



Law Society  
of Scotland

# Consultation Response

Commission on Parliamentary Reform

Call for Written Views

The Law Society's Response

January 2017



## Introduction

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The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Constitutional Law Sub-Committee welcomes the opportunity to consider and respond to the Scottish Governments consultation: Commission on Parliamentary Reform: Call for Written Views. The Sub-committee has the following comments to put forward for consideration.

## General Comments

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The Society welcomes the opportunity to respond to the Commissioner and Parliamentary Reforms call for written views. We note the remit of the Commission is to consider how the Scottish Parliament –

- a) Can increase its engagement with wider society and involve the public;
- b) Can clarify its identity, as distinct from the Scottish Governments; and
- c) Can be assured that it has the right “checks and balances” to enable effective conduct parliamentary business.

The Scottish Parliament was designed to be accessible, open, responsive, and to develop procedures which make possibly participative approach to the development, consideration and scrutiny of the policy and legislation. The Scottish Parliament was also to embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Government. Another feature of the creation of the parliament was that the Scottish Government should be accountable to the Scottish Parliament and that Parliament and the Executive should be accountable to the people of Scotland. These principles together with the recognition of the need to promote equal opportunities for all created the bench marks for the Parliament when it began its work nearly two decades ago and underline how the Commission's remit is pertinent to the operation of the Parliament today.

## Specific Comments

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### Engagement

#### 1. Has the Scottish Parliament engaged effectively with the people of Scotland so far? Has it engaged better with some groups or on some issues better than others? What are the reasons or evidence for your views

Broadly speaking the Scottish Parliament has engaged effectively with many people in Scotland and although there is some qualitative or quantitative evidence (see P Cairney and J Johnston, “What is the Role of the Scottish Parliament?” (2013/14 1 Scottish Parliamentary Review 91) to advance it is clear that it has engaged better with some groups on some issues than with others. Some of this is because the nature of the pre-policy or pre-legislative consultation which Government conducts and some because of the product of that consultation which is introduced into Parliament as legislation.

It is relatively easy for professional organisations, campaigning bodies, academics, experts in the relevant fields, and those accustomed to civil service and political structures to respond to Parliamentary inquiries and stage one evidence gathering. It is less easy for those whose interaction with Government or legislative authorities is unusual or sporadic. There are issues concerning the language used in consultations, the assumptions made of prior knowledge and the understanding of the constitutional and legislative back drop. The process for considering Bills or considering the significance of proposal amendments can also be difficult. These factors may militate against a broad range of participation from a broad range of people.

Some potential participants may be put off by the sense of political detachment documented in Reports such as the Hansard Society’s Regular Audits of Political Engagement.

The current practices for delivering draft legislation frequently reference legislation which is already in force. However once legislation has been made it can frequently be difficult to find an up to date version of that legislation (or one which makes sense due to the cumulative nature of the statute group, where a later statute amends and earlier one in various ways to differing degrees). [legislation.gov.uk](http://legislation.gov.uk) as the repository of statute law which is freely available to the public is not kept up to date quickly enough and can give a misleading impression of the law in force at given time. Commercial statute law data bases show it is not impossible to provide an up to date version of statute law on-line in a way which is readily accessible and minimises the “cut and paste” approach of the pre internet days. However commercial law databases can be expensive to access and may be beyond the resources of individuals or groups with other more pressing priorities.

## 2. What has been your experience of direct engagement with the Parliament?

In response to question 2 we have had good experience of direct engagement with the Parliament since the very early days of the Parliament's establishment. As the Parliament's primary functions are to hold the government to account and also to exercise legislative oversight through the scrutiny of Bills and subordinate or secondary legislation the Law Society naturally has an interest in considering proposals for change in the law and promoting good law which we see as meeting the delivery criteria "necessary, clear, coherent, effective, and accessible". We have a statutory mandate to promote the interests of the solicitors' profession and the interests of the public in relation to that profession and statutory objectives of supporting the constitutional principle of the rule of law and the interests of justice. We take the view that commenting upon legislation and contributing to inquiries are important ways in which the Society can meet these statutory objectives. We regularly contribute to Committee inquiries, submit written evidence and provide oral evidence to Committees at Stage 1. We also brief all MSP's on Bills at Stage 1 debate and Stage 3 debates. Frequently we provide amendments and briefing to all members of relevant Committees where legislation in which we have an interest may be being considered.

MSP's their staff and the Parliament's staff frequently welcome the briefing material and advice we provide on Bills and Government policies. We have regular meetings with Government, backbench and opposition MSP's and we maintain a non-political stance in connection with legislative or policy proposals.

An indication of the work which we have undertaken in the last year in connection with the Scottish Government and Scottish Parliament proposal can be seen in the undernoted table. We commented on 44 Scottish Consultations and 18 Bills in the Scottish Parliament during 2015/16.

Consultation	Issued by	Lead Committee
<b>Consultations Submitted November 2015</b>		
Consultation on a statutory code of practice and training requirements for letting agents in Scotland	Scottish Government	Property and Law Reform
Shaping the work of your Human Rights Commission	SHRC	Human Rights working party
Human Rights Inquiry	EU and External Relations Committee	Human Rights working party
<b>Consultations Submitted December 2015</b>		
Call for Written Evidence - Independent Review of Planning System	Scottish Government	Planning
Consultation on Prostitution Law Reform (Scotland) Bill	Jean Urquhart MSP	Criminal
Proposals to strengthen the presumption against short periods of Imprisonment	Scottish Government	Criminal
Consultation Draft: Charity Trustee Guidance	OSCR	Charity
<b>Consultations Submitted January 2016</b>		
Registers of Scotland: Keeper Induced Registration consultation	Registers of Scotland	Property and land law
Consultation on draft Land Use Strategy for Scotland	Scottish Government	Property and land law
Response to Brain Injury and Offending Consultation	NHS and SPS	Health and Medical Law
<b>Consultations Submitted February 2016</b>		
Consultation on proposals for the introduction of the role of and Independent National (Whistleblowing) Officer (INO)	Scottish Government	Health and Medical Law
Human Rights Inquiry	European and External Relations Committee	Constitutional Law
Supplementary written evidence to Human Rights Inquiry	European and External Relations Committee	Constitutional Law
Supplementary written evidence on Scotland Bill clause 2	Scottish Parliament	Constitutional Law
Post-legislative scrutiny of the Family Law (Scotland) Act 2006	Justice Committee	Family Law

<b>Consultations Submitted March 2016</b>		
Consultation on the SLC Report on Adults with Incapacity	Scottish Government	Mental Health and Disability Law
The Scotland Bill - Consultation on Draft Order in Council for the Transfer of Specific Functions of the Employment Tribunal	Scottish Government	Employment Law
SCVO: consultation on the future of charity fundraising regulation in Scotland	SCVO	Charity Law
Consultation on a criminal offence of domestic abuse	Scottish Government	Criminal Law
<b>Consultations Submitted April 2016</b>		
Consultation on the Draft Planning and Delivery Advice on Housing and Infrastructure	Scottish Government	Planning Law
Rental Income Guarantee Scheme: Support for new purpose build-to-rent Private Rented Housing in Scotland	Scottish Government	Property and land law
<b>Consultations Submitted May 2016</b>		
Consultation for Loss of pension rights in Employment Tribunals	Working group of Employment Judges	Pensions Law
Commission and Diligence in Family Actions in the Civil Courts	Scottish Government	Family Law
SLC Discussion Paper on Prescription	Scottish Law Commission	Obligations Law
<b>Consultations Submitted June 2016</b>		
Consultation on the Implementation of certain sections of the Mental Health Act (Scotland) 2015	Scottish Government	Mental Health and Disability Law
Developments in Environmental Justice in Scotland	Scottish Government	Environment Law
Consultation on the minimum age of criminal responsibility	Scottish Government	Criminal/Family
Scottish Government consultation on Children's Rights and Services Planning	Scottish Government	Family Law
Taxi and Private Hire Car Licensing: Consultation on the impact of modern technology	Scottish Government	Licensing Law
Consultation on secondary legislation proposals relating to Part 3A of the Land Reform (Scotland) Act 2003 – the community right to buy abandoned, neglected or detrimental land as introduced by the Community Empowerment (Scotland) Act 2015	Scottish Government	Planning Law

<b>Consultations Submitted July 2016</b>		
No-Blame' Redress Scheme: A Public Consultation on Draft proposals for a 'No-blame' Redress Scheme in Scotland for Harm resulting from Clinical Treatment	Scottish Government	Health and Medical Law
Draft Code of Practice for Stop and Search	Scottish Government	Criminal Law
Consultation on Police Powers to Search Children and Young People for Alcohol	Scottish Government	Criminal Law
SLC Discussion Paper on Defamation	Scottish Law Commission	Obligations Law
<b>Consultations Submitted August 2016</b>		
LBTT call for evidence	Scottish Parliament (Finance Committee)	Tax Law
The Scottish Affairs Committee Inquiry into Scotland's Place in Europe	Scottish Affairs Committee	Constitutional Law
Policing and Crime Bill - Legislative Consent Memorandum	UK Government	Criminal Law
<b>Consultations Submitted September 2016</b>		
The Scottish Parliament's European & External Relations Committee Inquiry Into Scotland's Relationship with the EU	The Scottish Parliament's European & External Relations Committee	Constitutional Law
A Scottish approach to taxation: Scottish Parliament Finance Committee call for evidence	The Scottish Parliament Finance Committee	Tax Law
<b>Consultations Submitted October 2016</b>		
Brain injury & Offending	Scottish Parliament Justice Committee	Health and Medical Law
Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service (COPFS)	Scottish Parliament Justice Committee	Criminal Law
A New Future for Social Security: Consultation on Social Security in Scotland	The Scottish Government	Social Security Working Party
Consultation on Transposition of Environmental Impact Assessment Directive EU2014/52	The Scottish Government	Planning Law
Consultation on the implementation of certain sections of the Mental Health (Scotland) Act 2015 and associated regulations (part 2)	The Scottish Government	Mental Health and Disability Law

**Holyrood Bills**

<b>Bill</b>	<b>Written Evidence</b>	<b>Oral Evidence</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
<b>Criminal Justice (Scotland) Bill</b>	Written evidence submitted 06/09/2013	Oral evidence 1st October  Oral evidence 19 November  Oral evidence 26 November  Oral evidence 17 December		Amendments submitted August 2015	
<b>Apologies (Scotland) Bill</b>	Written evidence submitted 1 May 2015	Oral Evidence 9 June 2015	Stage 1 Brief submitted 23 October 2015	Amendments submitted November 2015	Stage 3 Brief submitted January 2016
<b>Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill</b>	Private Members Bill	Written Evidence due 25 or 27 May  Supplementary written evidence submitted July 2015	Oral Evidence given June 2015  Stage 1 brief submitted September 2015	Stage 2 Amends Submitted October 2015	Stage 3 amendments submitted December 2015, stage 3 briefing December 2015.  Passed 17 December 2015
<b>Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill</b>	Written Evidence submitted October 2015	Oral Evidence 1 December 2015	Stage 1 Brief February 2016		
<b>Lobbying (Scotland) Bill</b>	Written Evidence due 19 November 2015		Stage 1 Brief sent Dec 2015	Stage 2 amendments submitted Jan 2016	Stage 3 briefing and amendments sent March 2016
<b>Private Housing (Tenancies) (Scotland) Bill</b>	Written Evidence submitted 11 November 2015	Oral Evidence 18 November	Stage 1 Brief sent Jan 2016		
<b>Inquiries into Fatal Accidents and Sudden Deaths Etc. (Scotland) Bill</b>	Written Evidence submitted 28 April 2015		Stage 1 Brief sent September 2015		
<b>Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill</b>	Written Evidence due 3 July 2015	Oral Evidence 27 October			



Bill	Written Evidence	Oral Evidence	Stage 1	Stage 2	Stage 3
<b>Footway Parking and Double Parking (Scotland) Bill</b>	Written evidence submitted 6 Nov 2015				
<b>Land Reform (Scotland) Bill</b>	Written evidence submitted 14 August 2015	Oral Evidence 16 September 2015	Stage 1 Brief submitted 14 December 2015		
<b>Succession (Scotland) Bill</b>	Written Evidence submitted August 2015	Oral evidence 15 September 2015	Stage 1 Brief Submitted November 2015		
<b>Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill</b>	Written evidence submitted August 2015	Oral Evidence 22 September 2015	Stage 1 Brief submitted November 2015		
<b>Education (Scotland) Bill</b>	Written evidence submitted July 2015				
<b>Abusive Behaviour and Sexual Harm (Scotland) Bill</b>	Written Evidence Submitted 13 November 2015	Oral Evidence 17 November 2015	Stage 1 Brief submitted January 2016	Stage 2 Amendments submitted February 2016	Stage 3 Brief submitted March 2016
<b>Bankruptcy (Scotland) Bill</b>	Written Evidence submitted 8 December				
<b>Burial and Cremation (Scotland) Bill</b>	Written Evidence submitted 3 December 2015		Stage 1 Brief submitted February 2016		
<b>Criminal Verdicts (Scotland) Bill</b>	Written evidence submitted 23 Dec 2015		Stage 1 Brief submitted February 2016		
<b>Land and Buildings Transaction Tax (Amendment) (Scotland) Bill</b>	Written evidence submitted January 2016		Stage 1 Brief February 2016	Stage 2 Amendments February 2016	Stage 3 Briefing paper sent March 2016

### **3. How can the Scottish Parliament increase its engagement with the people of Scotland, especially those who are less likely to be interested in the Parliament?**

We have not undertaken any statistical research as to how effectively Parliament and Government make use of technology in reaching those who are less likely to be interested in the work of the Parliament. However our impression is that both the Scottish Government website and that of the Scottish Parliament are generally quite good and relatively easily navigable. The use of other social media channels such as Facebook, Twitter, you tube and Flickr covers many avenues for the delivery of information about the Scottish Parliament. We agree with this approach and the outreach program mounted by the Parliament in terms of the events, exhibitions, education programs, leaflets and guides and regular tours and guided visits mean that the Parliament is considered to be an open and accessible place to the more than 250,000 visitors who come each year.

Technology could be used to support the development and engagement of individuals and inquires and legislation by allowing for further and better consultation for example by video with community groups and individuals and through social media. Facilities could be made more easily available to witnesses so they can provide evidence by video to the Parliament's Committees.

Factors which might inhibit effective engagement include the timescale for responses and the number of inquiries and policy issues which require significant resources on the part of stakeholders to identify analyse and respond to. The lack of resources generally among stakeholders means that inquires and stage one evidence process are prioritized in order of impact on the stake holder. This could restrict the number of responses to such inquiries reducing the range of matter consulted upon would give stakeholders and the public a significantly enhanced opportunity to respond to those issues. Longer consultation periods would be a distinct improvement especially avoiding holiday periods.

#### **Distinct Identity**

### **4. Is it important that the Scottish Parliament is seen as separate from the Scottish Government [or from the UK Parliament (House of Commons and House of Lords), UK Government and Local Government]?**

The Scottish Parliament is a separate institution from the Scottish Government and indeed from the Scottish Judiciary. The doctrine of the separation of powers is respected in the Scotland Act 1998 which provides a separate statutory foundation for the Scottish Parliament in Section 1, a separate statutory foundation for the Scottish Government in Section 44, a provision concerning the permanence of the Scottish Parliament and the Scottish Government in Section 63 A and provision for the adjudication of devolution issues in the Constitutional Reform Act 2005 Section 40 and Schedule 9 which transferred devolution jurisdiction from the Judicial Committee of the Privy Council to the Supreme Court of the United Kingdom.

This statutory recognition of the theory of the separation of power is of significant constitutional importance. The "Pure Theory" which was described as Montesquieu in his book entitled *The Spirit of the Laws* is followed in some constitutions but it is modified in Scotland where the Executive Branch –

the Scottish Government are all members of the Scottish Parliament. However the separate statutory basis of the Scottish Parliament and the Scottish Government underline the distinction between the two. This is further recognised when one considers the Committee structure and where ministers are not members of the Committee which considers legislation brought forward by the Government (which is a significant difference from Public Bill Committees in the UK Parliament).

The distinction between the Scottish Parliament and the United Kingdom Parliament is very clear. The schematic of the Scotland Act 1998 and its subsequent amendments in 2012 and 2016 underline the nature of devolution by emphasising the competence of the Scottish Parliament to legislate under Section 28 of the Scotland Act and the limitations on that competence detailed in Section 29 Schedule 4 and Schedule 5.

Although the Scottish Parliament is a separate institution from the UK Parliament and the other devolved arrangements (as well as from the Scottish Government and the UK Government) there have been occasions where co-operative working has occurred between the UK and Scottish Parliaments. The process of the legislative consent arrangements (which enables the UK Parliament to legislate on matters which otherwise would be devolved) is a clear example of the formal system of co-operation between the two institutions. Indeed the process of legislative consent (formerly known as the Sewel Convention) and its legislative provision in Section 28 (8) of the Scotland Act 1998 emphasises the separation between the UK Parliament and the Scottish Parliament. The Act provides that “The Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament”. The Scottish Parliament operates independently of the UK Parliament – it legislates separately, it debates topics of its own choosing and holds the Scottish Government to account.

The issue of inter parliamentary relations has been considered in the past but requires further in depth discussion between the UK and the Scottish Parliaments.

We have no evidence to provide that the Scottish Parliament is confused with the Scottish Government or with the UK Parliament, UK Government or Local Government.

## **5. What should the Scottish Parliament do to strengthen its distinct identity?**

We have no suggestions to make to strengthen the identity of the Scottish Parliament which seems to us to be clear and robust.

## **6. Do any of the checks and balances need strengthening to better enable the Scottish Parliament to hold the Scottish Government to account?**

The system of checks and balance in the Scottish Parliament was designed to distinguish it from the UK Parliament by creating a strong Committee structure with both policy and legislative scrutiny and provide Committees with the ability to set the policy agenda. The system of proportional representation with constituency and regional members is designed to balance the interests of the parties and provide more balanced representation. There are a number of permanent Committees which are subject to

Standing Orders which ensure a composition reflective of the balance of political parties in the Parliament, the concept of fusing legislative and Select Committee functions, dual opportunities for the Committee at stages 1 and 2 of the passage of Bills which enhances parliamentary scrutiny of legislation, the potential for the creation of Committee Bills and requiring the disclosure of government documents. Suggestions have been made e.g. the election of Convenors as a means of securing the independence of the Committees. This is however a matter for the Parliament to decide itself but there is a general perception that the independent mechanism for electing Committee Chairs in the UK Parliament has strengthened the Select Committee process. Scottish Parliament Committees are respected for their effective role in the legislative process but have not used all their powers e.g. there have been relatively few such Bills: Protection from Abuse (Scotland) Act 2003, Children's Commissioner for Scotland Act 2003 and the Scottish Parliamentary Commissions and Commissioners Act 2010.

**7. At what stage of the policy or legislative process is the Scottish Parliament likely to have the greatest influence or impact in terms of improving government policy or legislation?**

Government policy and legislative formulation begins many months, sometimes a year or more before the policy or legislation is finalised. The Parliament may not be involved deeply in that process. Policy development may result from the party conferences or other internal party or Government discussions. Therefore the formal process only begins at a point at which the policy or legislative direction is already set.

Stage 1

The current arrangements for stage 1 scrutiny are generally speaking satisfactory if there is adequate time for stakeholders to consider a Bill and accompanying documents and to prepare submissions and also to provide oral evidence. Many committees are open to taking evidence from a broad range of stakeholders.

Parliamentary procedures should encourage evidence from a broad range of stakeholders. Accordingly innovative ways of engaging with the public who may be affected by proposals contained in Bills should be considered including more localised meetings of committees, using sub-committees to take evidence outside the parliament and report back and greater use of e-democracy tools. It is a challenge to reconcile traditional means of engaging the Parliament and the people and advances in technology, the use of blogs and social media such as Facebook and Twitter can help that connection. Parliament and people. These media can also enhance scrutiny as those affected by proposed legislation can have the opportunity to make their voices heard.

Stage 2

The arrangements for stage 2 are generally satisfactory. That having been said there can be considerable numbers of amendments by both the Scottish Governments and opposition or backbench MSP's which need to be debated. This is not necessarily because a Bill is defective but may simply indicate that the issues in the Bill are contentious.

### Stage 3

This is the area with the greatest potential for improvement. We have recommended in the past that stage 3 comprise two components.

1. A stage 3, part 1 which will consider and approve amendments to Bills at stage 3; and
2. A stage 3, part 2 debate on the Bill as amended at stage 3, part 1. It would be permissible to propose amendments at stage 3, part 2 but only with the consent of the Presiding Officer. This will enable evident mistakes which have occurred during the earlier stages of the Bill to be corrected. Some controversial Bills have occasionally resulted in the final decision being taken to pass a Bill only shortly after significant changes to the detail of the Bill have been agreed and members have had no opportunity to consider the contents of the Bill as amended.

Frequently a considerable number of amendments from government, backbench and opposition MSP's can be considered at stage 3.

The current standing order at rule 9.8.5C allows a member in charge of the Bill to propose, after the last amendment has been disposed of, that the remaining proceedings be adjourned to a later date. There is a strong case to amend parliamentary rules so that the splitting of stage 3 becomes the normal practice. Stage 3, part 2 (or stage 4) would also provide a limited opportunity for further correcting amendments. To take account of small uncontroversial measures which are only amended in minor ways at stage 3, a motion to conflate stages 3 and 4 could be considered by the parliament prior to stage 3 beginning.

Rule 9.3 of the Standing Orders details the accompanying documents for a Bill. These are:-

- a) A written statement signed by the Presiding Officer indicating that in the Presiding Officer's view the provisions of the Bill would be within legislative competence and the stage by the member introducing the Bill which states that in the member's view, the provisions of the Bill would be within the legislative competence of the parliament.
- b) Rule 9.3.2 provides that a Bill shall be accompanied by a financial memorandum.
- c) Rule 9.3.2A provides that a Bill should be accompanied by explanatory notes
- d) Rule 9.3.3 and 9.3.3A provides that a Bill shall be accompanied by a policy memorandum.
- e) Rule 9.3.4 provides that any provision charging expenditure on the Scottish consolidated fund shall be accompanied by a report signed by the Auditor General setting out his or her views on whether the charge is appropriate.

Accordingly, there is a potential for four separate documents to accompany the Bill with the legislative competence statement being attached to the Bill. The accompanying documents are perhaps the minimum that could be provided to an individual to assist them in understanding the Bill. That

understanding could be increased if the Presiding Officer gave reasons why he considered a Bill to be within competence. Explanatory Notes do not fully explain a Bill. It would be helpful if the Explanatory Notes were a commentary on the Bill with references to policies, case law or comparative analysis.

That kind of approach to analysis is sometimes carried out by SPICE. A SPICE briefing note added to the accompanying documents could assist those dealing with the piece of legislation quite significantly.

Thought should be given to providing the lead committee with the legal advice which underpins the Presiding Officer's statement on legislative competence, particularly on issues of EU or ECHR law. Thought should also be given to resourcing committees in order that they can take legal advice on competence issues if they feel that is necessary.

A Bill should also be accompanied by a regulatory impact assessment which should detail what alternative mechanisms for achieving the policy objectives have been considered and why they were rejected.

Rule 9.5 of the standing orders on stages of Bills provides minimum time periods. The business programme sets out the time or times at which each stage shall take part. Rule 9.5.3A provides that the minimum period that must elapse between the day on which stage 1 is completed and the day on which stage 2 starts is 12 sitting days. Rule 9.5.3B states that the minimum period that must elapse between the day on which stage 2 is completed and the day on which stage 3 starts is 10 sitting days.

In the Society's view, these periods should be harmonised and extended to 12 sitting days between the stage 1 debate and the stage 2 commencing.

## **8. What other factors impact on the effective conduct of Parliamentary business and how can these be addressed?**

Other factors which impact on the effective conduct of Parliamentary business include the following:-

- a) Pressure of business.
- b) External Events - for example the decisions of the Court may require swift action by way of emergency legislation and political events, such as the EU Referendum may impact on the business of the Parliament.
- c) The number of MSPs and the number of Ministers may impact on the work of the Parliament. New powers and the prospect of a significantly increased workload following Brexit may stretch resources. The consequence of such activity will mean that the Parliament will require to prioritise its work accordingly. This could limit the number of Committee inquiries and result in fewer Member's Bills.



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