PROCEDURES COMMITTEE
AGENDA
9th Meeting, 2004 (Session 2)
Tuesday 25 May 2004

The Committee will meet at 10.15 am in the Hub, Castlehill, Edinburgh.

1. **Bills – timescales and Stages:** The Committee will take evidence from—

   Cathy Jamieson, Minister for Justice, and Rachel Sunderland, Former Branch Head for the Children's Commissioner Action Team, Children and Families Division, Scottish Executive; and

   Jackie Baillie MSP, former member of the Commissioner for Children and Young People (Scotland) Bill Committee,

   and then from—

   Douglas Hamilton, Policy and Research Officer, Barnardo's Scotland;

   Susan Elsley, Assistant Director of Policy, Save the Children;

   Jennifer Turpie, Director of Research and Policy, and Kay Tisdall, former Director of Research and Policy, Children in Scotland,

   in relation to the Commissioner for Children and Young People (Scotland) Bill, one of the case-study Bills in the inquiry; and then from—

   Jill Flye, Parliamentary Information Officer, and Lucy McTernan, Director of Corporate Affairs, Scottish Council for Voluntary Organisations, and Graham Blount, Scottish Churches Parliamentary Office; and
Councillor Corrie McChord, Vice President and Spokesperson on Modern Governance, and Bob Christie, Corporate Adviser, Convention of Scottish Local Authorities.

2. **Minor procedural issues:** The Committee will consider a paper on two minor changes to standing orders and take evidence from—

   David McGill, Head of the Parliamentary Business Team, on Rule 2.7.1; and
   
   Susan Duffy, Clerk to the Finance Committee, on Rule 5.8.1.

3. **Items in private:** The Committee will decide whether to consider draft reports on non-Executive Bills and minor procedural issues in private at its next meeting.

   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**
Note by the Clerk to the Education Committee on the Commissioner for Children and Young People (Scotland) Bill

Submission from Children 1st

Submission by the Convener of the Communities Committee

Letter from the Minister for Parliamentary Business on issues relating to subordinate legislation

**Agenda item 2**
Note by the Clerk

For Agenda item 1, members may wish to re-read the written evidence submitted by SCVO and CoSLA for the 7th Meeting on 27 April and included in paper PR/S2/04/7/5. These submissions can also be found on the Procedures web-page. Paper PR/S2/04/7/1, also circulated for the 7th Meeting, gives background information about the Commissioner for Children and Young People (Scotland) Bill.

**The following papers are attached for information:**

Minutes of the last meeting
The meeting opened at 9.31 am.

1. **Item in private**: The Committee agreed to take item 5 in private.

2. **Bills – timescales and Stages**: The Committee took evidence from—
   
   Margo Macdonald, former Convener of the Subordinate Legislation Committee, and Alasdair Rankin, Clerk to the Committee;
   
   Pauline McNeill, former Convener of the Justice 2 Committee; and
   
   Dave Morris, Director, Ramblers’ Association Scotland; Dr Maurice Hankey, Director General, Scottish Rural Property and Business Association; and John Mackay, formerly National Strategy Manager, Scottish Natural Heritage,
   
   in relation to the Land Reform (Scotland) Bill, one of the case-study Bills in the inquiry.

3. **Question Time Review**: The Committee considered its forthcoming review of the changes it had previously recommended to the timing of First Minister’s Question Time and the structure and duration of Question Time. The Deputy Convener proposed that the trial period be extended until the summer recess; that the Parliamentary Bureau be invited to propose moving Question Time to Wednesday afternoon from the start of
September until the October recess, and that the Committee should complete its review and report to the Parliament by the end of December 2004. The proposal was provisionally agreed to, subject to consideration of relevant evidence at the Committee’s meeting on 8 June.

4. **Minor procedural issues**: The Committee agreed to consider, prior to the summer recess, changes to Rule 2.7.1 (venue for meetings of the Parliament) and Rule 5.8.1 (timescale for stages of the Budget process).

5. **Non-Executive Bills (in private)**: The Committee further considered a proposal for changing the procedure governing the introduction of a Member’s Bill and agreed that the threshold of support required should be 18 members from at least half of the political parties or groups represented in the Parliamentary Bureau.

The meeting closed at 1.19 pm.

Andrew Mylne
Clerk to the Committee
PROCEDURES COMMITTEE

Timescales and Stages of Bills Inquiry

Letter from the Minister for Parliamentary Business

**Note by the Clerk:** The letter by Sylvia Jackson, Convener of the Subordinate Legislation Committee, was circulated for the last meeting, along with submissions by other conveners, in paper PR/S2/04/8/5. It is also available from the Procedures Committee web-page.

SCOTTISH EXECUTIVE’S RESPONSE TO SUBORDINATE LEGISLATION COMMITTEE SUBMISSION

I was interested to note Sylvia Jackson’s letter of 27 April, providing evidence on behalf of the Subordinate Legislation Committee (SLC) in connection with your Committee’s current Inquiry into the Timescales and Stages of Bills. I thought that you might find it helpful to have the Executive’s views on the particular issues covered by Sylvia.

**Stage 1**

The SLC’s perception is very much in line with that of the Executive. Timetabling appears generally not to be unduly problematic. It is particularly encouraging to know that subordinate legislation memoranda have proved so useful to the SLC in its consideration of delegated powers. I will ensure that Bill teams are reminded that Ministers should consider providing a subordinate legislation memorandum to the Convener of the SLC at the time of the introduction of a Bill. At this point I do not have particularly strong views about whether or not there would be real value in going further and amending Standing Orders in a fixed, prescriptive fashion: I am of course very willing to revisit the issue in light of any conclusions reached by your Committee’s Inquiry.

**Stage 2**

I recognise the importance of allowing the SLC sufficient time for its consideration of Stage 2 amendments and am happy to reiterate the Executive’s acceptance that the scheduling of the next stage should take account of the number of delegated powers under consideration. I will ensure that Bill teams are reminded that, where delegated powers have been inserted or substantially amended at Stage 2, Ministers will wish to be in a position to provide promptly a supplementary memorandum.

**Stage 3**

As Sylvia mentions, Ministers generally seek to avoid inserting substantial delegated powers into Bills at Stage 3. However, on those rare occasions where such insertions are essential, our view is certainly that it is right in principle and beneficial in practice to engage with the SLC. The most practical way of doing this is providing
the text of the provisions to the Committee’s legal adviser, so that the Convener and/or the full Committee can be briefed and in a position to register any comments either before or during the debate. While reiterating that we will endeavour to avoid such situations arising in the first place, when they do arise, we will adopt the approach outlined above. Against this background, I believe that it is not necessary to establish a formal process of reporting to the SLC prior to Stage 3. In the vast majority of cases, the report would simply be that no delegated powers are being introduced.

I hope that this letter helps to complete the picture for your Committee in relation to this key aspect of legislation. It is important that the procedures allow the Parliament to undertake rigorous scrutiny of legislative proposals and I look forward in due course to considering the conclusions of your Inquiry.

I am copying this letter to Sylvia Jackson.

Patricia Ferguson MSP
Minister for Parliamentary Business
19 May 2004
PROCEDURES COMMITTEE

Timescales and Stages of Bills: Commissioner for Children and Young People (Scotland) Bill case study

Note by the Clerk to the Education Committee

How the decision to initiate a Committee Bill came about

1. The Education, Culture and Sport Committee, in considering the question of the creation of a post of Children's Commissioner in Scotland, agreed to conduct an inquiry. It did not initially decide that it wished to introduce a Committee Bill.

2. Although the formal decision to introduce a Bill was not taken until after the report of the inquiry was published in February 2002, members of the Committee had informally come to that view during the course of the inquiry. The earliest reference is in the Official Report of the meeting of 29 May 2001, at which members first discussed the practicalities of introducing such a Bill.

3. The Committee, at its meeting of 25 June 2002 agreed to a proposal that it should introduce a Bill. It delegated two members, Jackie Bailie and Irene McGugan and the clerks to complete the report on the proposal.

Inquiry into the need for a Children’s Commissioner

4. In January 2000, the then Minister for Children and Education, Sam Galbraith, wrote to the Committee seeking its views on the establishment of a Children’s Commissioner. The Committee requested a further paper from the Executive, outlining the options available, which the committee received in May 2000.

5. The paper outlined the possible role of the Children’s Commissioner, the arguments for and against such an appointment and the arrangements already in place to ensure the interests of children are safeguarded, promoted and taken properly into account. It identified the key issues as being:
   • is there more that ought to be done that is not being done now to protect and promote children’s interests, collectively or individually?
   • if yes, is a Children’s Commissioner the best way forward? Are there alternative approaches which might be better or equally effective?
   • what added value might a Children’s Commissioner bring?
   • what specific roles would a Children’s Commissioner perform?
   • what would or might have to change if we had a Children’s Commissioner?
   • what roles currently undertaken by voluntary organisations would be taken over by a Commissioner?
   • to whom would a Commissioner be answerable?

6. The Committee, at its meeting of 30 May 2000 agreed to schedule a “short inquiry” at the earliest practical date after the summer recess. This, however, was
overtaken by the inquiry which the Committee decided to hold into the examinations results crisis of that summer.

7. The Committee, at its meeting of 6 February 2001, agreed that the Committee would invite written submissions generally as well as contacting interested bodies directly for their views on the possible appointment and remit of a Children’s Commissioner. This marked the commencement of the committee’s inquiry.

Overview of the inquiry’s progress

8. The timetable of the progress of the inquiry was as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>6/2/01</td>
<td>Committee agreed to undertake inquiry into the need for a Children’s Commissioner in Scotland and to invite written evidence</td>
</tr>
<tr>
<td>13/2/01</td>
<td>Committee agreed to appoint an adviser</td>
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<tr>
<td>25/6/01</td>
<td>Seminar held in the Chamber for voluntary organisations and children’s organisations, including a video commissioned by the Committee which showed opinions of children and young people on the need for a Commissioner.</td>
</tr>
<tr>
<td>18/9/01</td>
<td>Summary of written evidence considered by the Committee</td>
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<tr>
<td>13/11/01 to 4/12/01</td>
<td>Three sessions of oral evidence taken.</td>
</tr>
<tr>
<td>15/12/01</td>
<td>Seminar held in the Chamber for around 100 children and young people, including reports from 3 focus groups and the results of a questionnaire survey.</td>
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<tr>
<td>14/2/02</td>
<td>Publication of the Committee’s report of the inquiry</td>
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9. The overall length of the inquiry was just under a year, from the initial decision to hold an inquiry until publication of the report.

10. The committee invited written submissions in February 2001 and 30 written submissions were received. Most of these were received before the summary of written evidence was produced in September, but some, including written submissions from organisations giving oral evidence, were received up until shortly before the report of the inquiry was published in February 2002.

11. Oral evidence was taken from 20 individual witnesses representing 8 organisations and agencies. These included the Children’s Commissioner for Wales (by videoconference), the Children’s Parliament, the Youth Parliament and the Deputy Minister, Nicol Stephen, and his officials.

12. The published report ran to 91 paragraphs and included 9 recommendations.
13. The Scottish Executive responded to the Committee’s report on 12 April 2002.

From the inquiry to the Stage 1 debate on a proposed Committee Bill

14. The report of the inquiry and the Scottish Executive’s response were not debated in the Parliament, but the Committee, at its meeting of 25 June 2002 agreed to a proposal that the Committee should introduce a Bill. It delegated two members, Jackie Bailie and Irene McGugan and the clerks to complete the report on the proposal. This report was published on 4 July 2002 and the proposal to introduce a Committee Bill was debated and agreed to by the Parliament on 25 September 2002.

15. The Bill was introduced on 4 December 2002 by Karen Gillon on behalf of the Education, Culture and Sport Committee and the Stage 1 debate was held on 15 January 2003. The Stage 1 debate lasted 1 hour and 11 MSPs were called, including the Minister who both opened and closed for the Executive.

Overview of the Bill’s progress

16. The timetable of the progress of the Bill was as follows:

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<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>14/2/02</td>
<td>Publication of the Committee’s report of its Inquiry into the Need for a Children’s Commissioner in Scotland</td>
</tr>
<tr>
<td>3/7/02</td>
<td>Publication of the Committee's report on the Proposed Commissioner for Children and Young People Bill</td>
</tr>
<tr>
<td>25/9/02</td>
<td>Agreement by the Parliament to the proposal that there should be a Bill</td>
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<tr>
<td>4/12/02</td>
<td>Bill introduced</td>
</tr>
<tr>
<td>15/1/03</td>
<td>Stage 1 Debate in the Parliament</td>
</tr>
<tr>
<td>28/1/03 and 4/2/03</td>
<td>Stage 2 taken by the Commissioner for Children and Young People (Scotland) Bill Committee</td>
</tr>
<tr>
<td>26/3/03</td>
<td>Stage 3 Debate in the Parliament</td>
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<tr>
<td>1/5/03</td>
<td>Royal Assent</td>
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17. The inquiry report represented a thorough analysis of the evidence received and the issues involved, but it was not a suitable basis for the introduction of a Bill. Discussions with the Non-Executive Bills Unit on the production of a Committee Bill commenced in late 2001 – early 2002. NEBU greatly assisted the Committee in producing its report in July 2002, recommending a Bill. The Bill was drafted and ready for introduction in early December 2002 and was passed just before the end of the 1st session of the Parliament.
Stage 2

18. The Parliament, on 16 January 2003, established an ad hoc committee to consider the Bill. It agreed that the Convener should be a member of the SNP and the Committee, at its first meeting, chose Kay Ullrich to be its Convener.


20. At its first meeting, the Committee received declarations of interests, chose its Convener and Deputy Convener and received briefings on the Bill from Karen Gillon and from Scottish Executive officials. These two briefings together took approx 1¼ hours.

21. The second meeting lasted for 1¼ hours and was devoted entirely to the consideration of amendments. 11 amendments had been lodged, 3 were agreed to, 6 were moved and (with the agreement of the Committee) withdrawn and the remaining 2 were not moved.

22. The 3 amendments which were agreed to were moved by Karen Gillon and supported by the Minister. Of the 6 amendments which were moved and withdrawn, 4 had been moved by Donald Gorrie, a member of the ad hoc Committee, and 2 had been moved by the Minister. The 2 amendments which were not moved were in the name of the Minister.

23. Karen Gillon’s 3 amendments were lodged on 29 January, Donald Gorrie’s 4 amendments were lodged on 30 January and the Minister’s 4 amendments were lodged on the last day, 31 January. In each case the amendments were published in the following morning’s Business Bulletin.

24. No manuscript amendments were lodged.

Stage 3

25. Stage 3 was held on 26 March 2003.

26. Three amendments were lodged. Two, by Pauline McNeill and Fiona McLeod, were moved and withdrawn and the third, by Karen Gillon, was agreed to.

Comments

27. The time taken for the whole process, from receipt of the letter from the Minister asking for the Committee’s views on whether there should be a Children’s Commissioner to Royal Assent to the Bill, was over 3 years.

28. To an extent, the introduction of this Bill was ground-breaking, in that it was the biggest Committee Bill which had been introduced to date and it represented a significant development in support for children and young people. It required considerable staff input and negotiation of an increase in the resources which were available to NEBU. With hindsight, more time should have been allowed for the preparation and consideration of the Bill.
29. Nevertheless, there was close involvement and consultation with the voluntary sector and with children and young people throughout the process. At the Bill stage, NEBU held briefing sessions with relevant interested organisations. Despite the tight timetable at Stages 2 and 3, no MSP or external agency expressed a view that insufficient time was available to prepare amendments.

30. There were some practical difficulties involved in relationships with the Executive, who were in the unusual position of wishing to make minor changes to a Bill which was not their own. However, the overall attitude of the Executive was positive and it is unlikely that the Bill could have been passed if the Executive had not supported it in principle.

Martin Verity, Clerk to the Education Committee
(formerly Clerk to the Education, Culture and Sport Committee and Clerk to the Commissioner for Children and Young People (Scotland) Bill Committee)
I wish to thank the Committee for inviting Children 1st to give evidence to this Inquiry focusing on the passage of the Commissioner for Children and Young People (Scotland) Bill. Children 1st has been involved in contributing to the progress of several Bills including the Criminal Justice (Scotland) Bill and the Vulnerable Witnesses (Scotland) Bill, and would wish to make its submission based on its range of experience.

**Generally**

1. Children 1st is committed to developing and promoting policy based on practice. Submissions from the organisation are based on a range of contributions from staff and service users. It has been a matter of concern that when committees receive submissions, it appears that equal weight can be given to those submissions which are the product of a single contributor as are given to those which are the product of a more extensive process or which represent the views of large numbers of people. More time needs to be devoted to analysing the method as well as the detail of submissions.

2. In addition to the formal consultation process, committees should take time to reflect on the views expressed by international organisations which have undertaken a review of the matters which are the subject of the Bill e.g. the report on the UN Convention on the Rights of the Child in the UK, published in October 2002. The Committee may recall that the UN was very critical about the UK failing to end the physical punishment of children. At that very time the Scottish Parliament was debating section 43 of the Criminal Justice (Scotland) Bill which was proposing a partial ban – prohibiting the use of physical punishment of children under three – and specifically the UN stated that a partial ban was not acceptable. However the Parliament quickly decided at Stage 1 to drop the partial ban. A specific consideration of the UN Report would have extended the process of deliberation but would, we believe, have been very valuable.

3. Bills are determined to be ‘competent’ if they satisfy a number of factors including being judged by the Scottish Parliament to be compatible with the European Convention on Human Rights. However Bills do not appear to have to be compatible with the UN Convention on the Rights of the Child. Although it would extend the process, it is important that committees consider the impact of the legislation on children and we would encourage MSPs to consider the introduction of a ‘child impact statement’ on each Bill at Stage 1.

4. In the first session of the Parliament, the Education, Culture and Sport Committee commissioned very useful research on consulting with children and
young people. The aims of the research were: to provide a review of the
techniques and tools for consultation with children and young people on policy
and legislative proposals; to provide evidence of the efficacy for such techniques
and tools; and to prepare draft guidelines for use by the Scottish Parliament’s
committees. Consulting with children and young people directly as a matter of
routine would add value to the Parliamentary process. During the passage of
the Vulnerable Witnesses (Scotland) Bill, Justice 2 spoke directly to child
witnesses and it proved to be a very valuable experience for all those
concerned.

5. The timing of amendments appears to be in certain cases, very tight. For
example our participation in the Vulnerable Witnesses (Scotland) Bill resulted in
a very tight turnaround for the consideration and drafting of amendments: the
Committee published its Stage 1 Report on 13 November 2003 and it was
debated in the Scottish Parliament on 19 November 2003. The Committee then
began to consider amendments at Stage 2 on 2 December 2003. This very tight
timescale, in conjunction with the complexity of the Bill, did not allow sufficient
time for proper reflection of the Report and a considered response in terms of
amendments.

Commissioner for Children and Young People (Scotland) Bill

6. The parliamentary process permits committees to introduce Bills, and this Bill
was the product of discussions about what people wanted in order to promote
respect and understanding for the needs and rights of children. Indeed when
Karen Gillon MSP introduced the Bill in January 2003 she quite rightly stated
that: “The Bill represents the culmination of extensive consultation with
organisations, children and young people”.

7. Involvement in this Bill was overall a very positive experience. The extensive
discussions and consultation prior to the publication of the Bill was an inclusive
process and resulted in views being heard.

8. Children’s charities have argued for many years that such a Commissioner
should be established to ensure a focus on the 1 million children and young
people in Scotland. The need for the appointment of a Commissioner was
agreed by both the MSPs and the children’s charities. The legislation was the
product of an effective consultation, i.e. we were listened to, and was also a
formal acknowledgement of an unmet need. It was also important that the
appointment was made by the Scottish Parliament.

9. The powers and method of functioning of the Commissioner are broadly
welcomed especially section 4(2)(b) to ”keep under review the law, policy and
practice relating to the rights of children and young people with a view to
assessing the adequacy and effectiveness of such law, policy and practice”;
section 5(2) “The Commissioner must have regard to any relevant provisions of
the United Nations Convention on the Rights of the Child”; and section 6 which
obliges the involvement of children and young people in her work. Although the
Bill was perhaps not as strong as was originally hoped, Children 1st accepts that
the range of powers in the Bill is the beginning of a process as well as delivering an important message to all public authorities.

I hope these comments assist the Committee in its deliberations. If you would like further information or clarification then please do not hesitate to contact me.

Margaret McKay
Chief Executive, Children 1st
20 May 2004
I am writing to you in response to the Procedures Committee Inquiry on Timescales and Stages of Bills. The Committee is currently considering Stage 2 of the Antisocial Behaviour etc. (Scotland) Bill which has highlighted some concerns for members of the Committee. After consultation I am pleased to submit the following points for consideration by your Committee—

- A significantly longer time should be allowed between the deadline for amendments at Stage 2, and the Committee meetings where they will be debated. The current process puts an excessive amount of pressures on Clerks and other Parliamentary staff to meet the deadlines, and does not give Members adequate time to consider proposed amendments.

- The Stage 3 debate is considered too rushed, often not allowing Members sufficient time in the debate, both to speak themselves, or to hear the proposals of others.

- The timescales are too tight, restricting the Committee’s consideration of other business during the course of Stage 2.

- A longer period would be helpful between Stage 2 and 3. This would allow Members sufficient time to review the Bill As Amended, and possibly take further evidence in preparation for Stage 3.

- The inquiry should consider a review of the documentation produced as part of the legislation process, with a view to streamlining this material in some way. Members can find it very difficult to follow Stage 2 and Stage 3 proceedings working from 3 separate documents; i.e. a groupings list; a marshalled list; and a copy of the Bill.

Johann Lamont MSP  
Convener, Communities Committee  
11 May 2004
PROCEDURES COMMITTEE

Minor standing order changes

Note by the Clerk

Introduction

1. At the Committee’s last meeting, the Committee agreed to consider two minor changes to the following Rules:
   - Rule 2.7.1 (venue for meetings of the Parliament); and
   - Rule 5.8.1 (timescale for stages of the Budget process).

2. This note sets out the issue in each case and proposes what change to the Rules could be made.

Rule 2.7.1

Current Rule and practice

3. This Rule currently provides that “Meetings of the Parliament shall be held in the Church of Scotland Assembly Hall, The Mound, Edinburgh”. This is subject to the remaining paragraphs of the Rule. The first of these (paragraph 2) allows the Parliament to decide (on a motion of the Bureau) to meet elsewhere in Scotland. The final paragraph (paragraph 3) applies where it is “not practicable” for the Parliament to decide where else to meet, and allows the Presiding Officer to specify a venue within Scotland.

4. It is clear that this Rule is intended to establish a “default” venue for meetings of the Parliament in paragraph 1, while the other paragraphs are intended only to enable occasional departures from that – paragraph 2 for planned temporary relocations (such as the meetings in Aberdeen in May 2002) and paragraph 3 to deal with emergency situations (e.g. if there was a fire or other problem with the Assembly Hall that arose without warning).

Rule-change required

5. It would clearly be most appropriate to change the reference in paragraph 1 from the Assembly Hall to Holyrood to coincide with migration to the new building over the summer recess. It is not strictly necessary to have this change in place prior to the first meeting at Holyrood, so long as the Parliament decided before the summer to meet in September at Holyrood (rather than in the Assembly Hall) under paragraph 2. But since paragraph 1 is going to have to be changed at some point, it makes more sense to change it in advance of migration, thus avoiding the need for motions under paragraph 2.
6. The Rule-change needed involves replacing “Church of Scotland Assembly Hall, The Mound” to “Debating Chamber of the Parliament, Holyrood”. No change is necessary to the other paragraphs of the Rule.

Implementation

7. It is suggested that this Rule-change does not take effect until the very end of the summer recess. This is because, while the timescale for migration and for the Parliament’s first meeting in Holyrood are no longer in doubt, there is always a possibility during any summer recess that a Parliamentary recall might be necessary (for example, to respond to a major accident or security incident).

8. In those circumstances, a meeting of the Parliament would have to take place in the Assembly Hall (which is expected to be available throughout the summer) rather than in the new Holyrood Chamber (where fitting out and testing will continue throughout the recess). For this reason, the current Rule should remain in force until the beginning of September. This can be achieved by inviting the Parliament to agree to the Rule-change on 24 June by means of a motion that doesn’t bring the Rule-change into effect until September.

Rule 5.8.1

Current Rule and practice

9. This Rule requires the Bureau, in proposing the business programme, to “ensure that sufficient time is set aside—

   (a) between the beginning of May and the end of June each year for the consideration of financial proposals;

   (b) between the beginning of October and the end of November each year for consideration of draft budgets; and

   (c) between the beginning of January and the end of February each year for the Stages of a Budget Bill.”

10. Paragraph 2 goes on to define “consideration of financial proposals” to include both committee consideration of relevant documents and Parliamentary consideration of Finance Committee reports on those documents. Paragraph 3 defines “consideration of draft budgets” to mean committee consideration of relevant documents (but does not include any Parliamentary consideration of committee reports1).

11. The purpose of the Rule is to guarantee that time is available for the 3-stage budget scrutiny process recommended by the Financial Issues Advisory Group (FIAG) which reported to the Consultative Steering Group (CSG). In practice, however, the times at which the three stages of the process have taken place have diverged from what is envisaged by the Rule. This does not mean that committees or the Parliament have been in breach of the Rules – the Rules

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1 Presumably this is because FIAG regarded a Chamber debate as optional at this stage – see Annex I of the CSG Report, para 1.6 (Stage 2 bullet-point).
merely guarantee that time should be set aside within the time-frames prescribed for Budget scrutiny to take place; they do not prevent Budget scrutiny taking place outside those time-frames. Indeed, it has not so far proved necessary for committees to rely on this Rule in keeping time aside for their budget scrutiny. Nevertheless, it would be preferable to have the Rule match up to the practice that has developed so that, should the guarantee provided by the Rule ever be needed, it would lead to time being set aside when it is needed.

*Rule-changes required*

12. In relation to sub-paragraph (a), the practice has been for the Executive to publish its proposals (the Annual Expenditure Review) by the end of March. Subject committees then consider these during April and May, and report to the Finance Committee, which itself reports to the Parliament in June (e.g. on 18 June 2002). The debate on the Finance Committee’s report takes place towards the end of June – e.g. 27 June 2002; scheduled this year for 24 June (incidentally, as part of the same Committee half-day as the one allocated to the Procedures Committee for debate on the issues raised in this paper).

13. The time-frame set out in the Rule is therefore too narrow to cover all of what happens in practice, and it is therefore suggested that “May” is changed to “April”.

14. In relation to sub-paragraph (b), the practice has been for the Executive to publish its draft budget in September (e.g. 11 September 2003 – though publication was delayed in 2002 until late October). The draft budget is considered by subject committees, during October and November, and by the Finance Committee, which takes into account reports made to it by the subject committees and reports to the Parliament by early December (e.g. 10 December 2002 and 2003). The Finance Committee Report is then debated in the Chamber by the end of December (e.g. 19 December 2002, 17 December 2003).

15. Again, the time-frame set out in the Rule is too narrow, even allowing for the fact that the Chamber debate is not part of what is provided for by this sub-paragraph. It is therefore suggested that “November” is changed to “December”.

16. No change to sub-paragraph (c) is necessary. This should remain a 2-month time-frame, reflecting the constraints already imposed by 9.16 (paragraph 5 of which requires Stage 3 to be completed within 30 days of introduction).

17. The changes proposed in relation to this Rule have been discussed and agreed at official level with the Executive. They could be brought into effect as soon as they have been agreed to.