 Committee or for the whole Parliament. The time and efforts of the Equal Opportunities Committee, and of the transgender organisation representatives who gave up their working day to give evidence to the Committee (in many cases deeply personal evidence), have been largely wasted.

The Justice 1 Committee yesterday made every effort to consider the bill and prepare a report, in the single hour available to them, but of course were unable to do the job they would have wished to do because it is simply impossible to scrutinise properly such complex devolved legislation in one short session with the Deputy Minister, without first having taken detailed evidence.

Even worse, we now understand that the whole Parliament is to have no opportunity at all to debate the Sewel motion next Thursday, but will simply be asked to vote on the motion without debate. This raises the question of what the purpose and effect of the Justice 1 Committee’s report, and the Committee’s time and effort in the past few days, will be.
In our view it is completely unacceptable that a major piece of complex devolved legislation should be passed without proper democratic scrutiny and debate. There is no longer expertise at Westminster on devolved matters, as the debate on the bill in the House of Lords Grand Committee earlier this month made clear. There is also no intention by Westminster to take evidence on the Scottish devolved provisions.

To seek to pass a major and complex bill comprising mostly devolved matters simply by asking the Scottish Parliament to vote, without evidence or debate, on a single sentence motion, makes a mockery of the democratic process. In respect of this bill, it seems that Scotland is now the least democratic country in Europe.

Much of the damage to the proper scrutiny of the bill has now been done, because of the failure of the Executive to ensure that Scottish Parliamentary Committees had adequate time to take evidence and report on the bill. Some democratic legitimacy can be recovered by ensuring that the Scottish Parliament has the opportunity for a proper debate on the Sewel motion.

We therefore ask that the Executive ensure that the Scottish Parliament has a full debate on the issues around the bill and the Sewel motion, including the outstanding issues identified by the Equal Opportunities and Justice 1 Committees.

We raised our concerns about the use of Sewel motions for major devolved legislation previously, in our letter to you of 18th July 2003 about a possible Sewel motion on a UK Civil Partnerships Bill. At our subsequent meeting, we understood that the Executive was committed to ensuring proper scrutiny by the Scottish Parliament of the devolved parts of such legislation.

The proposed UK Civil Partnerships Bill will have even more devolved content (perhaps 50 or more clauses of devolved family law) than the Gender Recognition Bill. The Equality Network strongly supports the introduction of civil partnerships, and has been supporting the use of a Sewel motion for civil partnership, given the commitments that we understood had been made.

We do not however support the use of a Sewel motion unless proper democratic scrutiny occurs – to do so would be a travesty of our belief in democracy.

As we understand the Sewel convention, the Sewel motion could be submitted by the Executive to the Scottish Parliament as soon as the Civil Partnerships Bill is introduced at Westminster, while the deadline for the passing of the Sewel motion is immediately before the third reading in the first House at Westminster. That will surely be a period of at least two months – the principal problem with the Gender Recognition Bill has been the failure by the Executive to introduce the Sewel motion when the bill itself was introduced two months ago.

We therefore ask for your assurance that the Scottish Parliament and its Committees will have at least two months, from the introduction of the Sewel motion on the Civil Partnerships Bill, to the date of the Sewel motion debate in the full Parliament, to scrutinise, take evidence on, and report on the bill. We also ask for clarification that
there will be a full-length debate on the civil partnership Sewel motion in the Scottish Parliament, informed by Committee reports.

As well as these assurances, we request an urgent response to our observations on the Gender Recognition Bill Sewel motion process, and your assurance that there will be a full Parliamentary debate on that Sewel motion.

Yours sincerely,

Tim Hopkins
Equality Network
29 January 2004

Cc: Pauline McNeill MSP, Convener, Justice 1 Committee
    Cathy Peattie MSP, Convener, Equal Opportunities Committee
    Iain Smith MSP, Convener, Procedures Committee

REPLY BY THE CONVENER

Thank you for sending me a copy of your letter, dated 29 January, and addressed to the Minister for Justice.

While it is not for me to comment on the particular issues that have arisen in relation to the Gender Recognition Bill, I can tell you that the Procedures Committee recently agreed to initiate an inquiry into Sewel motions. This inquiry is expected to take place later this year, following the completion of its legislation inquiry for which a remit is due to be agreed at its next meeting on 10 February.

The Committee may wish to consider the issues you raise in your letter as part of its forthcoming Sewel motion inquiry and I will retain this information for future consideration. I will also ask the Clerk to the Committee to send you further information about that inquiry in due course.

In the meantime, I will ensure that the Procedures Committee is made aware of this correspondence.

Yours sincerely,

Iain Smith MSP
Convener
5 February 2004
Thank you for your letter of 9 January to the Minister for Finance and Public Services concerning the handling of European and external relations issues should a thematic element within Question Time, on a Departmental basis, be adopted by Parliament.

Within the current proposals there is no provision for a specific Question Time on European and External Relations matters. However, under the arrangements now being considered, we would envisage that the Minister for Finance and Public Services would answer strategic European and External Relations related questions, relevant to his portfolio, in the Finance and Communities Question Time session. Questions on other EU policies would be answered by other Ministers, as appropriate, in their own Departmental Question Time.

Of course, any changes to the current Question Time arrangements are subject to the outcome of the Procedures Committee’s inquiry into oral questions and the approval of the Parliament.

I hope that this is helpful. I am copying this reply to the Convener of the Procedures Committee and the Presiding Officer.

Patricia Ferguson
January 2004
The meeting opened at 10.17 am.

1. **Non-Executive Bills**: The Committee took evidence from—

   Mike Watson, member formerly in charge of the Protection of Wild Mammals (Scotland) Bill, and Douglas Batchelor, Chief Executive of the League Against Cruel Sports;

   and then from—

   Robin Harper, Principal Speaker, and Mark Ballard, Business Manager, Scottish Green Party;

   Tommy Sheridan, Leader of the Scottish Socialist Party, and Carolyn Leckie, SSP representative on the Parliamentary Bureau; and

   Alasdair Morgan, Group Convener, Scottish National Party.

As Patricia Ferguson, the Minister for Parliamentary Business, was unable to give evidence at this meeting due to lack of time, it was agreed to invite her again to the Committee’s next meeting. The Scottish Conservative and Unionist Party, which had been unable to send a representative to this meeting, would be offered a further opportunity to give evidence at that meeting.
2. **Suspension of standing orders:** The Committee considered a paper on the extent to which the Scotland Act imposes limits on the exercise of Rule 17.2 (suspension of standing orders).

3. **Oral questions and Time in the Chamber (in private):** The Committee considered a draft report and a draft change to standing orders. The Committee agreed the draft Report, subject to various changes. It was agreed not to recommend any change to Rule 5.6 at this stage, and hence not to propose the draft change to standing orders.

4. **Emergency Bills (in private):** The Committee considered and agreed a draft report and draft change to standing orders.

5. **Suspension of standing orders (in private):** The Committee agreed to defer consideration of a draft report, together with a draft change to standing orders, until its next meeting.

The meeting closed at 1.25 pm.

Andrew Mylne  
Clerk to the Committee