

The analysis of Scottish Parliament committee influence: Beyond capacity and structure in comparing West European legislatures

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Abstract. The Scottish Parliament was set up in the hope that strong committees would foster consensus, with an emphasis on reducing partisanship and adopting a pragmatic approach to the detailed study of draft legislation. However, few empirical studies exist that assess the value of the committee process. This flaw is common within the West European literature. The comparative literature on legislative influence is lacking in detailed empirical studies (in part because of the dominant assumption within the literature that parliaments are peripheral to the policy process). Most studies provide impressionistic discussions of the capacities of committees and the constraints to their effectiveness. They do not follow this through with an analysis of committee ‘outputs’. This study of the amendments process in the Scottish Parliament addresses the gap. It uses data from a four-year study of legislative amendments to develop indicators of parliamentary outputs. While the results confirm that the committee system operates at the heart of the ‘new politics’ in Scotland, further such individual country studies are necessary to supplement much broader comparative analyses.

Introduction

When the Scottish Parliament was set up, there was much hope that the committee process would embody the ‘new politics’, with an emphasis on reducing partisanship and adopting a pragmatic, or business-like, approach to the detailed study of draft legislation. The search for a consensual and ‘new’ Scottish Parliament was borne out of a frustration with the old Westminster-style adversarial politics. The focus on strong and non-partisan committees in the Scottish Parliament was based on the shortcomings in Westminster of a charged political atmosphere with plenary sessions rather than committees as the main driver. In effect, ‘new politics’ arises from a rejection of the ‘old politics’ of Westminster (see Arter 2004; Consultative Steering Group 1999; McGarvey 2001; Mitchell 2000; Shephard & Cairney 2005).

While media-based disillusion with the Scottish Parliament is now widespread, most commentators make an exception for the increasingly influential committee process (e.g., *Sunday Herald*, 6 April 2003; *Scotland on Sunday*, 8 September 2002; *Scotsman*, 23 January 2002). This may be because of the

unusual range of powers compared to Westminster and even the legislatures of most West European countries. However, as Arter (2002) argues, impressionistic discussions of the capacities of committees and the constraints to their effectiveness can only take us so far. Indeed, the comparative European literature on legislative influence is lacking in detailed empirical studies to fill this gap between power as capacity and the exercise of that power (Hindess 1995). Individual country studies are therefore necessary to supplement much broader comparative analyses such as Döring and Hallerberg (2004).

The capacity of Scottish Parliamentary committees

One should first consider the Scottish Parliament's ability – as a devolved rather than independent parliament – to initiate and influence policy within a wider domestic and international context. As Shephard and Cairney (2005; see also Arter 2002, 2004) argue, one may be tempted to compare the Scottish Parliament with other 'adolescent' (Olson & Norton 1996) parliaments in Central and Eastern Europe that display unusually high levels of policy initiation. However, while this initiation was influenced by a break from the policies of the 'old regime' and a new sense of independence, devolution did not mark such a break in Scotland. Much of the initial Scottish legislation was similar to its Westminster counterpart and many new Scottish Acts with no Westminster equivalent actually caused convergence rather than divergence (Keating et al. 2004).

A variety of factors – the blurred boundaries between reserved and devolved matters, the United Kingdom's single market and welfare state, common security issues, its position within the European Union (EU), party and ministerial links and civil service uniformity – undermine this wholesale policy shift from the past (Keating 2005). The consequences of these blurred boundaries are best demonstrated by the rise of 'Sewel motions', which are passed by the Scottish Parliament to give Westminster the authority to legislate on devolved matters. They are used most when the divisions of United Kingdom and Scottish responsibilities are unclear and potential loopholes exist (most notably with crime – criminal justice is devolved, but drugs and terrorism policy is reserved). They are also used to confer reserved powers on Scottish ministers. A total of 41 Sewel motions were passed in the first full Scottish parliamentary session (see Cairney & Keating 2004). Similarly, the constraints of multilevel governance are well demonstrated in some policy areas by Scottish Executive consultation documents. From 1999 to 2004, more than half (51 per cent) of the total consultations relating to Scottish environmental policy were based on the need to implement European Community

(EC) directives, rather than domestic policy initiatives. Further, 68 per cent of all consultations relating to agriculture and fisheries were based on a coordinated United Kingdom approach and the implementation of EC Directives.¹

Therefore, unlike parliaments in Central and Eastern Europe, Scotland's legislative progress – and the autonomy of the Scottish Parliament – has been constrained by an enduring legacy of domestic (United Kingdom) and EU commitments. Yet how does the Scottish Parliament compare with *West* European legislatures? The capacity of Scottish Parliament committees to both initiate and influence policy compares very favourably to those in other West European systems. The Scottish Parliament has:

- permanent and specialised committees with relatively small numbers of members;
- a proportional (by party) number of chairs selected by a committee;
- committee deliberation both before the initial and final plenary stages;
- the ability to initiate and redraft bills; and
- the ability to invite witnesses and demand government documents.

These are all indicators of unusually high committee strength according to Mattson and Strøm's (2004: 100–101) criteria. Furthermore, as Arter (2002: 98) points out, Scottish committee capacity extends beyond these indicators in that committees also have a 'unique supervisory role' in the assessment of adequate interest group consultation during the formulation of Executive policy. In capacity terms, the Scottish committee system was designed to be 'extraordinarily deliberative, rationalistic, open and consensual' (a term used by Anton to describe the process in Sweden; see Arter (2002: 99)).

However, as Arter (2002) recognises, the committee framework is also subject to practical constraints. For example, Scottish Parliament committees are subject to: the influence of the major party or coalition; a high turnover of members (which affects not only the deliberative capacity of committees, but also their relationships with interest groups); and resource constraints since the membership of specialised committees may prove to be too small to ensure effective scrutiny. These problems were heightened during the demanding legislative timetable of the Scottish Executive in the 1999–2003 session (Arter 2002: 104–105; 2003). Not all of the practical requirements of a devolved parliament were anticipated, including the raft of Sewel motions, which have given an increasing number of policy decisions to Scottish ministers rather than the Scottish Parliament (see Cairney & Keating 2004). Therefore, an analysis of parliamentary and committee capacity can only take us so far. The Scottish Parliament may enjoy an unusually extensive range of 'powers' compared to Westminster and other European legislatures, but this need not necessarily

translate to policy initiation or influence. As Arter (2002: 111) argues, one also needs detailed analyses of legislative 'outputs' such as committee bills or amendments and feedback on inquiry reports.

Arter (2004) finds evidence of Scottish parliamentary influence in the unusually high number of non-Executive² bills in the first session (11 out of 61), a number of committee inquiries that helped shape the subsequent policy agenda, as well as a healthy number of public petitions. However, Arter is less enthusiastic about the potential for power sharing between the Scottish Executive and the Scottish Parliament, arguing that the Consultative Steering Group (1999) responsible for the details of Executive-legislative arrangements was less innovative in this regard: 'The prescription for legislative-Executive relations was wholly consonant with traditional party-based representative democracy. The government (Executive) would govern and parliament would scrutinise legislation, i.e., the Opposition would oppose' (Arter 2004). Indeed, it is doubtful if any such plans for an innovative relationship would be fruitful anyway without a wholesale change to the structure of government. In other words, from what we know about 'old Westminster' and British politics – if not most West European politics – there is an immense gulf between the capacities of the legislature and the Executive. The Executive has far more resources to consult with groups and to research, initiate, draft, redraft, monitor and evaluate bills. Indeed, as Page (2001) argues, if we include regulations and statutory instruments then the vast bulk of governmental legislation is passed with no significant parliamentary scrutiny. The question that logically follows is: Why pay so much attention to the 'powers' of a Scottish or indeed any parliament when the dominant paradigm within the British and West European literature suggests that we live in a post-parliamentary democracy (Richardson & Jordan 1979)? Or, in other words, why is it important that the Scottish Parliament has more 'powers' than Westminster when the latter is deemed so unimportant? Is there any evidence to suggest that the new Scottish Parliament has overcome the common assumption that groups and government have 'robbed' Parliament of its traditional law-making function?

One obvious difference that is unusual to most European legislatures is that the Scottish Parliament has initiated so much legislation and therefore exerted a direct influence on policy outcomes that inquiries and broad scrutiny do not. As Arter (2004) argues: 'Important pieces of legislation derived from committee and individual member initiatives and this was light years away from Westminster practice and indeed most other West European legislatures outside the Icelandic *Alþingi*.' However, while the numbers involved (11 of the 61 bills passed in the first full session were non-Executive) are important in comparison with *other legislatures*, there is less reason to think that they are

significant in comparison with *Executive* bills. Non-Executive bills are more restricted in their scope by the relative inability of Members of the Scottish Parliament (MSPs) – and to a lesser extent committees – to consult widely with interest groups and rely on a large specialist staff to research and draft the bill. Non-Executive bills therefore tend to address relatively limited aspects of public policy. While the bill passed to outlaw fox hunting marked significant divergence from England and Wales, few other bills³ were as salient or threatening to the status quo. Indeed, with the Abolition of Poindings and Warrant Sales Bill – initiated by campaigning MSP Tommy Sheridan – the Scottish Executive demonstrated that it could override non-Executive legislation at a later date. The Executive amended Sheridan's bill to allow enough time for it to provide its own legislation. As a result, the Debt Arrangement and Attachment Bill replaced Sheridan's Bill before it was due to commence. Thus the Scottish Parliament's abilities to initiate legislation are less significant than the numbers suggest and it is unclear just how much the Scottish Parliament's 'powers' (as capacity) translate to direct policy outcomes. While the Scottish Parliament's powers are extensive in comparison to most West European legislatures, the evidence to date suggests that this merely reinforces the argument that legislatures are peripheral to the policy process, and in the most part rely on indirect and intangible influence.

However, this article presents new evidence on the amendments process to suggest that the Scottish Parliament also exerts a significant influence on the content of Scottish Executive bills. A relatively strong (in West European terms) committee system combined with a developing set of conventions regarding Executive-legislative relations has allowed significant changes to Scottish Executive bills during their passage through the legislative arena. In other words, this article presents a series of indicators used to explore the *exercise* of parliamentary and Executive powers. It suggests that the success of Scottish Parliament committees in influencing legislative outcomes owes as much to the spirit, or the voluntary adherence to the principles, of 'new politics' than the 'powers' held either by the Scottish Parliament or the Scottish Executive.

The aggregate picture

Initial findings (Shephard and Cairney 2005) on the role of the Scottish Parliament suggest that the legislative process has a significant effect on the evolution of bills. Focusing on the amendments process during both stages 2 (committee) and 3 (whole house)⁴ of all (50) Executive bills, this study found that the Scottish Parliament had a significant effect on legislative outputs in

the first full parliamentary session (1999–2003) (for a discussion of methods and the value of amendments analysis, see Shephard and Cairney (2005)). In particular, it analysed in detail the assumption that the Scottish Executive exploits its power to ‘dominate’ the amendments process in a traditional Westminster sense. Shephard and Cairney found that, at the most aggregate level, the ‘face value’ figures confirm that the Scottish Executive enjoys an almost perfect success rate; the Executive accounts for 93.2 per cent of all successful amendments during this period and 99.4 per cent of amendments proposed by the Executive were successful. Non-Executive amendments were much less successful (12.4 per cent), and non-Executive MSPs dominate failure (98.8 per cent of all unsuccessful amendments were proposed by non-Executive MSPs). Similarly, when amendments went to a vote, the Executive had a 98.4 per cent success rate compared to 8.7 per cent for non-Executive MSPs.

These initial figures therefore give weight to the traditional Westminster notion of Executive dominance despite the raft of new Scottish Parliament ‘powers’. However, these can also be seen in a different light. Since Parliament devolves the responsibility for the steering of bills to the Executive, one would expect the Executive to present the most amendments. In this sense, Executive ‘dominance’ does not refer to a power *over* Parliament, but a power *granted by* Parliament. One should therefore guard against treating quantity as quality in this analysis. In other words, a different range of indicators may qualify accounts of dominance. For example, only 3.8 per cent of Executive amendments (compared with 7.5 per cent of MSP amendments) made a substantive⁵ difference to the bill as introduced. Most Executive amendments related to drafting, clarity and small detail changes. Indeed, ‘consequential’ amendments, which are only necessary because of the line-by-line approach used in Parliament,⁶ account for almost half of the total. The notion of Executive ‘dominance’ is undermined by the fact that 96.8 per cent of all Executive amendments were passed with no formal objection.

Shephard and Cairney found that Executive amendments were often initiated by MSPs or committees. MSPs trade the withdrawal of their amendments in return for an Executive assurance that it will address the issue and present its own amendments in the spirit of the original.⁷ On this basis, non-Executive MSPs were responsible for 37.2 per cent of all substantive amendments passed by the Scottish Parliament. This qualifies the notion of non-Executive ‘failure’, since over half (55.6 per cent) of all unsuccessful MSP amendments were withdrawn rather than rejected. These findings suggest that the Scottish Parliament has a significant impact on legislative outputs and demonstrate a consensual process that the face value figures do not highlight. The amendments process in the period under study is based on trust and a

good working relationship between Executive and legislature. It is demonstrated by the willingness of:

- the Scottish Executive to explain and justify all of its amendments;
- MSPs to accept Executive amendments (there are very low levels of formal opposition to Executive amendments and therefore very limited Executive reliance on the party composition of committees and the Whole House);
- the Executive to fully explain and justify any of its concerns about MSP amendments;
- MSPs to withdraw amendments on this basis; and
- the Scottish Executive to produce amendments to address the original MSP or committee concerns (inspired or original authorship).

The third to fifth of these points in particular demonstrate that much of this process is based on norms or conventions that were initially followed in the spirit of 'new politics', but that have also endured throughout the first full session.

The committee process as the basis for consensus

Since these initial findings present an aggregate picture, they do not identify the relative effects of each stage of the amendments process. One may expect, but cannot assume, that it is the committee stage that accounts for more of these indicators of consensus (since the committee stage was designed to be less partisan and more 'business-like'). Therefore, a stage-by-stage analysis is necessary to fully inform this process. To further the argument that one must examine the *exercise* of power as well as a range of powers in *capacity* terms, this article outlines a number of indicators of Executive and legislative activity based on a developing set of conventions that supplement the powers of each actor:

- At what stage does the Executive present its amendments? Does a large proportion of stage 3 amendments suggest that the Executive is 'bouncing' Parliament (forcing change through with relatively little scrutiny), or does this number reflect a responsiveness to committee concerns? This is an indicator of the respect that the Executive has for due process and the centrality of the committee process.
- Is stage 2 more consensual than stage 3 and does the centrality of committees affect the way amendments are processed? In other words, the

emphasis on the committee stage is to deal with the details of the bill and to minimise partisanship. The small number of MSPs meeting with each other regularly is designed to foster a 'business-like' attitude to legislation. In contrast, the stage 3 process appears less consensual and more open to debate and divisions along party lines. This indicator allows us to explore the success of the Scottish Parliament framework that places committee rather than plenary activity at the heart of the process.

- What effect does the identification of 'original authorship' have on our understanding of the committee process? This indicator allows a measure of parliamentary influence that is not made clear by 'face value' figures.
- What do these figures suggest about the respect the Executive has for decisions made by committees at stage 2? We may be tempted to assume that any amendment passed at stage 2 against the wishes of the Executive would be simply reversed at stage 3. However, a convention has developed within the Scottish Parliament that undermines this course of action. While this does not ensure that stage 2 amendments remain intact, it does require the Executive to justify an amendment reversal in more than broad policy terms. This indicator allows us to explore the endurance of the decisions taken at the committee stage.

At what stage does the Executive present its amendments?

'Bouncing' and the number of amendments moved

We can draw some general conclusions from Table 1, which highlights the numbers of amendments moved during the first full session (1999–2003, Executive bills). First, the Executive accounts for almost two-thirds of all amendments (63 per cent). However, while it moved more amendments at stage 2

Table 1. Amendments moved, Executive/non-Executive share by stage

	Total moved	Stage 2 moved (% of total moved)	Stage 3 moved (% of total moved)	Share of total (%)	Share of stage 2 (%)	Share of stage 3 (%)
Executive	5,725	3,445 (60.2)	2,274 (39.8)	63.0	56.4	76.6
Non-Executive	3,356	2,658 (79.2)	698 (20.8)	37.0	43.6	23.4
Total	9,081	6,103 (67.2)	2,978 (32.8)	100.0	100.0	100.0

(60.2 per cent) than it did at stage 3 (39.8 per cent), the Executive share of stage 3 amendments (76.6 per cent) is significantly higher than its share of stage 2 amendments (56.4 per cent). This is because non-Executive MSPs are four times more likely to move amendments at stage 2 (79.2 per cent) than at stage 3 (20.8 per cent).

MSPs show a clear preference for presenting amendments at stage 2 because: it is the first opportunity to amend; the amendment content is likely to be considered in more detail, potentially in a more businesslike and less partisan arena; and the consideration of the amendment at this stage allows the Executive to offer to address the issue at stage 3. As Shephard and Cairney (2005) suggest, a system has developed within committees that MSPs exchange the withdrawal of their amendments for an Executive assurance that the issue will be given further consideration. For the more substantive amendments, this may involve allowing ministers the time to re-consult with affected interests. In addition, as Table 2 demonstrates, this implicit understanding is followed much more closely by the coalition, or those MSPs who are relatively close to the Executive. For example, while for Labour⁸ MSPs the proportion of amendments moved at stage 3 is 9 per cent, this figure rises to 43 per cent for the category of 'other opposition'.⁹

However, it is more difficult to interpret the Executive's figures. On the one hand, the relatively large proportion of its amendments moved at the final stage (39.8 per cent) may be indicative of a disregard for Parliament. Indeed, MSPs often argue that they are being 'bounced'. For example, during stage 3 of the Ethical Standards in Public Life Bill, the Liberal Democrat MSPs abstained in objection to the late introduction of an eight-page (approximately one-quarter of the total length) amendment to the bill. MSPs objected not to the amendment itself, but the way in which it was presented. As Donald Gorrie MSP argued:

This is one of those difficult occasions in life when two causes come into conflict. In this case, the desire to get rid of surcharge conflicts with the desire for Parliament to conduct its affairs in a thoroughly democratic, open and sensible way. Producing an eight-page amendment in Friday's papers is not satisfactory. Also, there are failings in the wording of amendment 85, which some of my colleagues have detected and might want to speak about. Although I am not a great abstainer, some of my colleagues and I will feel unable to support the lodging of a late amendment of such size, but will not want to vote against ending the surcharge. This is a bad precedent and I hope that the Executive will accept that. I know that consultation went on with COSLA [the Convention of Scottish Local Authorities] and so on, but the Parliament must be given adequate time

Table 2. Types of successful amendments at each stage (and stage two-third's share of each type) (all figures expressed in percentage terms)

	Typological/ consequential			Detail/ clarity			Substantive		
	Total	Stage2	Stage3	Total	Stage2	Stage3	Total	Stage2	Stage3
	Total type	Stage2 type (Stage2 share)	Stage3 type (Stage3 share)	Total detail	Stage2 detail (Stage2 share)	Stage3 detail (Stage3 share)	Total sub've	Stage2 sub've (Stage2 share)	Stage3 sub've (Stage3 share)
Executive	59.1	55.7 (56.5)	64.3 (43.5)	37.0	39.7 (64.4)	33.0 (35.6)	3.8	4.6 (71.7)	2.7 (28.3)
Executive-Labour	59.5	55.7 (59.1)	66.0 (40.9)	36.7	39.9 (68.6)	31.3 (31.4)	3.8	4.4 (73.7)	2.7 (26.3)
Executive-Liberal Democrat	58.5	55.7 (52.4)	62.0 (47.6)	37.6	39.4 (57.8)	35.3 (42.2)	3.9	4.9 (68.6)	2.7 (31.4)
Non-Executive	45.5	49.5 (87.3)	29.3 (12.7)	47.0	44.4 (75.9)	57.3 (24.1)	7.5	6.0 (64.5)	13.4 (35.5)
Coalition	33.5	31.9 (68.8)	37.7 (31.3)	53.4	57.2 (77.5)	43.4 (22.5)	13.1	10.9 (60.0)	18.9 (40.0)
Opposition	55.8	62.1 (96.8)	13.8 (3.2)	41.5	35.4 (74.2)	82.8 (25.8)	2.7	2.6 (83.3)	3.4 (16.7)
Labour	22.7	23.9 (77.8)	19.4 (22.2)	59.7	62.5 (77.5)	51.6 (22.5)	17.6	13.6 (57.1)	29.0 (42.9)
Liberal Democrat	51.4	46.0 (62.2)	63.6 (37.8)	43.1	48.0 (77.4)	31.8 (22.6)	5.6	6.0 (75.0)	4.5 (25.0)
Scottish National Party	50.0	57.0 (95.3)	14.3 (4.7)	47.7	41.1 (72.1)	81.0 (27.9)	2.3	1.9 (66.7)	4.8 (33.3)
Conservative	65.9	70.6 (100.0)	0.0 (0.0)	30.8	25.9 (78.6)	100.0 (21.4)	3.3	3.5 (100.0)	0.0 (0.0)
Other	20.0	0.0 (0.0)	50.0 (100.0)	80.0	100.0 (75.0)	50.0 (25.0)	0.0	0.0 (0.0)	0.0 (0.0)
Total	58.2	55.1 (58.2)	63.0 (41.8)	37.7	40.2 (65.3)	33.9 (34.7)	4.1	4.7 (70.8)	3.1 (29.2)

to examine an amendment as long as amendment 85. (Official Report, Vol. 7 No. 5, Col. 565)

A broader point is made by the then Presiding Officer David Steel about Jack McConnell's First Ministerial¹⁰ period, associated with a large number of bills processed towards the end of the first full session. Discussing the Mental Health Bill, he argues:

In addition to some 1,200 amendments that were dealt with at stage 2, a total of 755 amendments have been lodged for stage 3. Of those, 480 are Executive amendments that were lodged on Friday, which was the final day for lodging amendments for today. Three other Executive amendments have since been accepted as manuscript amendments¹¹ – one as late as this morning. I am grateful to the Minister for Health and Community Care for his letter explaining the circumstances behind the lodging of those amendments . . . but I remain concerned that members are being expected to consider a large number of technically complex amendments at such short notice. (Official Report 19.03.03, cols. 19585–6)

On the other hand, we should bear in mind that the amendments process itself exaggerates these numbers. The line-by-line nature of the amendments process often necessitates a large number of amendments to deal with often-minor points. Furthermore, the large numbers of Executive amendments may to some extent indicate an increasingly democratic and responsive Executive. The Executive not only adds amendments to tidy up the legislation amended by MSPs at stage 2, but also introduces amendments to address MSP concerns expressed at stage 2. As Malcolm Chisholm (Minister for Health and Community Care) argues during stage 3 of the Mental Health (Scotland) Bill:

Many of the amendments are the result of what I would regard as our superior legislative process – I say that as someone who has been at Westminster. Most of the substantive amendments have been lodged in response to points that the committee made, on which we undertook to lodge amendments. Many consequential amendments have had to be lodged because of changes made by the committee at stage 2 . . . [people should] accept that part of the explanation is due to our more responsive and – I would argue, perhaps contentiously – superior legislative process. (Official Report, 19.03.03, col. 19586)

In other words, there is little evidence to suggest that the Executive shows a lack of respect for the centrality of committees to legislative scrutiny. It

produces so many amendments at stage 3 to address MSP concerns rather than subvert committee process.

'Bouncing' and amendment substance

In the context of 'new politics' and Executive respect for the role of committees, one would expect that a large majority of substantive Executive amendments would be presented at stage 2 to allow full parliamentary scrutiny. However, one would not expect all substantive amendments to follow this path since the Executive may also introduce amendments in response to committee concerns. To a large extent, this prediction is borne out by Table 2, which shows that the more important the amendment is, the more likely it is to be presented by the Executive at stage 2. The Executive presents far fewer substantive amendments at stage 3 (28.3 per cent) than it does at stage 2 (71.7 per cent). Moreover, as a percentage of amendment types, less are presented at stage 3 (2.7 per cent) than at stage 2 (4.6 per cent). These figures are more significant if one cross-references with Table 7 (see discussion below). This shows the number of substantive amendments introduced by the Executive to address committee or MSP concerns. If one takes these into account, then only 1.3 per cent of stage 3 Executive amendments are substantive amendments not subject to the full parliamentary process – that is, relatively few substantive amendments are 'bounced' at the final stage, and this reflects an understanding that the vast majority of *significant* changes to Executive bills should be presented well in advance.

Again, this bodes well for proponents of 'new politics', but can one say the same for non-Executive amendments? Table 2 is not as useful for backbench MSP analysis because it relates to direct successful amendments (e.g., while Labour MSPs had 119 direct successes, the Executive as a whole had 5,689). However, it does reinforce a general finding on Labour MSP strategy. For Labour MSPs, the relatively high levels of substantive amendments at stage 3 (29 per cent of amendment types, with stage 3 share of substantive successes a relatively high 42.9 per cent) reflect the understanding that while most amendments are left to the Executive, the Executive will actively support a relatively small number of important amendments.

Is stage 2 more consensual than stage 3?

Amendment withdrawal and success rates

This section explores whether or not legislative-Executive relations differ significantly at each stage. Table 3 highlights a very small difference in Executive

Table 3. Success rates of amendments moved by the Executive/non-Executive, by party

	Total			Stage 2			Stage 3		
	Moved	Successful	Success rate (%)	Moved (%)	Successful	Success rate (%)	Moved (%)	Successful	Success rate (%)
Executive	5,725	5,689	99.4	3,445 (60)	3,415	99.1	2,274 (40)	2,268	99.7
Executive-Labour	3,499	3,488	99.7	2,212 (63)	2,203	99.6	1,287 (37)	1,285	99.8
Executive-LD	2,226	2,201	98.6	1,233 (55)	1,212	98.3	993 (45)	989	99.6
Non-Executive	3,356	414	12.3	2,658 (79)	333	12.5	698 (21)	82	11.7
Non-Exec. coalition	888	190	21.4	787 (89)	138	17.5	101 (11)	53	52.5
Non-Exec. opposition	2,468	224	9.1	1,871 (76)	195	10.4	597 (24)	29	4.9
Labour	527	119	22.6	478 (91)	88	18.4	49 (9)	31	63.3
LD	361	71	19.7	309 (86)	50	16.2	52 (14)	22	42.3
SNP	1,457	128	8.8	1,172 (80)	107	9.1	285 (20)	21	7.4
Conservative	791	91	11.5	573 (72)	85	14.8	218 (28)	6	2.8
Other	220	5	2.3	126 (57)	3	2.4	94 (43)	2	2.1
Total	9,081	6,104	67.2	6,103 (67)	3,748	61.4	2,978 (33)	2,356	79.1

* Notes: LD = Liberal Democrat; SNP = Scottish National Party.

success rates across stages. This is to be expected since the Executive is more willing to withdraw and accept the will of the committee at stage 2, knowing that it can return to the issue at stage 3. The Executive coalition also has a weaker majority within some committees (which is relatively sensitive to non-attendance) and one rebellion is often enough to swing a vote.¹² More significant (party-based) differences are manifest within non-Executive figures. For example, in total, coalition MSPs enjoy more than double the success (21.4 per cent) of opposition MSPs (9.1 per cent). However, there is also a marked difference between stages. The range of success rates of the four major parties at stage 2 is 9.1 per cent (SNP) to 18.4 per cent (Labour), while at stage 3 the range is 2.8 per cent (Conservative) to a remarkably high 63.3 per cent (Labour). Liberal Democrat MSPs also enjoy a relatively high success rate at stage 3 (42.3 per cent).

The basis for this relative success is the role of ‘amendment-withdrawal’ (which accounts for most of Labour MSP’s apparent ‘failure’ at stage 2). Labour MSPs are much more likely to withdraw their amendments. This in part reflects an explicit understanding that MSPs trade their withdrawal for an Executive assurance that the matter will be addressed. However, there is also another trade-based relationship for MSPs relatively close to the Executive. In exchange for focussing the bulk of their activity to stage 2 debates and leaving the final stage 3 amendments to the Executive, Labour (and to a lesser extent, Liberal Democrat) MSPs enjoy a much higher rate of Executive support for the amendments they do present at stage 3. This process appears to be more apparent under Jack McConnell’s First Ministerial term and is well demonstrated by Scott Barrie MSP’s substantive amendment on ‘through care’ services for prisoners within the Criminal Justice Bill. Barrie withdrew his original amendment to give the Executive time to consult with the Association of Directors of Social Work and the Scottish Prison Service on its effects (since the amendment was so substantive that it went beyond the agenda of the tripartite group set up to address the issue). Following this consultation, the Executive helped Barrie redraft the amendment and present it directly at stage 3 (see Shephard and Cairney 2004).¹³

The significance of stage 2 is perhaps that opposition MSPs have *fared so well* in comparison to coalition MSPs. For example, Conservative MSPs (14.8 per cent) seem almost as successful as Liberal Democrats at this stage (16.2 per cent). This may suggest a ‘new politics’ in which ideas for change are welcomed from all sides by the lead committee. However, further analysis of the quality and fate of these amendments qualifies this conclusion. Indeed, one can explain this success with reference to particular bills in which one or two substantive amendments are followed by a raft of consequential amendments to tidy up the bill. For example, Conservative success is inflated by

Murray Tosh MSP's removal of any reference to workplace parking licensing schemes in the Transport bill; SNP success is inflated by Kenneth Gibson MSP's (subsequently reversed) amendments during the Ethical Standards bill to establish the principle that all public bodies should be covered by primary legislation; and stage 3; and Liberal Democrat success is inflated by a series of consequential amendments associated with Mike Rumbles' introduction of elections to national parks boards (with drafting support from the Executive).

Therefore, while there is some evidence of direct MSP success, the more significant aspect of this process remains the withdrawal/ assurance relationship between MSPs and the Executive. As Table 4 shows, more than half (55.6 per cent) of MSP amendments were withdrawn rather than rejected (41.4 per cent) or superseded (3 per cent). MSPs may withdraw amendments for three main reasons (see Shephard and Cairney 2005). First, the amendment may be a 'holding' or 'probing' amendment, designed to ensure debate or ask a question. Second, amendments may become unnecessary if a number of alternatives are presented by MSPs or if the Executive explains the technical flaws to the MSP. Third, MSPs may withdraw amendments at stage 2 in exchange for an Executive assurance that the issue will be addressed at stage 3. One would therefore expect that more non-Executive amendments are withdrawn at stage 2 than at stage 3. Furthermore, the withdrawal-assurance relationship will be stronger for the MSPs who are most strongly associated with the Executive or coalition.

Table 4 confirms that non-Executive/ backbench MSPs are almost twice as likely to withdraw at stage 2 (61.8 per cent) than at stage 3 (32.5 per cent). Moreover, this difference is most apparent with opposition (SNP and Conservative) MSPs.¹⁴ This suggests that while Labour (84.1 per cent) and Liberal Democrat (71 per cent) MSPs have a higher propensity to withdraw at stage 2, there is significant evidence to suggest that a reasonable working relationship also exists between the Executive and most MSPs at the committee stage – a relationship that is evident from Official Report proceedings. These proceedings also suggest that the propensity for Conservative MSPs to withdraw stems from a higher proportion of amendments that are designed to 'hold' or 'probe'.

At stage 3, opposition MSPs are much less likely to withdraw since not only do Executive assurances carry less weight at this stage, but these assurances are also less likely to be forthcoming in this relatively partisan arena. One sees a similar if less extreme drop in the propensity for Labour MSPs to withdraw at stage 3. However, Table 4 is slightly misleading because of the significance of stage 3 successes for coalition MSPs. Table 5 shows much more clearly the 'withdraw and resubmit' process for coalition MSPs. In exchange for high (68.6 per cent) withdrawal rates (or, more accurately, low (9.6 per cent) rates

Table 4. Analysis of unsuccessful non-Executive amendments (percentages)

	Failed			Withdrawn			Superseded		
	Total	Stage 2	Stage 3	Total	Stage 2	Stage 3	Total	Stage 2	Stage 3
Non-Executive	41.4	34.8	66.4	55.6	61.8	32.5	3.0	3.4	1.1
Non-Executive coalition	18.8	17.9	31.3	78.2	78.9	68.8	3.0	3.2	0.0
Non-Executive opposition	48.4	41.3	69.4	48.6	55.1	29.4	2.9	3.5	1.2
Labour	13.0	11.8	38.9	83.1	84.1	61.1	3.9	4.1	0.0
Liberal Democrat	27.0	27.0	26.7	71.3	71.0	73.3	1.7	1.9	0.0
Scottish National Party	47.0	40.7	72.3	49.7	55.6	26.1	3.3	3.8	1.5
Conservative	44.6	35.5	65.6	54.1	62.9	34.0	1.3	1.6	0.5
Other	70.2	70.7	69.6	23.7	20.3	28.3	6.0	8.9	2.2

Table 5. The fate of non-Executive amendments (in percentages)

	Total			Stage 2			Stage 3		
	Succeeded	Failed	Withdrawn	Succeeded	Failed	Withdrawn	Succeeded	Failed	Withdrawn
Labour	22.6	10.1	64.3	18.4	9.6	68.6	63.3	14.3	22.4
Liberal Democrat	19.9	21.6	57.1	16.2	22.7	59.5	42.3	15.4	42.3
Scottish National Party	8.8	42.8	45.4	9.1	36.9	50.5	7.4	67.0	24.2
Conservative	11.5	39.4	47.9	14.8	30.2	53.6	2.8	63.8	33.0

of forced failure by vote), coupled with limited demands at stage 3, Labour MSPs are rewarded with relatively high success rates at stage 3. This process is less apparent, but still significant, for Liberal Democrats.

Consensus voting rates at each stage

Some initial knowledge of the process within committee and plenary stages allows some general predictions of voting rates. First, one would expect the levels of voting to be higher at stage 3 since: only one MSP objection is required to force a vote, and MSPs are less likely to withdraw at stage 3 since the Executive cannot introduce an amendment to address the point at a later date (although sometimes an assurance that the point will be dealt with in regulations is good enough to persuade MSPs to withdraw). Second, one would expect the levels of Executive success at stage 2 to be slightly lower, since: individual rebellions can swing votes; the committee system is designed (however successful) to be more independent of party discipline and hence Executive dominance; and, rebellions at stage 2 are less devastating (as in Westminster plenary, where the larger the majority, the larger the scope for rebellion). The Executive figures in Table 6 support both of these predictions. For example, Executive amendments are over twice as likely to go to vote at stage 3. However, the stage 3 figure is still impressive because in 94.9 per cent of cases not one of 129 MSPs has objected to an Executive amendment. Furthermore, an analysis of bills from 1999 to 2001 (from Official Reports) suggests that token or single-party resistance accounts for over half of these votes. Therefore, *both* stages of the process highlight a 'new politics' in which Executive amendments are almost always routinely passed in Parliament and a majority is rarely necessary to ensure vote success.

In terms of non-Executive amendments, there is a substantial difference between stages. Amendments are almost twice as likely to go to vote at stage 3 (45.7 per cent) than at stage 2 (25.8 per cent), although much of this difference is caused by the objections associated with opposition MSP rather than backbench coalition amendments.¹⁵ Moreover, these figures are subject to influence from token or modest opposition. For example, relative Conservative success is largely down to Green MSP Robin Harper objecting to Murray Tosh MSP's Transport bill amendments.¹⁶ However, Labour MSPs' success – 40 per cent at stage 3 – may be a true reflection of their general strategy. One may be tempted to explain this success with reference to the coalition majority within the Scottish Parliament. However, analysis of Official Reports suggests that it is only the Executive that can command this majority. The Labour success rate owes more to its style during proceedings. Only ten Labour MSP amendments were voted on at stage 3 during the first session. This is because

Table 6. Amendments forced to vote and success rates by stage (as percentage of total)

	Total		Stage 2		Stage 3	
	To vote	Success rate (%)	To vote	Success rate (%)	To vote	Success rate (%)
Executive	184 (3.2)	97.8	68 (2.0)	97.1	116 (5.1)	98.3
Executive-Labour	87 (2.5)	96.6	26 (1.2)	92.3	61 (4.7)	98.4
Executive-Liberal Democrat	97 (4.4)	100	42 (3.4)	100.0	55 (5.5)	100.0
Non-Executive	1,004 (29.9)	8.6	685 (25.8)	11.4	319 (45.7)	2.8
Non-Executive coalition	154 (17.3)	25.3	136 (17.3)	25.7	18 (17.8)	27.8
Non-Executive opposition	850 (34.5)	5.5	549 (29.4)	7.8	301 (50.4)	1.3
Labour	61 (11.6)	29.5	51 (10.7)	27.5	10 (20.4)	40.0
Liberal Democrat	93 (25.8)	22.6	185 (27.5)	24.7	8 (15.4)	12.5
Scottish National Party	478 (32.8)	4	312 (26.6)	5.1	166 (58.2)	1.8
Conservative	253 (32.0)	10.3	171 (29.8)	15.2	82 (37.6)	0.0
Other	119 (54.1)	1.7	66 (52.4)	1.5	53 (56.4)	1.9
Total	1,188 (13.1)	22.5	753 (12.3)	19.1	435 (14.6)	28.3

Labour MSPs tend to withdraw their amendments if the Executive asks them to do so. Therefore, compared to opposition MSPs, relatively few go to vote and, when they are voted on, Labour MSPs have a much higher chance of Executive support.

The role of ‘original authorship’

While there is some evidence of direct Labour backbench success, MSPs of other parties rely on indirect influence to achieve substantive changes to legislation. However, this – largely committee mediated – influence should not be underestimated. Indeed, there may be very little practical difference between the Executive redrafting substantive opposition amendments, on the one hand, and helping Labour MSPs redraft their own amendments, on the other (although see Page 2003). As Shephard and Cairney (2005) point out, of the 249 successful substantive Executive amendments, 62 (25 per cent) were presented by the Executive to address concerns raised by non-Executive MSPs. If one adds these indirect, ‘original-author’, amendments to those passed directly by MSPs, one finds that while 157 (62.8 per cent) successful substantive amendments can be attributed to the Executive, 93 (37.2 per cent) relate to direct and indirect MSP influence. These figures also serve to qualify the Labour MSP dominance of non-Executive success, since more of these ‘inspired’ substantive amendments addressed opposition than coalition MSP concerns. Furthermore, Shephard and Cairney (2005) find significant evidence of the role of committees in this process. Of the 62 ‘inspired’ substantive amendments, approximately two-thirds relate to committee (rather than individual MSP) concerns.

Table 7 highlights a number of differences according to amendment stage. First, if one removes the substantive amendments that addressed parliamentary concerns, then even fewer Executive amendments are presented at stage 3 (19.1 per cent of both stages) than at stage 2 (80.9 per cent). This represents a ‘bounce rate’ of 1.3 per cent of all substantive amendments presented by the Executive at this stage (if cross-referenced with Table 2) and demonstrates a healthy respect for parliamentary process. This focus is also apparent with detail and clarity amendments, with over two-thirds (67 per cent) presented at stage 2. Therefore, typographical and consequential amendments largely explain the fact that almost 40 per cent of all Executive amendments are presented at stage 3.

Second, non-Executive MSP influence accounts for well over half (58.9 per cent) of the substantive amendments passed at stage 3. Moreover, even if one removes the (largely Labour MSP dominated) direct influence (15.1 per cent),

Table 7. Amendment types by original author

Original author	Detail			Substantive		
	Total (N = 2,303)	% of stage 2 (stage 2 share)	% of stage 3 (stage 3 share)	Total (N = 249)	% of stage 2 (stage 2 share)	% of stage 3 (stage 3 share)
Executive	83.2%	85.4 (67.1)	78.9 (32.9)	62.8%	71.8 (80.9)	41.1 (19.1)
Non-Executive	16.8%	14.6 (56.7)	21.1 (43.3)	37.2%	28.2 (53.8)	58.9 (46.2)
(Non-Executive inspired)	8.4%	4.8 (37.3)	15.2 (62.7)	24.8%	16.9 (48.4)	43.8 (51.6)
(Non-Executive presented)	8.5%	9.8 (75.9)	5.9 (24.1)	12.4%	11.3 (64.5)	15.1 (35.5)
Total	100.0%	100 (65.3)	100 (34.7)	100.0%	100 (70.8)	100 (29.2)

then at stage 3 the Executive is still responding more to parliamentary concern (43.8 per cent) than introducing its own new amendments (41.1 per cent). Understandably, this effect is much less apparent at the stage 2, with the Executive's own deliberations accounting for 71.8 per cent of all successful substantive amendments. One would expect this because of the Executive's focus on presenting its own amendments at the earliest opportunity, coupled with the fact that the Executive can not respond to a withdrawn MSP amendment until stage 3. In this context, the fact that MSPs and committees inspired 16.9 per cent of all substantive amendments at this stage is impressive (in other words, 16.9 per cent of these Executive amendments were produced in response to points made by committees at stage 1). To some extent, it points to the value of the stage 1 process in which committees consult on and analyse the general principles of bills (a process that is less apparent in Westminster).

The reversal of stage 2 amendments

Our final discussion has the potential to be a key indicator of the respect the Executive holds for direct MSP influence at the committee stage. However, this is undermined by the lack of direct MSP success at stage 2 (perhaps a more important indicator). This amounts to 20 substantive successes (of which 15 are coalition) and 148 detail/clarity successes (79 coalition). Table 8 presents four categories to describe the fate of these amendments. The amendments can be fully reversed at one extreme or not amended in any way at the other. However, some amendments are only changed to some degree – to lessen their effects (amended) or to 'tidy them up'/ make them 'technically workable' without undermining their effect (amended favourably).

In these terms, both coalition and opposition MSPs fare reasonably well when they reach stage 3. With substantive amendments, 80 per cent of both coalition and opposition amendments are either not amended or amended favourably. Similarly, while coalition MSPs enjoy more success in maintaining their detail/clarity amendments (93.7 per cent), some 84 per cent of all opposition detail amendments survive to reach the statute book (with Conservative amendments faring significantly better than SNP in both cases). Furthermore, a reading of the Official Reports suggests that even when an amendment is reversed or amended, the MSPs concerned do not necessarily object since the Executive tends to provide a detailed justification for any such change. However, there is a contrast between the Labour and SNP substantive reversals. Labour's Richard Simpson MSP voted with the Executive to reverse his amendment. Simpson accepted the amendment reversal because

Table 8. Amendment or reversal of stage 2 non-Executive amendments (with percentages in parentheses)

	Detail/clarification						Substantive					
	Amendment reversed	Amendment amended	Amendment favourably	Not amended	Amendment reversed	Amendment amended	Amendment favourably	Not amended	Amendment reversed	Amendment amended	Amendment favourably	Not amended
Total	8 (5.4)	8 (5.4)	6 (4.1)	126 (85.1)	2 (10.0)	2 (10.0)	1 (5.0)	15 (75.0)	2 (10.0)	2 (10.0)	1 (5.0)	15 (75.0)
Coalition	2 (2.5)	3 (3.8)	1 (1.3)	73 (92.4)	1 (6.7)	2 (13.3)	0 (0.0)	12 (80.0)	1 (6.7)	2 (13.3)	0 (0.0)	12 (80.0)
Opposition	6 (8.7)	5 (7.2)	5 (7.2)	53 (76.8)	1 (20.0)	0 (0.0)	1 (20.0)	3 (60.0)	1 (20.0)	0 (0.0)	1 (20.0)	3 (60.0)
Labour	1 (1.8)	2 (3.6)	1 (1.8)	51 (92.7)	1 (8.3)	2 (16.7)	0 (0.0)	9 (75.0)	1 (8.3)	2 (16.7)	0 (0.0)	9 (75.0)
Liberal Democrats	1 (4.2)	1 (4.2)	0 (0.0)	22 (91.7)	0 (0.0)	0 (0.0)	0 (0.0)	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (100.0)
Scottish National Party	5 (11.4)	5 (11.4)	3 (6.8)	31 (70.5)	1 (50.0)	0 (0.0)	1 (50.0)	0 (0.0)	1 (50.0)	0 (0.0)	1 (50.0)	0 (0.0)
Conservative	1 (4.5)	0 (0.0)	1 (4.5)	20 (90.9)	0 (0.0)	0 (0.0)	0 (0.0)	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (100.0)
Other	0 (0.0)	0 (0.0)	1 (33.3)	2 (66.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

the Executive assured him that the matter (of monitoring the contracting of community care) would be readdressed. This contrasts with SNP Kenneth Gibson MSP's amendment (to ensure that all public bodies were included within the Ethical Standards Bill), which attracted prolonged debate and controversy.

Conclusion

Despite possessing an unusually wide range of powers for a West European legislature, the evidence to date on the Scottish Parliament does not convincingly demonstrate that this translates to significant legislative impact. For example, the limited content and scope of non-Executive bills does little to dispel the argument that parliaments are peripheral to the policy process. However, the analysis of the amendments process demonstrates a broader and more enduring influence over Executive legislation. The Scottish Parliament not only initiates bills but, more importantly, is also heavily involved in the evolution of Executive bills. This is based on a combination of committee powers and conventions based on the spirit of 'new politics'.

The analysis of committee and plenary stages of the legislative process within the Scottish Parliament allows us to explore the scope of this influence and answer four main questions. First, does the Executive show a disregard for parliamentary process by 'bouncing' Parliament or presenting too many amendments at stage 3? The initial figures suggest that 40 per cent of Executive amendments are moved at stage 3. However, most of these are either consequential amendments arising from the line-by-line approach to bills (64.3 per cent) or amendments relating to clarity or small details that do not affect the substance of the bill (33 per cent). Very few of these amendments (2.7 per cent) are substantive. Moreover, if one excludes MSP-'inspired' amendments, then only 1.3 per cent of stage 3 substantive Executive amendments were 'bounced'. This suggests that the Executive shows a healthy respect for the centrality of committees to legislative scrutiny. It does not try to subvert committee process and rely on a parliamentary majority at stage 3 push through legislation. Rather, it produces so many amendments at stage 3 to address MSP concerns.

Second, is the stage 2 process more consensual than stage 3 and does this affect the way amendments are processed? Party influences clearly dominate the results on amendments which go to vote. However, a focus on the proportions of amendments not voted on is a better indicator. In this sense, there is a stage 2 effect. Fewer Executive amendments are voted on at stage 2 (2 per cent) than at stage 3 (5.1 per cent). In both stages, less than half of these

instances required the coalition majority. Therefore, the low levels of Executive amendments that went to vote are impressive in both arenas. The figures also suggest a stage 2 effect with backbench MSPs. This is most apparent with Labour MSPs who exchange withdrawals at stage 2 for small levels of direct success at stage 3. However, most opposition MSPs also enjoy a good working relationship with the Executive at this stage and are almost twice as likely to withdraw at stage 2 (61.8 per cent) than at stage 3 (32.5 per cent). While these withdrawals are also exchanged, this is clearly for indirect influence and 'inspired' or 'original' authorship.

Third, what effect does the identification of 'original authorship' have on our understanding of the value of committee process? While the Executive may not follow an MSP or committee blueprint with 'inspired' amendments, the figures on substantive Executive success at stage 3 suggest that at least as much time is spent addressing MSP and committee concerns as introducing new amendments. Therefore, direct and indirect MSP and committee influence accounts for over 58 per cent of stage 3 substantive change. Furthermore, while this effect is less apparent at stage 2, still a significant number of amendments are introduced to address committee concerns raised at stage 1. This reinforces the value of allowing committees to analyse the general principles of a bill at stage 1.

Finally, what level of respect does the Executive have for decisions made by committees at stage 2? The analysis suggests that the Executive respects the 'committee convention'. In other words, the reversal of amendments made at stage 2 is far from routine, and is generally accompanied by a detailed justification for that change.

All four indicators point to the existence of a 'new politics' approach to the processing of legislation in the Scottish Parliament. There is also a 'second face of power' (Lukes 1974) element to this process. While the plenary stage is relatively partisan and the Executive can rely on its majority, it has demonstrated a clear willingness to remove most controversial decisions from this arena and into a relatively businesslike and less partisan committee arena designed to foster power sharing between Executive and Parliament.

These conclusions help supplement existing analyses of the Scottish Parliament and its committees, proving a broader context in which to view committee initiated activity. They go beyond discussions of structure and capacity to explore the practical effects of this new committee arrangement. This article therefore provides a framework for future comparative studies of West European legislatures – to focus on legislative 'outputs' as well as structures and inputs. When studying the importance of legislatures, it is necessary to focus on the exercise of power, rather than merely identify capacity.

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Notes

1. Based on calculations from the Scottish Executive list (see www.scotland.gov.uk/views/consult.asp).
2. Note that throughout this article 'non-Executive' bills are Member, Committee or Private. Non-Executive MSPs are backbenchers – that is, they do not hold ministerial office. No party is implied by the term.
3. Such as a private bill to overcome a small planning problem affecting the National Galleries of Scotland, a member's bill to allow St Andrews University to teach post-graduate medical education, and a member's bill to clarify the law on dog fouling.
4. Stage 1 relates to general enquiries on the principles of the bill. For the most part this is done by the appointed lead committee, but other committees may review and report on the issue to the lead committee. At stage 2, the lead committee considers amendments (changes) to the draft bill. While any MSP can put forward an amendment (subject to the convener's approval), only the members of the lead committee can formally approve or oppose it (by vote if necessary). At stage 3, any MSP can put forward an amendment (subject to the Presiding Officer's approval), and all MSPs can vote on it.
5. An amendment is deemed substantive if it significantly affects the tone, principle or content of the bill (although unlike in Westminster it can not be a 'wrecking amendment' under Scottish Parliament rules). For example, the removal of the workplace parking licensing scheme from the Transport Bill. The next category of detail/clarity is used when an amendment 'fleshes out the bones' of an already stated principle or merely clarifies the wording (see Note 6 below).
6. The process requires that whenever a word or phrase is replaced in one line, an amendment is required to replace all similar words. For example, a bill may contain the word 'money' a hundred times. If 'money' is changed to 'resources' throughout the bill (to clarify the meaning), then this requires 100 amendments. The first amendment is classified as detail/clarity, whilst the remaining 99 are classed as 'consequential' – only necessary because of the drafting system.
7. For an alternative interpretation of this process in the Westminster context, see Page (2003).
8. Labour is the party with the most seats (56 of 129) in the Scottish Parliament. It formed a governing coalition with the Liberal Democrats (17 seats). The other two major parties (1999–2003) were the Scottish National Party (35 seats) and the Conservative Party (18 seats).
9. Consisting of Dennis Canavan (Independent), Robin Harper (Green) and Tommy Sheridan (Scottish Socialist). While this was a small group in the 1999–2003 session, the significance of 'other' has risen since 2003.

10. The First Minister is the Scottish Executive equivalent of the United Kingdom's Prime Minister.
11. 'Manuscript' is used by MSPs to describe amendments proposed after an agreed deadline. They are late and their inclusion is subject to Presiding Officer (stage 3) or Convener (Chair) (stage 2) discretion.
12. This also has implications for interest group strategy. One interviewee (2003) of a housing group suggested that, during the process of the Homelessness bill, since (of 7) there were 3 Labour and 3 opposition members of the committee, 'you only really had to sway Robert Brown, the Liberal Democrat to get an amendment through'.
13. This contrasts with opposition MSP (SNP) Christine Grahame's attempt to substantively amend the Regulation of Investigatory Powers bill. Despite withdrawing the amendment at stage 2 and changing the wording following consultation with the Executive, the amendment was still voted down at stage 3.
14. But not 'other' MSPs. Tommy Sheridan MSP tends to force all amendments to vote as a matter of principle.
15. And the Liberal Democrats stage 2 effect is largely down to one MSP (Robert Brown) pushing his own amendments to vote.
16. A constant objection from only one MSP inflates the figures because this forces amendments to a formal vote despite there being very little real opposition.

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