

EDUCATION, CULTURE AND SPORT COMMITTEE

Tuesday 6 March 2001
(Afternoon)

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EDUCATION, CULTURE AND SPORT COMMITTEE **7th Meeting 2001, Session 1**

CONVENER

*Karen Gillon (Clydesdale) (Lab)

DEPUTY CONVENER

*Cathy Peattie (Falkirk East) (Lab)

COMMITTEE MEMBERS

*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Irene McGugan (North-East Scotland) (SNP)

*Mr Brian Monteith (Mid Scotland and Fife) (Con)

*Michael Russell (South of Scotland) (SNP)

*attended

WITNESSES

Patrick Andrews (Shepherd & Wedderburn)

Mr Sam Galbraith (Minister for Environment, Sport and Culture)

CLERK TO THE COMMITTEE

Martin Verity

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education, Culture and Sport Committee

Tuesday 6 March 2001

(Afternoon)

[THE CONVENER *opened the meeting at 14:16*]

Culture and Recreation Bill

The Convener (Karen Gillon): Item 1 on the agenda concerns consideration of the Culture and Education Bill, which is a UK bill and will be dealt with by means of a Sewel motion.

I thank the Minister for Environment, Sport and Culture, Sam Galbraith, for attending and ask him to make an opening comment.

The Minister for Environment, Sport and Culture (Mr Sam Galbraith): When the Secretary of State for Culture, Media and Sport announced the outcome of his spending review, he mentioned "A New Cultural Framework" which was published in 1998. As a consequence of that, the Culture and Recreation Bill was introduced to the House of Lords on 14 December and its second reading was on 18 January.

The bill contains a wide range of measures in relation to bodies that are sponsored by the Department for Culture, Media and Sport, but only three of them are of interest to the Scottish Parliament and they are fairly minor. The details allow the existing arrangements to continue for the Film Council and for Resource, which is the council for museums, archives and libraries, and for the parks regulations.

I have already sent the committee a memorandum about the effects of the bill. All the areas are proposals that will simplify existing procedures. I see no reason for the Scottish Parliament to object to the bill and am happy to answer any questions.

Michael Russell (South of Scotland) (SNP): In general terms, there is nothing difficult or offensive in the proposals and some of them are sensible, but I want the minister to respond to three points. The first concerns the Library and Information Commission and international library business. The minister will be aware that library institutions in Scotland have expressed considerable interest in an interchange with libraries in other countries and in international perspectives. I seek an assurance that the bill will not impinge on that and that there will continue to be involvement with

other countries.

Paragraph 9 of the memorandum from Allan Wilson talks about the commission's functions in relation to Scotland continuing

"until such time as the Scottish Ministers may determine otherwise."

I would like to know what discussions there are on that matter.

Given the developing policy of the minister's department, does he expect any different forms of museums registration once the review is over?

Mr Galbraith: The Library and Information Commission has never interfered with any of the information that we trade with international bodies, so that situation will not alter. It is important to remember that none of the arrangements will be altered by the bill.

Ministers are involved in discussions on the commission's functions, but they are not specific or of great note. All Governments and Executives always examine arrangements to determine whether they can be improved or changed in any way. Our discussions are no more than that.

There will be no change in the system of museum registration until we think it necessary and fit to do so.

The Convener: Am I right in thinking that there are no objections to the proposed motion?

Members *indicated agreement.*

National Stadium Inquiry

The Convener: The Minister for Environment, Sport and Culture will stay with us for this item and we are joined by John Gilmour, who is head of the sport policy unit at the Scottish Executive, and Patrick Andrews from Shepherd & Wedderburn, who were the solicitors to the co-funders. I ask the minister to make a short statement.

Mr Galbraith: The committee has taken a lot of evidence and knows most of the facts involved in the matter and I have provided you with a wind-up letter on the subject but I would like to make a short opening statement.

I have made it clear in the numerous statements that I have made to the Scottish Parliament that the Scottish Office was always a minor funder of phase 2 redevelopment at Hampden. The project was not run by the Scottish Office; the Millennium Commission was the major funder and we are grateful for the substantial work that it has put into the project and into the development of the rescue package. It is fair to say that, without that input, Scotland and Scottish football would not have had the asset that is Hampden.

The Executive first learned of the financial problems encountered by the project in late July 1999, only weeks after the Executive assumed its full powers. We could have let it fail but decided, in the national interest, to try to save it. We have been happy to play a major and constructive part in resolving the problems which, as I say, were not of our making.

Much has been said about the financial pressures relating to the project. The position of the co-funders was simple: we were not prepared to contribute further funding without knowing the final outturn costs of the project and the size of the residual funding gap. Our consultants had access to the books of National Stadium and Queen's Park Football Club, but the information that was available to us was insufficient for us to get the answers we wanted.

It has been said that the project was underfunded from the outset. The arrangement was set up by the Millennium Commission and a previous Administration. It is important to understand that when it entered the management contract with McAlpine, Queen's Park FC was not required to have a full funding package in place; it was required to be satisfied that a full funding package could be put in place. Everyone involved was aware that the project would require further funding from sponsorship deals, the debenture scheme and other sources.

The decision of the directors of Queen's Park FC to seek the appointment of administrators

came as something of a surprise to the co-funders. We were not aware of any creditor pressure—in fact, we believed that an informal arrangement with McAlpine gave Queen's Park FC the funds to continue trading over the festive period. It is important to note that the directors of Queen's Park FC were at sportscotland offices signing papers relating to the new lottery awards some time after the court had appointed administrators ad interim.

The co-funders—particularly the Millennium Commission and the Scottish Executive—put in considerable effort over many months to help resolve the problems and put the management of Hampden on a more secure long-term footing.

My officials and the commission attended many lengthy meetings—often arranged at short notice—with representatives of Queen's Park FC, the National Stadium plc, the Royal Bank of Scotland, the Scottish Football Association and other parties. It was quite an exhaustive process. The outcome is that we now have an excellent stadium that has a five-star rating from the Union of European Football Associations and some excellent ancillary facilities.

When all the offices are occupied and the museum and sports injury clinic are open, Hampden will have a life about it and a place in the community that it never really had before. It is now time to put Hampden's past behind us and to help the SFA in its efforts to restore confidence, stability and a certain pride in the Hampden stadium and to attract many more visitors, sponsors and paying customers to it.

The Convener: Thank you, minister, for your statement.

Michael Russell: The committee has received a great deal of evidence so far in what was meant to be a short, sharp inquiry and is now a lengthy inquiry. Patrick Andrews has now been here twice to give evidence. The inquiry is in danger of boiling down to whether one believes the consortium or Queen's Park FC. That is not a criticism; it is just where we are getting to, unfortunately.

The part that is hardest to understand is referred to on page 11 of the memorandum that was submitted to us. That is the period between 21 December and 10 January, when you and others believed that an agreement was in place and in which Queen's Park FC, according to the document, was, frankly, coming it. Basically, the report says that Queen's Park FC did not tell you the truth and did not give you the proper information. There is an astonishing remark on page 10, at paragraph 3.4:

“By early December, if not before, the co-funders and the Consultants had no confidence in the financial position as disclosed for both QPFC/TNS and the co-funders doubted

whether further due diligence on the figures would give the comfort required.”

If, at that stage, you had no confidence in the people with whom you were negotiating, were there any other actions that you could have taken, apart from walking away from the deal?

Mr Galbraith: I do not think so. We could have walked away. That option was open to us all the time. The first decision that we had to make when we were presented with the financial deficit was whether to walk away. Remember that the stadium was completed by that stage and was being used—there was a cup final in it. Should we have walked away from the stadium and let it and Queen’s Park Football Club, our oldest amateur club, go bust? Should we have let a stadium that had been funded by a lot of public money go at a knock-down price and lose all the public conditions that were associated with it? I took the view that we had to save it.

Once we were in to save it, I was intent on trying to see that through. We were always faced with the possibility of walking away. That came up numerous times, as yet another problem would arise. There was no other way we could get better information. We made our judgments based on the best information that we had. The only alternative was to walk away.

Michael Russell: When Christmas came and the negotiations were still going on, you expected them to start again on 6 January. When, as the report says, they did not start again on 6 January, what alarm bells rang and what actions did you take? You say that representatives of Queen’s Park FC were signing documentation after the administration order had been signed. If that is true—I have no reason to doubt it—it raises legal questions. There is also a question as to whether they were preparing for liquidation while you were still trying to negotiate in good faith. Do you believe that that was the case?

Mr Galbraith: I will have to ask you too to make that judgment. We were acting in good faith. There were lots of telephone calls because we could not understand what the hold up was, but things still seemed to be okay. We felt that we had acted in good faith. Our view is that Queen’s Park FC had acted in bad faith. We had no inkling that it was going into administration, particularly as it signed a document with sportsotland after it had been to the courts.

14:30

Michael Russell: Let us move on.

That was the most difficult moment. A recovery was possible. Paragraph 4.2 of the document gives a number of reasons for why the rescue package was even more expensive than expected.

I would like to ask about those reasons, because it is important to put this on the record and to understand what is involved here.

What was the “provision for professional fees”? The document says “an astonishing provision”. Can you put that in context? Will you tell us what the provision was and what it might have been expected to be?

Mr Galbraith: It was £450,000.

Michael Russell: What period does that cover?

Mr Galbraith: The period of administration.

Michael Russell: For that short period?

Mr Galbraith: Yes.

Michael Russell: The sum of £450,000?

Mr Galbraith: Yes.

Michael Russell: I do not know whether you or Patrick Andrews are in a position to comment on this, minister, but how far is that in excess of what would have been expected?

Mr Galbraith: That is completely beyond my scope of knowledge. I was staggered when I saw the figure—I thought “My golly, these people do well.”

Patrick Andrews (Shepherd & Wedderburn): As I put it to the interim administrator and to Dundas & Wilson, I can say only that I thought that it was an astonishing provision for fees, given the amount of work that had already been undertaken during the work-out period. That work should have made Dundas & Wilson fully apprised of the position of Queen’s Park FC and TNS.

Michael Russell: I am not asking you to tell me what the estimate would have been if you had done the work, but as you were close to this what would be a fair estimate for the amount of work that was done in that period?

Patrick Andrews: It is difficult to say. All I can do is compare it with my fees for the same period.

Michael Russell: What would they be?

Patrick Andrews: I cannot say what my fees would be for the same period, but I can tell you that from 16 August, when I was first instructed, up to completion, my firm’s fees were in the region of £120,000.

Michael Russell: That speaks for itself.

Paragraph 4.2 goes on:

“A deterioration in the settlement terms agreed with AR Limited/Austin Reilly”.

Precisely what does that mean?

Mr Galbraith: When we first agreed the settlement term, before the move to

administration, it was agreed that the package was just over £4 million, of which just over £3 million was to deal with McAlpine. The other £1 million was to reduce the borrowing requirement from the bank. Other than that, there was no provision for settlements with creditors. Once the administrators were in, we agreed a funding package to pay off all the creditors, but not what would go into it. The deal that was being done with Mr Reilly deteriorated and proved to his benefit.

Michael Russell: How much is involved financially in that package?

Mr Galbraith: I think that the figure is £100,000.

Michael Russell: How much extra did this cost McAlpine?

Mr Galbraith: I do not know. You would have to ask McAlpine that.

Michael Russell: But it was a significant increase?

Mr Galbraith: I would like the committee to recognise the contribution that McAlpine has made to the settlement of this deal, which was considerable. You will have to get the figure from McAlpine, but we are talking millions.

Michael Russell: Will you remind us of the additional taxpayers' contribution, through the Scottish Executive and Glasgow City Council?

Mr Galbraith: As a result of its going over?

Michael Russell: Yes.

Mr Galbraith: The city council and the Scottish Executive each put in £600,000.

Michael Russell: Going for administration on 10 January was a substantial increased cost, which was borne to a great extent by the taxpayer and the council tax payer, and to some extent by McAlpine and so on. It was a significant increased cost. Will you estimate the total increased cost?

Mr Galbraith: No. I do not know how much McAlpine's contribution was—you would have to ask McAlpine.

Michael Russell: Would the only beneficiary of that—in terms of this document—have been the marginal improvement in QPFC's position?

Mr Galbraith: Yes. It was a fairly minor improvement, relating to how much Queen's Park FC was going to get in terms of the leasing arrangement. It was not huge.

The Convener: Can I ask a question that I asked Austin Reilly and Queen's Park FC? I have some information that we received from Queen's Park FC today. One of the things that concerns me is the bottom paragraph of page 10, in which you say:

"On 16 December 1999 we sought to broker a deal amongst McAlpines, the Scottish Executive and the Royal Bank of Scotland to bridge the residual funding gap".

I was concerned that

"on the evening of 21 December 1999 a further Schedule of Figures was"

submitted, which indicated

"an additional deficit in excess of £500,000."

From what I could pick up from a quick reading of this report and the Queen's Park FC papers, Queen's Park FC indicates that no agreement was made on 16 December. Do you accept that? If you do not, where did the additional £500,000 come from between 16 and 21 December 1999?

Mr Galbraith: I cannot remember the exact answer to that question. My experience of all these negotiations was that every time we thought we had closed the funding gap, another £0.5 million suddenly popped out from somewhere. We faced that virtually week in, week out. Every time we thought we had it nailed down, we did not. I cannot remember what that £500,000 that popped up was. I wonder whether Patrick Andrews can remember.

Patrick Andrews: I cannot speak to the detail, but in general terms it was £500,000 for a mix of things. It was partly a product of the negotiations with the SFA and the Royal Bank of Scotland on the funding arrangements and partly the way certain revenue receipts had been accounted for in the spreadsheet of figures. Some of the income that had been received from debentures that had been sold in the run-up to the Scotland-England match should have been attributed to the bank but had been credited to funds available to Queen's Park FC and TNS. It was also partly a product of other funding within TNS and Queen's Park FC. That made up the deficit.

The conclusion that we reached on that particular date was that the schedule of figures, which showed a deficit of £541,000, could not be reconciled. Effectively, we stopped negotiations at about 10 o'clock that evening. Each party went back to their own camp to try to identify a way forward, which is what happened the following day.

The Convener: I have a supplementary, which takes us back to the evidence that Patrick Andrews gave when he was here with the Millennium Commission. We were all concerned about the state of the National Stadium plc's accounts. A lot has been made of that, not made of that and disagreed with by TNS and Queen's Park FC. In your view, as the solicitor for the co-funders, do you believe that the accounting process was appropriate and gave you the right figures to work out a solution to the problems?

Patrick Andrews: There are two elements to that. At the outset, we were asked to go into Hampden stadium and in a short period of time identify the full extent of the outturn cost for the project and the extent of the then funding gap. Those were the first questions that had to be answered before we knew how much money we were looking to put toward the project to effect a rescue. We had substantial difficulty, on the basis of the information that was made available to Deloitte & Touche and the other consultants, answering that question. Indeed, the question of the outturn project cost was not finally resolved until the end of September.

The second element that gave rise to the change in the position as it emerged during the work-out period is slightly more complicated because there are two parts to it. First, there were the changes in the finances of both Queen's Park FC and TNS that arose out of their trading activities during that period; secondly, there were the consequences of the deal for the rescue package that we were negotiating. That involved consideration of the terms of the lease with the Scottish Football Association and consideration of the funding package with the Royal Bank of Scotland.

As will be obvious to the committee, if the rental and lease go up, that has a knock-on effect; on the other side, if the cost of the funding from the bank changes, that also has a knock-on effect. There were a number of dynamics in the figures in the period from September to December 1999. Our problem was that those were never buttoned down.

As is clear from the memorandum that the Scottish Executive submitted, by November we lacked confidence in the figures that were being presented to us. For that very reason, we structured the deal that was struck on 16 December to leave a deficit to be resolved by TNS and Queen's Park FC.

The Convener: I might want to return to that point.

Mr Frank McAveety (Glasgow Shettleston) (Lab): In the minister's statement to the Parliament on 16 December, he said:

"Our monitoring arrangements were very strict, with scrutiny of monthly financial returns and regular visits to the area to see what was happening."—[*Official Report*, 16 December 1999; Vol 3, c 1679.]

The evidence that we have had so far seems to indicate a conflict among all the main players about how the information was shared. If that information was robust and monthly returns were being received, why was the deficit not detected earlier?

Mr Galbraith: sportscotland has given you a

submission on its monitoring arrangements. It did the monitoring for us. We put only £2 million into a project worth £51 million. It was correct and proper that sportscotland did that on our behalf. It has laid out all the regular monitoring arrangements. It has reviewed its internal monitoring and, although it found it to be good, it is having an independent review of that monitoring.

The stadium was built and we thought that we had got a good deal for our £2 million. As regards how we did not pick up the fact that deficits were developing, sportscotland, as far as I understand from its information, was getting projected and actual costs and receipts, which all seemed to tally at the time, and there was no evidence from what it could detect of any developing funding crisis. If there was a method by which sportscotland could have detected that, I hope that its external assessors can decide on that. It has looked at its internal systems and has found nothing to be at fault.

Mr McAveety: In the paper that we received from Queen's Park FC today, a bold statement is made on page 5, in the summary.

"QPFC consider the allegation that a 'funding gap' of £500,000 arose over a 5 day period in December 1999 to be absurd. QPFC's view is supported by our Auditors. The unverified assessments carried out for the co-funders and for TNS plc since July 1999 had not been robust and lacked certified and agreed schedules of income and expenditure for each of the above 5 activities".

The document identified five reasons why a deficit emerged. It is very difficult for the committee to get behind that information, because we are hearing such diametrically opposed views of how that information is arrived at. Can you shed any light on that?

Mr Galbraith: No, I cannot. Has the committee just received that report?

The Convener: Yes.

Mr Galbraith: I have not seen it at all. If you want to send us a copy, I can try to answer those questions and give you my comments in a follow-up memorandum.

Mr McAveety: That would be helpful.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Could you speculate a wee bit about why QPFC went into administration? It says that it had no alternative trading. What were the tactics? You stated that it would have been a terrible thing to let the stadium go. Was QPFC holding a gun to your head until its own time ran out? What were the tactics? What was the point of going into administration if it did not need to?

Mr Galbraith: I do not know. That is for representatives of Queen's Park Football Club to tell you. I would not like to speculate. Our

understanding was that McAlpine had allowed the club money to continue trading over the holiday period, that there were no problems and that the deal was about to be settled. We had absolutely no inkling that Queen's Park FC would go into administration and we were absolutely staggered when it happened. We were particularly staggered by the fact that we ended up with exactly the same package in place, except that it cost us at least £1.2 million extra in public money plus McAlpine's costs. Three months down the line, we could have had it. We do not know to this day just why the club went into administration, and I would not want to speculate.

14:45

Ian Jenkins: The only people who gained from that were Queen's Park Football Club, marginally, and Austin Reilly's consultancy.

Mr Galbraith: I think that QPFC's gain was marginal. I do not honestly think that it really gained any benefit from that.

Ian Jenkins: Did the consultants and financial advisers again?

Mr Galbraith: Yes.

Mr Brian Monteith (Mid Scotland and Fife) (Con): You expressed surprise about Queen's Park Football Club going into administration. From evidence that we have received, it would appear that Queen's Park FC and TNS had set up a trust fund back in August 1999 to ensure that payments could be made and to protect them from accusations of wrongful trading. Were you aware that they had set up such a fund to avoid accusations of wrongful trading?

Mr Galbraith: Yes. That was the trust fund that the Millennium Commission and the Royal Bank of Scotland put money into to fund the work-out.

Mr Monteith: So you were aware of that fund and that its purpose was to avoid accusations of wrongful trading against Queen's Park Football Club? Is that right?

Mr Galbraith: To fund the work-out, yes.

Mr Monteith: A couple of minutes ago, you used the words "absolutely staggered" to describe your reaction when Queen's Park FC moved into administration. From evidence that we have received, it would appear that on 22 December 1999, Queen's Park FC's advisers, Dundas & Wilson, had returned to Burness, acting for the SFA, the final draft of the proposed agreement with the SFA. That draft agreement was received back by Dundas & Wilson on 7 January 2000, but it was received back with further changes being requested from Queen's Park FC which would mean further liabilities. The legal advice to

Queen's Park FC was that the directors had no option but to seek the protection of the court by petitioning for the appointment of joint administrators.

Were you made aware at any stage, by Burness or by the SFA, that they were requesting further concessions from Queen's Park FC in the period between 22 December 1999 and 7 January 2000?

Patrick Andrews: The position that Brian Monteith has described is correct in so far as I understand it, but I would add two things to what you have said. First, that was only one part of the negotiation. The other key part of the negotiation was the funding from the Royal Bank of Scotland. When we broke at Christmas time, the SFA delegation and Burness had made it absolutely clear to everybody who was involved in the negotiations that we could not close the SFA leasing arrangements without having sight of the Royal Bank of Scotland funding documentation, which was absolutely critical in establishing the level of rental payments and the other financial elements in the package.

In the SFA negotiation at the time to which Brian Monteith refers, elements were not resolved between the parties, because the discussion had not reached a conclusion. One example of such an element was the treatment of some vehicles that were leased and made available to employees of TNS; the SFA had not decided whether it would take those vehicles on. My recollection is that it had not seen the leasing arrangements and therefore had not said that it would take the vehicles on.

Another key issue was the treatment of the BT telephone exchange in the stadium. There was some debate about whether the SFA was prepared to take that over from BT. The debate revolved round two key elements—first, how much it would cost the SFA to do that, and secondly, whether the telephone system was fit for the purpose that the SFA intended that it should be used for.

I took the pragmatic view that all those issues and others could be resolved. For example, one cannot run a stadium without a telephone system. When first we met the interim administrator and the SFA on 13 January, I reviewed all the outstanding issues. I sought to explore and explain to the administrator how each outstanding issue was resolvable. The only caveat that I left with him was that which I had discussed with Queen's Park's advisers and the bank. The co-funders could not assess whether Queen's Park could afford the deal that was on the table, because we did not have confidence in the financial information that had been made available. However, I was confident that we could make the package work and that an agreement could be reached. What

happened subsequently, within a relatively short period during March, shows that I was correct.

Mr Monteith: Thank you for that extensive answer.

The injection of additional funding helped to settle the matter and concluded the deal to everybody's general satisfaction, although we must have an inquiry to discover what went wrong. However, it has been argued to the committee that, by negotiating directly as principals with the SFA and other co-funders, Queen's Park Football Club avoided what have been described as the fractious relationships that existed among the professional advisers of all the parties. Dealing directly helped to bring the matter to a successful conclusion. Do ministers or officials wish to comment on that?

Mr Galbraith: What point are you trying to make?

Mr Monteith: Do you agree with Queen's Park Football Club's point that dealing direct with the Executive and the SFA, rather than through advisers, helped to bring the matter to a conclusion?

Mr Galbraith: As members have probably worked out by now, the package was extremely complex and problems arose daily. I learned more about finance during that period than I had ever learned or will learn in future. It would not have been within our competence to conduct the negotiations without professional advisers—that is why they were involved. We could never have avoided that.

Irene McGugan (North-East Scotland) (SNP): The minister issued a press release in February 2000 that intimated that any rescue package was contingent on three conditions, one of which was that the SFA must be involved in any new management arrangement. Did the Executive propose that requirement? If not, whose suggestion was it, and why was it non-negotiable?

Mr Galbraith: Three conditions were required: we had to try to identify the funding gap; we needed a viable business plan; and we needed good, sound management in a system that we knew about.

The reason for the involvement of the SFA was that it was putting in over £1.5 million of the running costs, which were reckoned to be just over £2 million. Any management arrangements, package or business plan had to involve the SFA or it was not a viable business plan. The SFA was involved for that reason and for that reason only. We did not choose the SFA to manage the stadium: that was the only proposition that was ever put to us. If the three conditions were fulfilled, it would have been acceptable for anyone else to

put propositions to us.

Irene McGugan: Running a national stadium is a considerable responsibility. Was any consideration given to anybody else for taking on that role?

Mr Galbraith: If anyone else had come forward, we would have given them consideration, but no one came forward with another plan for running the stadium.

Irene McGugan: Looking at it now, does the minister think that that was a good decision? Since the SFA took over, has the management outcome been successful?

Mr Galbraith: Yes, I think that it has been. The SFA has been professional, in that it has set up a company that is separate from its committee structure, and it has appointed a manager. The SFA's input, including the use of office space and use of Hampden, accounts for more than half the business plan. I think it is also useful that the National Stadium is embedded in the governing body. So far, the decision has proved to be successful.

Irene McGugan: Given that there is a considerable amount of public money invested in the National Stadium, is there any scope to allow more public influence over future decision making about and management of Hampden?

Mr Galbraith: Irene McGugan should remember that the stadium is owned by Queen's Park Football Club, which is a private company; that is the way that the Millennium Commission set it up. Short of legislation, we do not have any powers of enforcement in relation to private companies. However, as the member knows, when Queen's Park accepted funding from the Millennium Commission, one of the undertakings that the club made was that there should be public use of and involvement in the stadium. That includes the stadium's use for non-sport events, including political party meetings and so on. We were able to preserve those other uses as a result of that arrangement; they might otherwise have been lost.

Glasgow City Council also attached community use conditions to its funding package. I hope that that is something that the SFA—as the stadium manager—will also seek to get involved in, as one of its aims is to make the stadium a community facility. Members should not forget that the SFA plans also to make the stadium a visitor attraction that has a museum, lecture theatres, function rooms and a sports injury clinic. More and more, members will find that the public will be involved with the stadium.

Irene McGugan: My final comment, which is based on a visit that I made at the weekend, is that the stadium is extremely difficult to find. An

investment in new signposts pointing people to the stadium would be very well received by visitors.

Mr Galbraith: I have been going to Hampden Park since I was a boy, and I still do not know how to get there.

Irene McGugan: Exactly.

Mr Galbraith: I find the crowd and I follow it, but if you asked me how to get there, I would have no idea.

Mr McAveety: The minister should go sober.

Mr Galbraith: I did not catch what Mr McAveety said. We always went on the train from Greenock to Mount Florida.

Irene McGugan: People can also get there by bus.

Ian Jenkins: We now know why there are so few people at SNP conferences. [*Laughter.*]

Mr Galbraith: I could not possibly comment on that.

Michael Russell: Ian Jenkins's comment was rich, coming from a Liberal Democrat.

I am glad about the minister's solicitude for our conferences. I must say that the national stadium is in danger of being too small for our conferences. [*Laughter.*]

Mr Galbraith: Dream on.

Michael Russell: I want to return to the crucial issue of administration; the two crucial issues in this inquiry are the monitoring that took place at the beginning, and administration.

In his evidence to the committee on 13 February 2001, Austin Reilly said that he did not believe that the Executive was told that the project was going into administration. He said:

"From being a party to events as they unfolded, and having taken advice from our legal advisers prior to attending this inquiry, I have no doubt whatever that the co-funders should have been advised by their professional advisers that Queen's Park was about to move into administration."—[*Official Report, Education, Culture and Sport Committee* 13 February 2001; c 2059.]

I presume that the minister would deny categorically that that happened.

Mr Galbraith: Yes, absolutely categorically.

Michael Russell: Absolutely categorically?

Mr Galbraith: Yes.

Michael Russell: That is useful. My second question relates to the level of advice that Queen's Park was given, although I understand that the minister cannot comment specifically on that. However, were the administrators during the period of administration that began on 10 January

the same people who provided legal advice to the club before administration? In other words, were they the club's solicitors?

Mr Galbraith: Yes.

Michael Russell: They were the same people.

Therefore—I am not asking the minister to comment on this—I presume that they would be the same people who are referred to in column 2058 of the *Official Report* of the committee's meeting on 13 February as the advisers who advised the company that it could not continue to trade at that stage and that the directors would be personally liable in circumstances of insolvency. I presume that that was the case.

Mr Galbraith: Yes.

Michael Russell: Thank you.

Cathy Peattie (Falkirk East) (Lab): In your introduction, you said that we need to put the past behind us and to move forward. Do you think that we can do that, or might funding issues and other issues emerge?

15:00

Mr Galbraith: I pray not. Our experience was that every time we thought that we had nailed the situation down, something else emerged.

These things are pot luck, but we have a five-star stadium that will host the European cup final. I think—oh, gosh, I should never say this—that it is looking reasonable for the future. That was a fatal thing to say.

Cathy Peattie: Would it be a hard question at this stage to ask what we have learned from the situation? The committee has had a fairly amazing experience, in relation to the catalogue of incidents that led up to the stadium being built. Given that we might want to build similar facilities in future, what has been learned and what procedures could be put in place to ensure that—

Mr Galbraith: If large sums of money are being put into a project, the Scottish Executive will be careful to make a minor contribution in future. You can be sure that we will get the blame for any trouble.

Whoever is the major funder must examine the management arrangements closely. The Scottish Executive was not around when the project was established—that was way before our time, and before my time. We were funding the project, not managing it. We gave money to Queen's Park, which set up another company down the line.

Our job was not to manage or micromanage the project, but we will want to be sure that appropriate management arrangements are in place in future projects. We were determined

during the work-out period to ensure that whatever was put in place would be a robust and solid management arrangement, rather than leaving the project to be run by a chairman and a chief executive, given the close links between them and the other board. Those are the two areas about which the committee should be clear.

The Convener: My first question is for Patrick Andrews. Are you aware who the professional advisers to TNS plc were in the period between January 2000 and March 2000?

Patrick Andrews: TNS continued to be represented legally by Dundas & Wilson. In the negotiations that unfolded, Dundas & Wilson represented both Queen's Park—in administration—and TNS.

Michael Russell: Did Dundas & Wilson represent both parties?

Patrick Andrews: Yes.

Michael Russell: That company represented Queen's Park, which was in administration, and TNS, which was not in administration?

Patrick Andrews: Correct.

The Convener: They were represented by the same—

Michael Russell:—by the same company and by the same individuals.

Patrick Andrews: Correct.

The Convener: Is not that unusual? Is it legal?

Patrick Andrews: It is certainly legal. It is unusual, but the structure and the circumstances were unusual.

The rescue package could not be put in place without unravelling the contractual arrangements that were in place at the stadium and which involved TNS. To an extent, therefore, that would influence TNS and Queen's Park in the administration's choice of legal adviser.

Michael Russell: Was that choice surprising?

Patrick Andrews: It was not surprising in the circumstances. It may have given rise to the potential for conflict, in that the interim administrator would have an eye on the negotiations that unfolded during the period of the work-out. He would not have been in a position to assess the level of advice that Queen's Park received during that period.

Michael Russell: In general, would such an arrangement be undesirable?

Patrick Andrews: My view is that it would be undesirable.

The Convener: I will ask a final question,

because I know that there are time constraints on us.

Much has been made of a meeting that took place between the Earl of Dalkeith and Mr Austin Reilly. Obviously, the minister was not party to that meeting, but I have correspondence from the Millennium Commission, including copies of letters dated 12 February and 5 March 1999, that say that it was unable to provide additional funding. The exact wording of the letter of 5 March 1999 is that the Millennium Commission was unable to provide

“the ‘funding comfort’ you needed”.

The Millennium Commission suggested that Mr Reilly might approach other funding bodies. To your knowledge, did any correspondence come the way of the Scottish Executive?

Mr Galbraith: No.

The Convener: So you are aware of no approach for additional funding being made to the Scottish Executive, following the letters from the Millennium Commission that said that it could not provide the funding.

Mr Galbraith: I am aware of no such approach.

The Convener: That is helpful, thank you.

Finally, minister, did sportscotland make you aware of any bids that it received for additional funding, following the letters from the Millennium Commission that said that it could provide no additional funding?

Mr Galbraith: No. I would be surprised if the project had approached sportscotland, rather than approaching the Executive directly.

Michael Russell: Would you check that?

Mr Galbraith: Yes.

The Convener: That would be very helpful.

The Millennium Commission correspondence also mentions the Scottish Office. With whom would it be appropriate to take that up? Would anybody at the Scottish Executive be able to provide—

Mr Galbraith: You will not be able to gain access to information about the previous Administration.

The Convener: I am talking about 1999.

Michael Russell: That would be before the 1999 election.

The Convener: Are you saying that we would have no access to information from before the election in 1999?

Mr Galbraith *indicated agreement.*

The Convener: As there are no further questions from committee members, I thank the minister for his time. If he has any further information, I ask him to provide it to the committee as soon as possible.

We will have a brief adjournment.

15:06

Meeting adjourned.

15:25

On resuming—

Adoption and Fostering

The Convener: Item 3 on the agenda is to decide whether the committee should conduct an inquiry into adoption and fostering, what the remit of such an inquiry should be and whether an adviser should be appointed.

Members will have received a paper on the report that was published this week—"Learning with Care"—and the recommendations that it contains. I am sure that the committee will agree that it is worrying that so many young people who are in care do not yet have individual learning plans or care plans and are not achieving as much as they should be. The committee may want to pick up on that.

Our agenda is slipping and becoming increasingly full. A major inquiry into adoption and fostering would be on the committee's agenda only towards the end of the summer. We have received written evidence that we must consider before then, and an adviser may be beneficial. I invite members' comments on the Scottish Parliament information centre paper that has been circulated.

Cathy Peattie: The issue is important. I have read the SPICe paper, which is comprehensive. In the light of the findings of the report that you have just referred to, convener, we might begin by prioritising areas that we want to address. The proposed inquiry should be a priority for the committee, and an adviser would help us to carry out that work. I would like us to begin the process as soon as possible.

Irene McGugan: What status do the recommendations in "Learning with Care" have? Will local authorities be required to implement all of them or do the recommendations not have that force?

The Convener: The minister has asked each local authority to indicate by 31 March how it intends to implement the recommendations. It might be useful for the committee to write to the minister, asking what action he is taking on the report, what status the recommendations have and what action he can take if they are not implemented by local authorities.

Irene McGugan: That would be useful. It was interesting to read how many inquiries and investigations are under way under the broad heading of adoption, fostering and looked-after children. It would be useful to get some help in pulling those reports together to find out where the

gaps are. I was especially pleased that the University of York is going to undertake research into the support that is or is not available to young people who are leaving care. The lack of such support has been a recurring theme in some of the evidence that we have received from organisations representing young people.

We must also bear in mind the barriers to change that have been identified in research by the Joseph Rowntree Foundation; those barriers are fundamental and exist at the level of the rights and needs of children. If those basics are not right, anything else that is done is simply tinkering at the edges. We must examine the fundamentals of how we relate to children and what kinds of services we provide for them.

Mr McAveety: A major report needs to be put together on looked-after and adopted children. A consistent theme in what prospective adoptive parents have said to me has been the inconsistencies in the time scale, assessment interviews and employment rights. Last week I dealt with a case in my surgery involving someone who in usual maternity circumstances would have had leave with payment. That does not happen in the case of some folk who are adoptive parents; they are denied it. Local authority standards are an issue; it would be helpful to examine those.

Ian Jenkins: An adviser would help us to see the scope of the issue and to draw it together. I agree with everything that has been said. We should not hesitate to appoint an adviser.

15:30

The Convener: I will make two suggestions. First, we should ask for a letter from the minister and we could ask him to come to the committee—after 31 March, when he has received the responses from local authorities—to give us an update on where we are on the learning with care agenda. Secondly, I suggest that we seek approval from the Parliamentary Bureau for the appointment of an adviser.

The committee should consider the matter and produce some ideas on how we think the report should be focused. Perhaps Irene McGugan and Cathy Peattie could liaise on that in the first instance. Any other members who want to contribute can give them some input; they could then come back to the committee with a series of recommendations on which we can move forward. Do members agree to that course of action?

Members indicated agreement.

Subordinate Legislation

The Convener: Item 4 on the agenda is to consider, under negative procedure, the General Teaching Council (Scotland) Election Scheme 2001 Approval Order 2001 (SSI 2001/18). Members will have received the paper from the clerks. It sets out the purpose of the order, which details the rules for elections for members of the General Teaching Council for Scotland. The issue was subject to considerable debate by this committee during its consideration of the Standards in Scotland's Schools etc Bill. Does anybody want to comment?

Michael Russell: The SNP opposes the changes that were made, as indeed does the GTC on some details. However, as the bill has been passed, it would be churlish or foolish—possibly both—to oppose the instrument, because what it proposes is going to happen anyway. I will put on record our belief that what is proposed are not the best changes to help the GTC or democracy and openness in Scottish education.

I draw the committee's attention to article eight (16), which could be the best thing in the instrument and should perhaps be extended to all elections. It states:

"The Returning Officer shall have the right to edit any election statement if it exceeds the permitted number of words or because it contains statements which are intended to deceive or are of a defamatory or offensive nature."

That would keep returning officers very busy.

The Convener: Thank you, Michael. Are there any comments? Do members support the instrument?

Members indicated agreement.

Public Petitions

The Convener: Item 5 on the agenda is consideration of public petitions.

Petition PE23 is from the Save Wemyss Ancient Caves Society. At our meeting on 10 January, the committee noted the work that had been done on the petition and asked the clerk to forward all the papers to the petitioners to seek their comments. The letter from the petitioners, which members have, indicates their continuing concern about the need for easier access to the caves. We have also had feedback from other committees, Historic Scotland, the Executive and Fife Council.

I suggest that the committee now has sufficient evidence and information on which to come to a conclusion. We can come to one of two conclusions, either that we have no recommendations to make to the Executive, Historic Scotland and Fife Council, or that we want to make a recommendation to one or more of the above. Do any members have especially strong views either way?

Michael Russell: We have always been supportive of the petition. We should urge the Executive, Fife Council and Historic Scotland to help, as £20,000 to £30,000 is not very much money. The existence of the caves and their drawings seems to be at risk, so we should recommend that all the bodies that are involved act with urgency.

The president of the Save Wemyss Ancient Caves Society is Councillor John MacDougall, the convener of Fife Council. However, all the documentation seems to vilify Fife Council. The solution is in the society's hands—perhaps it should fire its honorary president. Alternatively, it should start trying to ensure that some action is taken. I suggest that we recommend that all the bodies involved assist the society in undertaking the work that has been identified.

Mr McAveety: This is a matter of maintaining the opportunity for dialogue, to determine whether there are ways in which the society can explore—for want of a better word—some options.

The Convener: The committee can suggest to all the agencies involved that they continue to work with the petitioners to find the solution and we could draw a line under our involvement in the matter and allow that discussion to continue.

Michael Russell: We should also recommend to the Executive, Fife Council and Historic Scotland that the work should be done. We should enclose in those letters an extract from the reports of our meetings.

The Convener: Yes, but that would be the end

of the committee's involvement with the petition.

Michael Russell: I suspect that it would be, unless we were prepared to go out there and dig the paths ourselves—although that might be an option.

Mr McAveety: It depends on how we behave in the committee.

Ian Jenkins: That would be more like filling a big hole, surely.

The Convener: Do we agree to follow the suggested course of action?

Members indicated agreement.

The Convener: Petition PE184 is from the Federation of Child Poverty Action Groups in Scotland. We asked other parliamentary committees with relevant interests to make recommendations to us on the petition; all those committees suggested that we take no further action. The issue was the subject of an unsuccessful amendment, moved on 7 June 2000, to the Standards in Scotland's Schools etc Bill. I open the discussion for comments from committee members.

Ian Jenkins: The petition brings together some interesting and valuable information and refers us to good research and documents dealing with nutrition and to all the arguments that are put whenever we discuss school meals. However, I feel that the extension of the entitlement to free school meals to all the families that are mentioned in the petition would be a big step to take, and I am not sure that we can take it immediately simply because of the petition. The argument is bigger than that.

The Convener: I shall suggest some actions that we could take to get more information on the subject that the petition raises. First, we could ask the minister exactly what the cost to Scotland's local authorities would be of implementing the proposals. Secondly, we could ask what action the Executive is taking to encourage the take-up of free school meals, which does not seem to be happening. Thirdly, we could ask whether the Executive has evidence from local authorities of best practice in encouraging take-up of free school meals without stigmatising those young people who receive them. Fourthly, we could ask what action the Executive is taking to establish more enforceable nutritional standards in school meals. The availability of free school meals should not be extended if young people are going to be provided with food that is not nutritionally beneficial to them. We may consider taking those actions and getting that information from the minister.

Michael Russell: I would be entirely in favour of doing so. The amendment was moved by Helen Eadie on 7 June. She also voted in favour of it,

putting her name on the list of SNP members for the first—and, I suspect, last—time. It is right now to push forward on the basis of some facts. The paper that we have received provides some facts, but we do not have a complete costing or information about the nutritional ambitions of the Scottish Executive. We do not have much information about what success local authorities are having in providing free school meals—provision varies widely throughout the country. We should write to the Executive for further information. At some stage, the committee might want to recommend the proposals in the petition, but it should do so only on the basis of the figures.

Cathy Peattie: I accept what has been said. The committee might want to return to the issue of school meals in the wider context of their nutritional value and the nutrition of young people. I look forward to hearing the feedback from the minister.

Mr McAveety: I think that it is a good idea to get further information. The context is that a number of authorities have improved the take-up of school meals and have then been criticised for the increased number of youngsters who are taking free school meals, although the meals are much more attractive.

The second issue is that there are other ways to address the nutritional needs of young people. A number of authorities are considering a combination of breakfast clubs and guaranteed access to fruit every day for children in primary and nursery schools.

The totality of such initiatives might be more effective. Once we have the information, we will be able to make a much better assessment of the relative worth of the recommendation.

Michael Russell: My colleague Irene McGugan has an excellent proposal involving berries. I am sure that the committee could all sign her motion and move the proposal forward. It is a Finnish example, although I hesitate to mention Finland in the committee.

The Convener: I will action the points that we have agreed and we will progress on that basis.

Mr Monteith: I would like to make some comments.

The Convener: I am sorry. I did not see you signalling.

Mr Monteith: It is difficult for us to make any decision without further evidence. I accept the recommendations that the convener has made and Frank McAveety's comments on overall nutrition. For instance, to provide fruit instead of crisps at break times—or at least to provide the choice—is as important as the school meal at lunch time.

If we are going to examine school meals, we will have to consider their quality. Another issue—as members may recall, it was raised in the Scottish youth health congress—is portion control, especially for those in primary 6 and primary 7, who feel that they have a mean deal when they get the same portion as those in primary 1.

We need to look at the broader issues. The information that the convener suggested that we gather will be the beginning of that.

Committee Business

The Convener: We move on to item 6, which is an update on committee business. Our timetable has been subject to some change.

Michael Russell: It is altered before the ink is dry on it.

The Convener: Indeed. Some of the change was not of our making and was caused by inclement weather in various parts of Scotland.

As I understand it, the visit to Falkirk Council, which was due to take place on 13 March, has been postponed. We will now have the seminar that we were due to have this week on 13 March.

Michael Russell: Is that at 2.30 pm?

The Convener: Yes. It is from 2.30 pm to 4.30 pm or 5 pm.

On 20 March, we will have the much-publicised visit of the Scottish Qualifications Authority to the committee, when we will ask its representatives various questions. On 27 March, we will hear evidence from the Scottish Rugby Union, Historic Scotland and the Scottish Sports Association. We will also hear from Scotland's grant-aided schools. On that point, I know that most members have received letters from all the grant-aided schools. I have asked the clerks to draft a response from me, stating the committee's position on the letters that we have received. I intend to circulate that for your information when I have it.

That takes us up to 27 March. On 3 April, we will consider our draft report for our national stadium inquiry. We have a lot of information, which many of us have not had the chance to plough through. A number of other issues arise in supplementary evidence that we have received today. One is the final account and grant determination from the Millennium Commission. There appears to be some misunderstanding or difference of opinion about that. I shall write to the Millennium Commission, asking for a copy of the final agreement that it entered into at the time of the March 2000 sign-off. That will help us in our deliberations. The committee will also receive other information. Once we have that information, we may want to consider further evidence or proceed to a report; that will be for the committee to decide.

15:45

That takes us up to the Easter recess. We hope that, on 24 April, we will begin our schools infrastructure inquiry with a visit to Falkirk. We then have a meeting pencilled in for 1 May. It has been proposed that we go to Dundee on that day,

although I suggest that that would not be the best day for us to go there. There may not be a maximum attendance of committee members, if other events go ahead. It might be best for us to hold the meeting in Edinburgh on that day and to visit Dundee another time. If we are to visit Dundee, we will want to do it justice and ensure that we can all attend. After that, we will move on to a detailed inquiry into schools infrastructure.

Our diary is full until the summer recess. I shall ask the clerks to circulate a copy of the suggested forward work programme. The programme for this year has been subject to considerable change as matters have arisen, but it is important that members have a copy of the new one. We will go to Stornoway on 11 and 12 June, to consider Gaelic broadcasting. Mike Russell is organising that for us, with the clerks.

Finally, as part of our work on establishing a children's commissioner, I said that I would contact colleagues in Belfast and Cardiff. I have asked to meet them, but to do so I must have the committee's permission to travel if necessary. We could put a proposal to the conveners group and the Scottish Parliamentary Corporate Body to allow me and one of the clerks to meet the relevant conveners and report back to the committee.

Members indicated agreement.

Cathy Peattie: I have started work as a reporter on my inquiry into traditional arts. It would be helpful if I had the opportunity to look at some of the work that is being done. I am not proposing to visit a big festival over the summer—although that is tempting—but I would like to go north, to look at one or two projects there. When we go to Stornoway, I hope to spend another day there, speaking to various people. I would like the committee's permission to do that.

The Convener: I gently remind members that we should have put together a programme of visits for our individual reports. I am as guilty as anybody of not having done that yet. I suggest that we do that as quickly as possible. Members can suggest their plans to the committee and we can approach the relevant bodies for approval if funding is required for travel. Members should let Martin Verity know when they have such plans, so that those plans can be put on the agenda.

Irene McGugan: Whereabouts on the agenda is the technology teachers investigation that we are undertaking?

The Convener: It is not yet on the agenda. We have written for the information that the committee requested. Once we have received that information, I shall circulate it to committee members and we will seek a slot on the agenda for our discussions.

Michael Russell: We agreed that we would consider the review of higher still at some stage. Although that review has not taken place yet, we must bear it in mind, as it will be important. On another matter, I shall meet John Angus MacKay of the Comataidh Craolaidh Gàidhlig tomorrow morning; I hope to produce a first-stage report immediately after the Easter recess.

There has been a huge amount of press coverage of various issues relating to the SQA situation, which has been difficult to get a grip of. It would be useful if the clerks could produce—perhaps for next week—a digest of the stories that have appeared since the committee's report and of the SQA's formal response to them, by heading, as we will need to analyse those systematically. The clerks might produce a briefing note for next week, to prepare us for the SQA meeting.

The Convener: I suggest that we also write to the minister, asking for an update on the position as he understands it.

Michael Russell: It would be useful if we could discuss the matter next week.

The Convener: I will put it at the top of the agenda for next week. Can we agree to meet at 2 o'clock next week?

Michael Russell: Next week is the week before we meet representatives from the SQA.

The Convener: Next week, we will have a meeting on the schools infrastructure inquiry.

Michael Russell: Aye. Can we address the SQA issue at the end of the meeting?

The Convener: Rather than at the beginning?

Michael Russell: If possible.

The Convener: Okay. Can we agree to deal with the SQA issue at the end of next week's meeting?

Members *indicated agreement.*

The Convener: As there is no other business, I close the meeting.

Meeting closed at 15:50.

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