

SCOTTISH PARLIAMENT
GUIDANCE ON PARLIAMENTARY QUESTIONS

4th Edition, May 2007

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Foreword

This guidance is intended to support and expand on the Parliament's Standing Orders (<http://www.scottish.parliament.uk/business/so/sto-c.htm>) in relation to the processing of parliamentary questions. It takes account of changes to Standing Orders agreed by the Parliament and of experience gained since 1999 and has been approved by the Procedures Committee.

Questions are normally lodged with the Chamber Desk, which is situated in room T1.01 at the top of the staircase from the Garden Lobby. It is part of the Chamber Office, which is in turn part of the Directorate of Clerking and Reporting. The Chamber Desk is open for business between 9.00 am and 5.30 pm, Mondays to Thursdays and from 9.00 am to 4.30 pm on Fridays. It does not open for business at weekends or on public holidays. Revised times will be indicated to Members in advance of any recess (normally 10.00 am to 4.00 pm).

Contact details for the Chamber Desk are—

Clerk Team Leader	Extension No. 85182
Senior Assistant Clerk	Extension No. 85181
Assistant Clerks	Extension Nos. 85185 and 85196
Support Manager	Extension No. 85199
Admin. Support Staff	Extension Nos. 85194, 85193 and 85250
General	Extension No. 85171

Fax: Extension No. 85184

Email: chamber.desk@scottish.parliament.uk

Section 1: Introduction

Procedure for Submitting Parliamentary Questions

1.1 There are two types of question: written and oral. Written questions are the most common type of question. Oral questions are answered on one day each week (except during recesses) and can be lodged for answer either at Question Time or at First Minister's Question Time. Emergency oral questions provide an opportunity for Members to lodge an oral question to the Scottish Executive on a matter of such importance and urgency that it merits being answered on the day it is lodged. Written and oral questions can be lodged for answer by the Scottish Parliamentary Corporate Body (SPCB) and oral questions to the SPCB are answered two or three times each year. All questions, whether addressed to the Executive or the SPCB, are lodged in the same way.

1.2 The arrangements for lodging and processing all types of question are explained in more detail in Section 2 below, which sets out the criteria for admissibility of questions (paragraph 2.2) and the "who", "how" and "when" for lodging questions (paragraphs 2.36-2.44). Where the guidance varies between different types of question, this is shown in Sections 3, 4 and 5, which address written, oral and emergency questions respectively. Finally, Section 6 covers questions to the SPCB.

Role of the Chamber Desk

1.3 Matters relating to the wording and admissibility of questions should always be discussed with clerks at the Chamber Desk. They also provide advice and assistance on general matters relating to the processing of questions (content, timings, lodging arrangements, etc) as well as the arrangements for lodging motions and amendments to motions (see *Guidance on Motions* at www.scottish.parliament.uk/business/parliamentaryProcedure/g-motions/dgm.htm).

Section 2: Lodging and Processing Questions

Purpose of Questions

2.1 Parliamentary questions provide a means for Members to obtain factual and statistical information from the Scottish Executive or the SPCB. Although they are one of the ways in which individual MSPs can hold the Executive to account, they should not be used to make political statements. Of course, questions that seek to obtain information can have other purposes as well. For example, if a Member wishes to press the Executive to act in a particular way, a question asking for information in the format “To ask the Scottish Executive whether it will take action [to achieve the objective desired by the Member]” could be lodged. It is for individual Members to take responsibility for the quantity, quality and relevance of their questions and to take account of the availability of all other sources of information so that the system is used in the most efficient, effective and appropriate manner.

Admissibility

2.2 The admissibility of questions is governed by Rule 13.4.1 of the Standing Orders. This states that to be admissible a question must—

- (a) comply with the requirements of Rule 13.3.3 (i.e. the general admissibility requirements discussed further below); and
- (b) not seek information provided in response to a similar question in the six months before the Member seeks to lodge the question.

Other admissibility criteria specific to oral questions are included in Section 4 below.

Any dispute on admissibility is ultimately a matter to be determined by the Presiding Officer.

General Admissibility Considerations

2.3 The criteria set out in Rule 13.3.3 are explained in more detail below.

(a) A question shall be brief, clearly worded, and address specific points

2.4 Questions should be no longer than is necessary to elicit the information sought. Consideration should therefore be given to whether the question contains any material that is not strictly necessary. Words that are intended to convey a sense of why the Member is asking the question will be admitted in cases where this is likely to assist comprehension of the question.

2.5 Questions should be unambiguous and, for transparency, capable of being understood by those who are not specialists in the subject matter of the question. This does not necessarily prohibit the use of technical terms, but clerks will often request further explanation of such terms in order to reach a judgement about the appropriateness of the language used. Further clarification will be necessary on some occasions and Members should note that it is not sufficient that the person answering the question is likely to know what is meant. Questions should be comprehensible to all those who might read them. Identifying ambiguities and any

possible misinterpretations at the lodging stage will help Members to obtain the information sought as quickly as possible.

2.6 Questions should not be vague. Such questions are difficult to answer in anything other than the most general terms, an exercise that is of little value to anyone, particularly the Member asking the question. Questions that attempt to engage in “fishing expeditions”, rather than seek specific pieces of information, will not be admitted. An example would be a question that asked the Executive whether it had any contact with international organisations over a given period, without being more specific either about the subject matter of the contact or the names of the organisations.

(b) A question shall relate to a matter for which the First Minister, the Scottish Ministers, or the Scottish Law Officers have general responsibility

2.7 A number of factors are relevant to determining whether a matter is one for which the Executive has general responsibility. Clearly, it does not have general responsibility for matters that are identified in Schedule 5 to the Scotland Act 1998 as reserved matters unless they have been the subject of Executive devolution. However, where a decision or policy on a UK Government matter has an impact on a matter for which the Executive has responsibility, questions can be admitted in the format—

“To ask the Scottish Executive what representations it has made to Her Majesty’s Government about”

Information about the impact of a decision or policy on a matter reserved to the UK Government or UK Parliament may also be sought by asking—

“To ask the Scottish Executive what the implications are of (the decision or policy on a reserved matter) for (the devolved matter).”

2.8 “Representations” questions that simply seek to obtain information about a UK Government matter, rather than about the impact of such a matter on something for which the Executive has general responsibility, for instance, will not be admitted. Such information should be sought by members from the department or body that is directly responsible or by arranging for a question to be tabled in the House of Commons or House of Lords to the relevant UK Government department.

2.9 The actions, decisions or practices of the former Scottish Office, or of the current Scotland Office, are not matters within the general responsibility of the Executive. However, questions seeking factual information or statistics on matters for which it now has general responsibility in relation to the period when the Scottish Office was responsible for those matters (i.e. before 1999) are acceptable.

2.10 Questions about the actions of ministers in their official capacities are admissible, but questions about activities undertaken by ministers in a personal, party or constituency capacity will not be admitted. Questions about the actions or opinions of MSPs who are not ministers are also prohibited. It is generally inappropriate to ask questions that identify Executive officials by name, as officials have no means by which to respond, although references to job titles are acceptable.

2.11 Where specific responsibility for a matter lies with a public body whose powers, remit and funding are within the general responsibility of the Scottish Executive, such as a local authority, NHS board, executive agency or non-departmental public body (e.g. Scottish Fisheries Protection Agency, Scottish Enterprise), Members should consider whether the information could be more appropriately obtained by writing directly to the body in question. If questions relate to operational matters solely within such bodies' responsibilities, clerks may suggest to Members that they write directly to the body concerned.

2.12 Questions that relate to matters that are the responsibility of private individuals or bodies or non-governmental organisations are normally inadmissible, although questions that ask about the Executive's position on or response to actions or proposals of such individuals or bodies may be admissible, where such a response is within the Executive's general responsibility.

2.13 Members are not encouraged to ask questions about detailed matters such as an individual constituent's application for an agricultural subsidy and clerks will remind Members that writing directly to the minister or department concerned is a more appropriate way of raising such issues. In addition, Members wishing to inquire about progress with correspondence with ministers may contact the Scottish Executive Ministerial Correspondence Unit on 0131 244 3080.

2.14 On 11 January 2000 the Presiding Officer ruled that questions asking ministers to provide information on or to comment about the actions of another Member were out of order and that such questions would not be accepted.

(c) A question shall be in English

2.15 Questions must be in English, but Members may provide a translation in any other language, such as Scots or Gaelic, which will appear in the *Business Bulletin* beneath the English text. It is the Member's responsibility to ensure that the translation is correct. Clerks will, where practicable, arrange for the translation to be checked.

(d) A question shall be prefaced by the name of the Member asking it

2.16 This enables the Member who asked a question to be clearly identified.

(e) A question shall not contain offensive language

2.17 This precludes not just obvious obscenities but also language that is intemperate, inflammatory, sarcastic or provocative, or to which those answering or reading it could reasonably take offence. The clerks will proceed on the assumption that questions are being asked solely to gain factual information and on this basis assess whether the question is expressed in a way that is appropriate for eliciting that information.

(f) A question shall not express a point of view

2.18 This is closely related to (a) and (e) above. Questions should seek information, not give it, and must not be used as a vehicle for expressing an opinion. In particular, questions should not take the form—

“To ask the Scottish Executive whether it agrees that ...”

where what follows is an expression of opinion or belief.

2.19 Care should also be taken to ensure that questions do not contain implicit criticisms. This precludes some particular forms of words, for example—

“To ask the Scottish Executive whether it will ... and, if not, why not.”

Such questions prejudge the answer to the first part of the question, implying that the answer should be the opposite, thus expressing an opinion. This form of words will not be admitted, although it may be possible to agree an alternative form of words in some cases, for example—

“To ask the Scottish Executive whether it will ... and what the reasons are for its position on this matter.”

2.20 In other cases it will be necessary for Members to await an answer to the first part of a question before lodging a question worded—

“To ask the Scottish Executive, further to the answer to question [number] by [minister’s name] on [date of previous answer], what its reasons are for not... .”

2.21 Questions that contain critical or contentious material in the form of factual assumptions will not be admitted. Responsibility for ensuring that a factual assertion on which a question is based is accurate rests entirely with the Member. On occasions, the clerks may request further information or make minor changes to questions in cases where it is not clear whether a statement contained within a question is a fact or an opinion. The clerks may also ask a Member for the source of information contained in a question.

(g) A question shall not breach any enactment or rule of law or be contrary to the public interest

2.22 The wording of a question should not disclose any information that is protected by an interdict or court order (e.g. the identity of children in custody disputes) or that is commercially sensitive, confidential or the publication of which may cause unnecessary personal distress or loss. Particular care should be taken over questions that name individuals since they may be people whose identity needs to be protected in their own interests (for example, victims of sexual harassment). Care should be taken to comply with the Data Protection Act 1998 and clerks will provide advice if necessary.

(h) A question shall not contravene the sub judice rule (Rule 7.5.1)

2.23 Questions should not refer to any matter in relation to which legal proceedings are active, except with the express permission of the Presiding Officer.

2.24 When clerks are in any doubt about the application or effect of this criterion they will seek advice from the Parliament’s legal advisers.

Other Admissibility Considerations

Six month rule (Rule 13.4.1(b))

2.25 When a question is lodged the clerks will check for previous answers on the topic and draw the Member's attention to answers that provide the information requested. In some such instances, the Member may wish to lodge a question that follows on from the previous question. In such cases, Members will be advised to begin their questions in the following way—

“To ask the Scottish Executive, further to the answer to question [number] by [minister's name] on [date of previous answer],”

2.26 On occasions where it becomes apparent after further discussion that the Member intends to seek information other than that contained in the previous answer, the clerks will suggest any necessary changes in the question's wording.

2.27 The clerks may also draw a Member's attention to similar questions that have not yet been answered, although the Member is still free to lodge the question in such circumstances. The clerks are happy to provide advice in advance to Members who wish to clarify whether a particular question has already been answered before seeking to lodge a question. The Scottish Parliament Information Centre is also available to assist in this respect and in clarifying whether information is already available in published sources.

2.28 If a Member has lodged a question but the information sought has not been provided in the answer, questions phrased in identical terms will not be ruled inadmissible under Rule 13.4.1(b). However, Members and clerks should consider in such cases whether phrasing the question in a different way would increase the chances of the desired information being provided.

4.12 Where a similar question has been answered in the last six months but the Member is seeking updated information, the question will be admitted but the wording of the question should make this clear. In addition, where there has been a change in circumstances such that Members may reasonably expect the answer to a question to be different to one provided in the previous six months, the question will not be ruled inadmissible under Rule 13.4.1(b). A “further to” question may be advisable in both sets of circumstances.

Style

2.30 A number of general points about the style of questions flow from the above. In addition, clerks will routinely adjust the style of wording to conform with certain conventions. Examples are—

- using the form “To ask the Scottish Executive whether ...” rather than “if”. “If” should only be used in the conditional sense, as in “To ask the Scottish Executive, if it decides to ..., whether it will do so this year”.
- the Scottish Executive should be referred to in the singular i.e. “whether it will...” rather than “whether they will...”.
- questions should be couched in indirect speech, without a question mark at the end. When lodged, a question is notice of an intention to ask a question. It is, in

other words, a statement about what the Member wants to ask rather than the form of words that would be used to ask the question directly. To illustrate, a question submitted in the form “When will the Scottish Executive publish ...” will be converted to read “To ask the Scottish Executive when it will publish ...”.

- the avoidance of unnecessarily long-winded forms of words such as “To ask the Scottish Executive whether it will provide a list showing how many ...” when saying “To ask the Scottish Executive how many ...” would have the same effect.
- questions should not ask the Executive to act in particular ways but should seek information. For example, “To ask the Scottish Executive to amend the law relating to ...” will be amended to read “To ask the Scottish Executive whether it will amend the law relating to ...”.
- where it is necessary to break a question up into numbered sections in order to make clear, for example, that the information being requested is required in relation to each of a number of bodies separately rather than all of the bodies combined, such sections should be numbered (a), (b), (c) and so on, followed by (i), (ii), (iii), followed by (A), (B), (C) and so on, if necessary, and separated by semi-colons. Where a series of questions, for example, asks for the same information in relation to a number of different bodies, consideration should be given to whether the questions can be combined into one question such as “To ask the Scottish Executive how many staff are employed by (a) [organisation X]; (b) [organisation Y]; and (c) [organisation Z]”.
- it is only occasionally necessary to include “in Scotland” or “Scottish” in a question. This is implicit in most questions.
- it is not necessary to include “if any” in a question, such as “To ask the Scottish Executive what plans, if any, it has to ...”. The response that the Executive has no such plans can just as easily be given in response to the question “To ask the Scottish Executive what plans it has to ...”.

Role of the Clerks

2.31 Clerks may edit questions in order to ensure that the wording complies with the Standing Orders on admissibility and ensure consistency of style, provided that such changes do not materially alter the sense of the question.

2.32 Clerks will seek to avoid outright rejection of questions under the admissibility criteria in Rule 13.4.1. Their approach will be to assist the Member in making such adjustments as are necessary to enable the question to be admitted. This includes suggesting alternative forms of wording. If more substantial editing that would materially alter the sense of the question is necessary, the question will not be finally accepted until the Member has approved the change. This means that it will not appear in the *Business Bulletin* and not be sent to the Executive or the SPCB for answer until such approval has been obtained.

2.33 In some cases it will not be possible to adjust a question to make it admissible. In such cases, the clerks will advise the Member of the reason why the question cannot be admitted, with reference to the appropriate provision in Standing Orders or to this guidance. A written explanation may be provided in some cases and will always be made available on request.

2.34 All general discussions or correspondence on the lodging of questions and any advice given to Members by clerks prior to final acceptance of a question are strictly confidential.

Resolution of Disputes on Admissibility

2.35 If a Member disagrees with a clerk's decision on the admissibility of a question, the clerk will refer the matter to the Chamber Desk Clerk Team Leader or the Head of the Chamber Office. If the Member remains dissatisfied, the matter will be raised with the Director of Clerking and Reporting, who may consult the Clerk of the Parliament where appropriate. If the matter is still unresolved, the final decision rests with the Presiding Officer under Rule 13.4.2.

Who Can Lodge Questions

2.36 The Member in whose name the question is to appear must normally lodge the question.

2.37 In addition, a Member may confer authority on someone else to lodge a question on his/her behalf under Rule 17.4.1(b) which states that documents such as questions may be lodged with the Clerk by "being lodged with, or notified in writing to, the Clerk by any other person on behalf of the Member, but only if that person has been authorised to do so by the Member and the Clerk has been notified of that authorisation in writing" (see Annex A). For example, Members may authorise their research assistants to lodge questions on their behalf (in person or by post but not by email except under delegated access (see Annex C)).

2.38 Authorisation can be given on an ad hoc basis or for a longer period, up to the full parliamentary session. Members who agree to allow someone else to lodge a question on their behalf must provide the Chamber Desk in advance with a signed copy of the authorisation form in Annex A (copies of this form are available from the Chamber Desk). This allows the Chamber Desk to accept any questions in the name of the Member from the person named on that form. Without this authorisation, the clerks will not accept questions from anyone other than the Member him/herself.

2.39 All alterations or requests to remove a person should be notified in writing to the Chamber Desk by the Member personally. Members can authorise more than one person to lodge questions on their behalf.

How Questions are Lodged

2.40 Questions may be lodged in person or by email. A Member wishing to lodge a question by email must, before doing so, complete the notification form shown in Annex B (copies of this form are available from the Chamber Desk). Members may also email questions from their constituency or home address, providing they have completed the necessary authorisation form, stating the full email address to be authorised. **Only emailed questions showing the Member's mailbox name will be accepted.** The mailbox name need not contain the MSP's name but must be an address that the MSP has notified the Chamber Desk to be their email address. Use of the email facility speeds up the whole process and cuts down on the risk of errors that could arise if the question needed to be retyped. However, if a Member is in any doubt about the format of his/her question, he/she may find it helpful to discuss the wording first with the clerks.

2.41 **Questions will not be accepted orally, by telephone or by fax.** A supply of forms for submitting questions is available from the Chamber Desk for Members who wish to write their question. Nonetheless, questions presented in any format, including on the back of an envelope, will be accepted if they meet the admissibility criteria and are signed by the Member or an authorised signatory.

2.42 All questions (with the exception of those addressed to the SPCB and those addressed to the First Minister for First Minister's Question Time) should be addressed to the Scottish Executive, including those questions that fall within the responsibility of the Lord Advocate or the Solicitor General for Scotland. Only the First Minister may answer a written question concerning a matter for which the First Minister is solely responsible, although an oral question concerning such a matter may exceptionally be answered by any other member of the Executive. Only the Lord Advocate or the Solicitor General for Scotland may answer a written question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland, although an oral question concerning such a matter may exceptionally be answered by another member of the Executive. Other questions addressed to the Executive may be answered by any member of the Executive or by a junior Scottish Minister (as specified in Rules 13.5.1 and 13.7.1). In practice, questions will normally be answered by the minister whose responsibilities cover the subject matter of the question.

Declaring Registrable Interests

2.43 Detailed guidance on the declaration of registrable interests in relation to questions can be found in the *Code of Conduct for Members of the Scottish Parliament* (<http://www.scottish.parliament.uk/msp/conduct/index.htm>) and, in particular, Sections 5.3.7 to 5.3.10. The Standards and Public Appointments Committee clerks are always happy to advise Members on such matters. Where a Member does declare a registrable interest relating to a question an “**R**” will appear beside the question in the *Business Bulletin*.

Deadline for Lodging Questions

2.44 Questions may only be lodged with the Chamber Desk. If admissible, questions will appear in the *Business Bulletin* the following day. **Members should note that questions received after 4.30 pm will not normally appear in the next *Business Bulletin*.** In addition, some questions that are lodged earlier may not appear in the *Business Bulletin* for the following day if a decision on admissibility or final wording cannot be made before 4.30 pm. During recess, when the *Business Bulletin* is published weekly on Monday, questions appear in the next available *Business Bulletin*.

2.45 Chamber Desk clerks will record the time at which questions are submitted. If questions are sent by email, the time at which they are deemed to have been lodged is the time they are delivered to the Chamber Desk email box.

Withdrawal of Questions

2.46 Rule 13.3.5 provides for withdrawal of questions. This should be done by notifying the Chamber Desk in writing, in person, by post or by email, subject to the same authorisation procedures as for lodging questions. All outstanding questions will automatically be withdrawn when a Member ceases to be a Member of the Parliament.

Searching for Questions and Answers

2.47 There is a search facility on the Parliament's website for questions that have received written answers: http://www.scottish.parliament.uk/webapp/search_wa.

Section 3: Written Questions

Lodging Questions

3.1 There is no limit to the number of questions for written answer that may be lodged by a Member. However, Members are expected to exercise responsibility in relation to the quantity and relevance of their questions. Members should consider all other sources of information, e.g. the Scottish Parliament Information Centre or correspondence with the relevant minister, before lodging a question, particularly where the question is seeking purely factual or statistical information.

Answers to Questions

3.2 The Scottish Executive should normally give answers to written questions within 10 counting days of the question being lodged. Counting days are those days when the office of the Clerk is open. In the case of a question lodged during the 14 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer should normally be given within 20 counting days of the day on which the question is lodged. The Executive should send each answer to the Member who asked the question and to the Chamber Desk. Questions may be answered by Scottish Ministers or junior Scottish Ministers. The full text of answers to written questions, together with the date on which they were received, will appear in the *Written Answers Report*, part of the *Official Report*.

3.3 The Executive may issue holding answers, i.e. “I shall reply to the Member as soon as possible”, within the 10 or 20 counting day period. When the Executive issues a holding answer to the Member, it should also copy it to the Chamber Desk. Holding answers are not printed in the *Written Answers Report* when they are given, although the numbers of questions that receive a holding answer appear in the *Written Answers Report* on a daily basis. The Chamber Desk ensures that arrangements are in place to track answers to questions and should be fully aware of when an answer is due to be received, has been received or has received a holding answer and be in a position to relay this information to Members quickly and accurately.

3.4 A complete list of questions and answers is normally published on the Parliament’s website the day after they have been received from the Executive (http://www.scottish.parliament.uk/webapp/search_wa). The Chamber Desk arranges for the weekly list of questions and answers to be published in the *Written Answers Report* and the list normally appears on the Parliament’s website each Monday.

Questions Initiated by the Scottish Executive

3.5 Written questions that are initiated by the Executive in order to facilitate the provision of information to the Parliament will be identified in the *Business Bulletin* by a “Δ” appearing next to the question number. The answers to any such questions received before 4.00 pm will be posted on the front page of SPEIR (the Parliament’s intranet) on the day they are received (<http://intranet/>) under the “Latest Publications” heading.

Section 4: Oral Questions

4.1 An oral question is a question that is lodged for answer by the Scottish Executive at General or Themed Question Time, or by the First Minister at First Minister's Question Time. General Question Time, First Minister's Question Time and Themed Question Time normally take place on a Thursday in the chamber. General Question Time takes place between 11.40 am and 12 noon, First Minister's Question Time between 12 noon and 12.30 pm and Themed Question Time between 2.15 and 2.55 pm. If they are to be held at different times or on a different day, an announcement about arrangements will be made in the *Business Bulletin*.

General and Themed Question Times

4.2 Members wishing lodge a question for answer at General or Themed Question Time should submit their names to the Chamber Desk for random selection at any time from when General and Themed Question Times have ended (normally 2.55 pm) in the third week before the week in which the question is to be asked, until 12 noon on the Wednesday of the second week before the week in which the question is to be asked (between 21 and 15 days before). For example, if a Member wished a question to be answered at Question Time on Thursday 16 June 2011, he/she could submit his/her name at any time between the end of Question Time on Thursday 26 May and 12 noon on Wednesday 1 June. During recess and when General and Themed Question Times are not held on a Thursday, the times for lodging questions will be different. Details of changes will be published in the *Business Bulletin*. All names submitted by the deadline will be included in the electronic random selection.

4.3 The random selection of names is carried out in the order that each Question Time takes place, beginning with General Question Time. Ten names are selected for each Question Time and a name, once selected, is excluded from any subsequent selections on that day. As soon as possible after the random selection, the Chamber Desk prepares three lists of names in the order determined by the random selection. The lists are published in the *Business Bulletin* the next day although Members may contact the Chamber Desk after the random selection to find out if their name has been selected.

4.4 Under Rule 13.7.A3 the Parliament may, on a motion of the Parliamentary Bureau, decide which subject areas are to be included in Themed Question Time. Members may submit their names for selection in each subject area and for one general question. As described above, in any given week the maximum number of times that a Member may be selected to ask a general or themed question is one.

4.5 A running rota of subject areas included in Themed Question Time during Session 2 was as follows:-

Week 1	Enterprise, Lifelong Learning and Transport; Justice and Law Officers
Week 2	Education and Young People, Tourism, Culture and Sport; Finance and Public Services and Communities
Week 3	Environment and Rural Development; Health and Community Care

Week 4	Justice and Law Officers; Enterprise, Lifelong Learning and Transport
Week 5	Finance and Public Services and Communities; Education and Young People, Tourism, Culture and Sport
Week 6	Health and Community Care; Environment and Rural Development.

Members should indicate clearly for which subject area they are submitting their names.

4.6 Names sent by email to the Chamber Desk from outside the parliamentary estate cannot be assumed to arrive instantly. Members who have emailed their names may telephone the Chamber Desk (0131 348 5199) before 12 noon to check whether the name has arrived so that they can make alternative arrangements before 12 noon if necessary. If names are sent by email, the time at which they are deemed to have been submitted is the time they are delivered to the Chamber Desk email box.

4.7 Failure to submit a name on time will mean that it will not be included in the electronic random selection. Standing Orders do not allow any scope for discretion, even when the question is delayed because of circumstances beyond the Member's control.

Lodging Oral Questions to the Scottish Executive

4.8 Members may lodge a question only for the Question Time for which they have been selected. The admissibility criteria set out in Section 2 apply equally to oral questions. In addition, questions relating to a subject area which is not relevant to the appropriate Themed Question Time cannot be admitted (Rule 13.4.1(d)) and questions submitted for General Question Time should not concern either of the subject areas to be taken at Themed Question Time in the same week (Rule 13.4.1(c)).

4.9 It has become common practice for Members to ask oral questions about meetings that ministers have had or may have in the future. It is helpful if such questions specify the subject matter of the meeting about which information is sought, as this will enable, for example, other Members to be aware of any likely constituency or subject interest, should they wish to ask a supplementary question. It will also assist in securing a more detailed and informed response.

4.10 Oral questions may normally be lodged at any time from the time of the random selection of names to 12 noon on the Wednesday of the week before the question is to be asked (Rule 13.6A.4). All questions are checked against the admissibility criteria by the Chamber Desk, including to ensure that they relate to the subject area for which the Member's name has been selected. Members should ensure that they, or somebody on their behalf, are available to respond to any inquiries from clerks about the wording of questions. As soon as possible after the 12 noon deadline, the Chamber Desk prepares a list of questions in the order determined by the random selection of names. The list is published in the *Business Bulletin* on the Thursday one week before the relevant Question Time.

4.11 Failure to lodge an oral question on time will mean that it will not be included in the list. As with the submission of names, Standing Orders do not allow any scope for discretion, even when the question is delayed because of circumstances beyond the Member's control.

Chamber Proceedings on Oral Questions

4.12 Rule 13.7 deals with the procedure for asking oral questions in the chamber. When asking the question, the Member must repeat the full text of the question as printed in the *Business Bulletin*.

4.13 Oral questions selected for First Minister's Question Time or lodged for General or Themed Question Time but not answered in the chamber because of lack of time, or not asked because the Member is unable to be in the chamber at the time, are treated as written questions and answered in accordance with Rule 13.5. Such questions do not need to be lodged again as written questions in order to be answered. Rule 13.7.10 requires such a question to be given a written answer, normally on the next day when the office of the Clerk is open. In practice, the Executive normally provides an answer on the day that the question was due to be asked.

4.14 Rule 13.7.5 provides that the Member who asks the question may ask one supplementary question. Additionally, at the discretion of the Presiding Officer, any Member, including the Member who asked the question, may ask further supplementary questions. Supplementary questions must be on the same subject matter as the original question and should otherwise comply with the admissibility criteria.

4.15 Answers to oral questions appear in the *Official Report* as part of the record of proceedings, as do the answers to any supplementary questions. Answers to oral questions not reached or not asked will appear in the *Written Answers Report*.

Lodging an Oral Question to the First Minister

4.16 Oral questions for answer at First Minister's Question Time may normally be lodged at any time from the end of the preceding First Minister's Question Time until 2.00 pm on the third day before the First Minister's Question Time for which the question is being submitted (normally the Monday of the same week). Where the Monday is a day when the office of the Clerk is closed or where First Minister's Question Time is on a day other than a Thursday, an announcement on the arrangements for lodging First Minister's Questions will be made in the *Business Bulletin*.

Processing Oral Questions to the First Minister

4.17 A Member may lodge only one question for answer at any one First Minister's Question Time. All oral questions that have been lodged on time will be checked by the clerks in the Chamber Desk against the admissibility criteria.

4.18 As soon as possible after 2.00 pm on the Monday, all admissible questions for answer are passed to the Presiding Officer's office. That afternoon, the Presiding Officer will normally select six questions for answer at First Minister's Question Time. The first two or three questions selected are normally from the leaders or

representatives of non-Executive groups. The remaining questions are selected with consideration of criteria such as topicality and party balance. Once the Presiding Officer has selected the six questions, the Presiding Officer's office will notify the Chamber Desk of the questions selected and these will appear in the *Business Bulletin* the next day, normally the Tuesday before the First Minister's Question Time.

4.19 The Presiding Officer balances the following criteria when selecting these questions—

- preference is given to topical questions and questions suitable for supplementary questions;
- reasonable political balance between the parties in their share of questions is maintained over time;
- questions from non-Executive group leaders or representatives are taken first but otherwise "diary" questions on the lines of "To ask the First Minister when he last met X" are avoided;
- unnecessary duplication with questions already lodged to be asked at General or Themed Question Time on the same day is avoided;
- subject to the above, account is taken of individual Members' previous record of selection for First Minister's Question Time.

First Minister's Question Time

4.20 Rule 13.7 deals with the procedure for asking oral questions in the chamber, including at First Minister's Question Time. In asking the question, the Member must repeat the full text as printed in the *Business Bulletin*.

4.21 Rule 13.7.9 provides that a question selected for First Minister's Question Time but not answered in the chamber because of a lack of time will be treated as a written question and answered in accordance within the timescales indicated in paragraph 4.13. Such questions do not need to be lodged again by the Member. Similarly, a question that is not asked and has not been withdrawn, for example because the Member concerned is unable to be in the chamber at the time, is treated as a written question and normally answered the same day.

4.22 Rule 13.7 provides for supplementary questions. At First Minister's Question Time any Member may, at the discretion of the Presiding Officer, ask a supplementary question. Supplementary questions must be on the same subject matter as the original question and otherwise comply with the admissibility criteria. However, once the questioner has asked a supplementary, any other Member who asks a supplementary does not need to ask a supplementary question related to the subject matter of the supplementary question asked by the original questioner. They must, however, ask a supplementary question that relates to the subject matter of the original question. In Session 2 the Presiding Officer adopted the practice whereby he exercised his discretion to take supplementary questions to question two on urgent issues.

4.23 Answers to First Minister's Questions answered orally will appear in the *Official Report* as part of the record of proceedings, as will the answers to any supplementary questions. Answers to questions not reached or not asked will appear in the *Written Answers Report*.

Section 5: Emergency Questions

5.1 Where an oral question is of an urgent nature the Member lodging it may, if it is lodged by 10.00 am on a day on which there is a meeting of the Parliament, request that it be answered that day. The procedures for emergency questions are set out in Rule 13.8. Rules 13.3 and 13.4, which relate to admissibility of questions and other general issues, also apply to emergency questions. Emergency questions are also subject to the following specific procedures.

5.2 Emergency questions may be answered only on days when a meeting of the Parliament is taking place. Any Member may lodge an emergency question. The question must be lodged with the Chamber Desk by 10.00 am on a day when there is a meeting of the Parliament, even if no question time is scheduled for that day.

5.3 Once an emergency question has been lodged it is passed to the Presiding Officer, who decides whether the question is sufficiently urgent to allow it to be put as an emergency question and answered at that day's meeting of the Parliament and, if so, at what time. If the Presiding Officer selects the question, the Member who lodged the question and the Executive will be notified immediately and all Members will be informed that an emergency question is to be taken by the publication of a revised *Business Bulletin*.

5.4 At the time allocated by the Presiding Officer, the Member who lodged the question may ask the question and ask one supplementary question (Rules 13.8.5 and 13.8.6). In asking the question, the Member must repeat the full text as printed in the *Business Bulletin*. Other Members may then, at the discretion of the Presiding Officer, ask a further supplementary question.

5.5 If the Presiding Officer does not allow the emergency question to be put, the question falls. The Member who lodged the question will be notified of this decision by the Chamber Desk. Emergency questions lodged, but not allowed by the Presiding Officer, will not appear in the *Business Bulletin* and are not answered unless the Member resubmits the question as an oral or written question.

Section 6: Questions to the Scottish Parliamentary Corporate Body

6.1 Rule 13.9 provides for questions to be asked of the Scottish Parliamentary Corporate Body on matters concerning the SPCB or the staff of the Parliament. These questions can be either oral or written questions and Rules 13.3, 13.4 and 13.5 and Sections 2 and 3 of the guidance therefore apply as appropriate. Questions are answered by a member of the SPCB.

6.2 The SPCB is responsible for providing the Parliament, or ensuring that the Parliament is provided with, the property, staff and services required for its purposes. The SPCB does not have responsibility for the procedures of the Parliament and questions to the SPCB on those matters are therefore not admissible.

Oral Questions to the SPCB

6.3 SPCB Question Time takes place during a 15-minute period decided by the Parliament under Rule 5.4.1. An announcement about arrangements will be made in the *Business Bulletin*.

6.4 A Member may lodge an oral question for answer by a member of the corporate body at SPCB Question Time during the period commencing when the Parliament agrees that it should be included in the business programme and normally ending at 4.00 pm on the Tuesday of the week before the SPCB Question Time. Only one question may be lodged per Member (Rule 13.9.4).

6.5 All questions that have been lodged on time are checked against the admissibility criteria by the Chamber Desk and admissible questions collated for selection. Under Rule 13.9.5 it is for the Presiding Officer to determine the number of questions to be randomly selected. If fewer questions than the number determined by the Presiding Officer are lodged, they will all be listed for answer at SPCB Question Time in the order determined by random selection. If there are more than the required number of questions, the questions are selected electronically on a random basis to determine their order. The list of selected questions is published in the *Business Bulletin* on the Thursday one week before SPCB Question Time.

6.6 Selected questions that are not answered at SPCB Question Time receive a written response. Questions that are not selected electronically do not appear in the *Business Bulletin* and are not answered.