

Submission to the Commission on Parliamentary Reform by Rt. Hon. Lord Foulkes of Cumnock

Introduction

Over the past 40 years I have been a Member of both the House of Commons and the Scottish Parliament and am now a Member of the House of Lords and the Parliamentary Assembly of the Council of Europe (PACE) I have also been able to see the operation of Parliaments in other Commonwealth Countries, in Europe and in Latin America. I therefore welcome the setting up of this Commission by the Presiding Officer and its remit and membership. The particular points I wish to comment upon are the different roles of the Parliament and the Executive, Parliament's responsibility for effective scrutiny of the Executive and the time available for detailed scrutiny of legislation.

Distinct Identity

What should the Scottish Parliament do to strengthen its role distinct from the Scottish Government?

The distinct roles of Parliament and Government are not always clear or understood. There are many reasons for this but the Scottish Parliament, led by the Presiding Officer, needs to do more to highlight the differences and, especially, the importance of scrutiny. It is the principal duty of Parliament, once it has agreed the composition of the Executive, to ensure effective scrutiny of the Executive, both Ministers and Civil Servants.

Also, the tendency for deviation from the party line at Holyrood is much less than at Westminster or other legislatures, particularly in the Commonwealth. One of the reasons for dependence on party line is the need for party endorsement, particularly those Members who are elected on party lists, so the review of the electoral system which was due to take place after two sessions of Parliament might now be looked at.

Checks and Balances

Does the parliamentary process allow enough time to effectively scrutinise policies or legislation?

Scrutiny of legislation is a great responsibility of the Scottish Parliament, especially now that responsibility for a wider range of legislation is being devolved. My experience has been that it is totally inadequate compared with other legislatures. At some stages of Bills I recall only 30 seconds being allowed for an MSP to comment. The Scottish Parliament sits for much less time than most equivalent legislature and with an increasing range of devolved subjects there is currently no time for proper scrutiny of legislation.

The preoccupation with “family friendly” sitting hours has seriously restricted its effectiveness. Finishing at 5:30 may help some in the central belt get home but does not do so for those from the Highlands or the deep South. Parliament should extend its hours to sit on weekday evenings and either Monday or Friday to allow proper time for adequate scrutiny of legislation.

Which part of the parliamentary process the Parliament should focus its scrutiny on?

Question Time, particularly FMQs should provide the most important opportunity for parliamentary scrutiny. Instead it has become an opportunity for long party political speeches which could better and more appropriately be made in Debates. With no disrespect to the current Presiding Officer or his predecessors they do not seem to have understood their responsibility for ensuring the effectiveness of Question Time.

Unlike other Parliaments the Holyrood Presiding Officer merely calls the questioner to put his question as tabled and almost never calls them, or the Minister, to order or to ask or answer a question. The Presiding Officer should start the next Session saying he will use his power to rule that all questions should be short and have no more than one introductory sentence before a clear question and Ministerial replies should also be short and answer directly the question asked. I hope the Commission will reaffirm the paramount role, power and responsibility of the Presiding Officer to enable them to ensure that Question Time involves proper scrutiny of the Executive.

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Written views from Lord Foulkes of Cumnock