



PUBLIC PETITIONS COMMITTEE

AGENDA

13th Meeting, 2014 (Session 4)

Tuesday 5 August 2014

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Consideration of new petitions:** The Committee will consider—

[PE1524](#) by James Macfarlane on free Wi-Fi in Scottish public buildings

and take evidence from—

James Macfarlane;

and will then consider—

[PE1525](#) by Catherine Fraser on access to justice

and take evidence from—

Catherine Fraser.

2. **Consideration of current petitions:** The Committee will consider—

[PE1098](#) by Lynn Merrifield, on behalf of Kingseat Community Council, and

[PE1223](#) by Ron Beaty on school bus safety;

[PE1506](#) by Alison C Tait, on behalf of the Robert Burns World Federation Ltd, on renaming Glasgow Prestwick Airport to "Robert Burns International Airport";

[PE1509](#) by Lee Wright on Aberdeen to Inverness rail travel improvement;

[PE1513](#) by Ron Park on equal rights for unmarried fathers;

[PE1514](#) by Norman Bonney on making Time for Reflection representative of all beliefs;

[PE1516](#) by Malcolm Lamont on referenda for Orkney, Shetland and the Western Isles;

[PE1522](#) by Simon Brogan on improving bulk fuel storage safety.

PPC/S4/14/13/A

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The following papers are attached for this meeting—

Agenda item 1

PE1524 Note by the Clerk PPC/S4/14/13/1

PE1525 Note by the Clerk PPC/S4/14/13/2

Agenda item 2

PE1098 / PE1223 Note by the Clerk PPC/S4/14/13/3

Scottish Government Letter of 14 May 2014 [PE1098/UU](#)
 Transport Scotland Letter of 20 May 2014 [PE1223/BBB](#)
 Petitioner Letter of 29 July 2014 [PE1223/CCC](#)

PE1506 Note by the Clerk PPC/S4/14/13/4

Petitioner Letter of 31 July 2014 [PE1506/A](#)

PE1509 Note by the Clerk PPC/S4/14/13/5

[SPICE briefing on compulsory seat reservations
 and standing in trains](#)

Network Rail Letter of 29 May 2014 [PE1509/A](#)
 Petitioner Email of 30 May 2014 [PE1509/B](#)

PE1513 Note by the Clerk PPC/S4/14/13/6

Equal Opportunities Committee Letter of 15 May 2014 [PE1513/A](#)
 Gary McLelland Email of 10 May 2014 [PE1513/B](#)
 Anonymous Submission of 8 May 2014 [PE1513/C](#)
 UK Government Letter of 31 May 2014 [PE1513/D](#)
 Clan Childlaw Letter of 16 June 2014 [PE1513/E](#)
 Scottish Government Letter of 19 June 2014 [PE1513/F](#)
 Law Society of Scotland Letter of 25 June 2014 [PE1513/G](#)
 Scottish Women's Aid Letter of 27 June 2014 [PE1513/H](#)
 Dr Kirsteen Mackay Letter of 26 June 2014 [PE1513/I](#)
 Families Need Fathers Scotland Letter of 27 June 2014 [PE1513/J](#)
 Petitioner Letter of 6 July 2014 (updated 17 July 2014) [PE1513/K](#)
 Families Need Fathers Scotland Letter of 16 July 2014 [PE1513/L](#)
 Professor Elaine Sutherland Letter of 25 July 2014 [PE1513/M](#)
 Scotland's Commissioner for Children and Young People
 Letter of 28 July 2014 [PE1513/N](#)
 Family Law Association Letter of 25 July 2014 [PE1513/O](#)

PE1514 Note by the Clerk PPC/S4/14/13/7

Gus Logan Email of 16 April 2014 [PE1514/A](#)
 Presiding Officer Letter of 29 May 2014 [PE1514/B](#)

Interfaith Scotland Letter of 2 June 2014		PE1514/C
Church of Scotland Letter of 2 June 2014		PE1514/D
Equality and Human Rights Commission Letter of 20 June 2014		PE1514/E
Scottish Churches Parliamentary Office Letter of 24 June 2014		PE1514/F
Scottish Independent Celebrants' Association Letter of 25 June 2014		PE1514/G
Catholic Parliamentary Office Letter of 27 June 2014		PE1514/H
Scottish Episcopal Church Letter of 27 June 2014		PE1514/I
Humanist Society Scotland Letter of 30 June 2014		PE1514/J
Scottish Secular Society Letter of 14 July 2014		PE1514/K
Petitioner Letter of 23 July 2014		PE1514/L
PE1516	Note by the Clerk	PPC/S4/14/13/8
Scottish Government Letter of 27 June 2014		PE1516/A
PE1522	Note by the Clerk	PPC/S4/14/13/9
Petitioner Letter of 21 May 2014		PE1522/A
Scottish Government Letter of 24 June 2014		PE1522/B
Scottish Environment Protection Agency Letter of 25 June 2014		PE1522/C
Orkney Islands Council Letter of 27 June 2014		PE1522/D
SSE Letter of 30 June 2014		PE1522/E
Health and Safety Executive Letter of 10 July 2014		PE1522/F
Certas Energy Letter of 8 July 2014		PE1522/G
Petitioner Letter of 20 July 2014		PE1522/H

Public Petitions Committee**13th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1524 on Free Wi-Fi in Scottish public buildings****Note by the Clerk****PE1524 – Lodged 27 May 2014**

Petition by James Macfarlane calling on Scottish Parliament to urge the Scottish Government to issue a code of practice setting out a minimum standard for wifi connections provided by public authorities to members of the public; and to urge all Scottish public authorities to provide wifi connections that meet this standard in all their public buildings.

[Link to petition webpage](#)

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action it wishes to take. The Committee has invited the petitioner to speak to the petition.

Background – the following information is taken from the SPICe briefing

2. The petition states that it has two goals:
 - i. to develop a national standard for public wifi connections; and
 - ii. to encourage public authorities to provide public wifi that meets this standard in public buildings such as council offices, libraries, schools, hospitals and courts.
3. The petition notes that, although many public buildings do have a wifi connection, it is not of a high standard. It states that the following are the “desirable criteria” for a public wifi network:
 - it should be available to the public throughout the opening hours of the building;
 - it should provide a decent speed (e.g. over 10 Mbps);
 - it should be available straight away without users having to register or login (having to ask for a password or sign up for an account can be time consuming, off-putting and unnecessary);
 - it should be secure to ensure traffic cannot be intercepted;
 - it should not be filtered excessively (filtering of extreme material may be necessary, but public connections often overdo this and block access to legitimate sites); and

- activity should not be monitored by the authority providing the connection (i.e. so they can see what users are doing).
4. The petition goes on to state that the standard would be developed in consultation with key stakeholders, incorporating the desirable criteria above. If public authorities met the standard, then they would be added to a Scottish Government register of certified wifi connections.
 5. Cities in Scotland are currently trialling or tendering for, a range of different options for public wifi access. For example, [Glasgow City Council](#) is delivering a free public wifi system, Urban Wireless, in conjunction with BT, based on a “concession” model, and [Edinburgh City Council](#) has announced a ten year contract with GOWEX to deliver a “Wireless Smart City”. [Aberdeen City Council](#) is already working on something similar to what the petitioner is looking for, and is currently procuring a wifi service “across its property portfolio”.
 6. Edinburgh, Aberdeen and Perth were included in the [UK Government’s “Superconnected Cities” programme](#), which set aside £150 million of funding for better broadband for small businesses and wireless coverage for city centres and public buildings with funding from Broadband Delivery UK.

Scottish Government Action

7. In 2011, the Scottish Government published [Scotland’s Digital Future: A Strategy for Scotland](#) which sets out how the Government intends to achieve its ambition that:
 - next generation broadband will be available to all by 2020, and significant progress will be made by 2015; and
 - the rate of broadband uptake by people in Scotland should be at or above the UK average by 2013, and should be highest among the UK nations by 2015.
8. Although the Strategy does not focus on wifi provision in public buildings, it does state that:

“Technological change can make contributions to both improving outcomes and reducing costs. There is significant potential to completely transform public services, by making entirely new services and products possible. For example, it is already clear that technology will play a key role in delivering health and social services in many countries throughout the world in the 21st century. It will deliver better care for all, integrate services more cost-effectively and efficiently, and gradually become part of everyday life.

As importantly, the online delivery of public services will also provide services which are easier, quicker and more convenient for people to use, and at a lower cost than other methods allow.”
9. In 2012, the Government published [Scotland’s Digital Future: Infrastructure Action Plan](#), which provided more information on proposed improvements to Scotland’s digital infrastructure. The purpose of the Plan is to:

“deliver a step change in people’s ability to access the internet, enabling people to connect from their homes, businesses and while on the move. A world-class digital infrastructure for Scotland must deliver in terms of speed and ease of access, geographical coverage, and price and choice of provision for consumers. We recognise it is particularly critical for rural and remote communities to be digitally connected in terms of economic viability and growth.”

10. The Plan notes that:

“All trends point towards an increase in the coverage and speeds of digital access required as the number of internet enabled devices increases and as technology continues to evolve, such as cloud computing and TV through the internet. To accommodate these trends it is clear that we will need faster, more reliable upload and download speeds and the ability to use multiple devices in our homes, hospitals, further and higher education institutions, workplaces and in our schools.”

11. The petition states that the petitioner wrote to the Scottish Ministers asking if they could take action to require public bodies to provide free wireless internet access to members of the public visiting their buildings. The response from the Government stated that:

"the Scottish Government currently has no plans to fund the universal provision of free Wi-Fi in public buildings, however individual organisations will consider the business case and costs on a case by case basis. This process ensures that each organisation can demonstrate value for money in delivering the service, and also that there is the customer base that requires the service".

Scottish Parliament Action

12. In 2012, the Infrastructure and Capital Investment Committee published its report on [Broadband Infrastructure in Scotland](#). The remit of the inquiry was:

- to assess the coverage, availability and uptake of broadband across Scotland;
- to consider the ways in which different local areas are working to promote access to broadband in Scotland and how good practice might be shared; and
- to consider what work is required by the Scottish Government, infrastructure providers and others in order to expand Scotland’s digital infrastructure.

13. Similar to the Government’s Strategy, it did not focus specifically on provision of wifi in public buildings, but concluded that:

“the Committee welcomes the Scottish Government’s commitment to delivering a step change in people’s ability to access the internet. The Action Plan is an important part of the drive to meet that objective.

It will be crucial, however, that the Scottish Government, in collaboration with its local authority partners, gets the implementation and delivery of the Action Plan right.

The implementation and delivery of the proposals outlined in the Action Plan will require careful evaluation as the procurement phase and project development begins. The Committee intends to take a keen interest in monitoring these processes and welcomes the Cabinet Secretary for Infrastructure and Capital Investment's offer of providing regular written and oral updates over the course of the Parliamentary session."

Action

14. The Committee is invited to agree what action it wishes to take in respect of the petition. Options include—

(1) To seek written views. For example, the Committee may wish to seek views on the petition and specifically the request for a code of practice from:

- The Scottish Government

(2) To take any other action that the Committee considers appropriate.

Public Petitions Committee

13th Meeting, 2014 (Session 4), Tuesday 5 August 2014

PE1525 on Access to Justice

Note by the Clerk

PE1525 – Lodged 27 May 2014

Petition by Catherine Fraser calling on the Scottish Parliament to urge the Scottish Government to change the law to provide that legal aid is available to defend actions of defamation and challenge judgements in defamation cases.

[Link to petition webpage](#)

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action it wishes to take. The Committee has invited the petitioner to speak to the petition.

Background – the following information is taken from the SPICe briefing

2. The petitioner has had personal experience of being involved in a defamation case and believes that the restrictions applying to the receipt of legal aid in these circumstances limit access to justice. She is calling for legal aid for defamation matters to be available on the same basis as for other civil law cases.

Legal Aid

3. Legal aid is financial help towards the cost of legal advice and representation so that people on low and moderate incomes can gain access to the legal system. It is paid for out of public funds and administered by the Scottish Legal Aid Board (SLAB). There are a number of different types of legal aid. “Civil Legal Aid” is the type most relevant to the petitioner’s situation.
4. Civil Legal Aid must be provided by a solicitor and covers proceedings, and related work, in the sheriff court, Court of Session and UK Supreme Court (as well as several other forums). There are some exceptions in relation to the court proceedings for which Civil Legal Aid is available.
5. There are several tests an applicant must pass in order to qualify for Civil Legal Aid. The three key things the applicant must demonstrate to SLAB are that:
 - there is “probable cause” – ie. that there is a plausible legal basis for the case;

- “it is reasonable in the particular circumstances of the case” that the applicant should receive legal aid – this covers consideration of the costs and likely benefits of the action, as well as the likelihood of success¹;
 - the applicant passes the financial eligibility test.
6. Civil Legal Aid is currently available to those with an income of £26,239 or less **after** deductions for necessary expenditure (e.g. rent/mortgage costs) have been made, although an applicant may still be expected to make a significant contribution to their legal costs from income. SLAB also considers capital (such as savings or other assets) when assessing financial eligibility.

Legal Aid in Defamation Cases

7. The availability of Civil Legal Aid in defamation cases is restricted, so that applicants must meet criteria beyond the tests outlined above if they are to qualify. The restrictions are intended to operate to prevent Civil Legal Aid being available in most defamation cases.
8. Civil Legal Aid is generally available to defend a “counterclaim” of defamation made in other proceedings – i.e. only when the (non-legally aided in this respect) defender in legal proceedings raises a claim of defamation against a (legally-aided) pursuer² whose original action was about other matters. Otherwise, in order to get Civil Legal Aid for defamation, an applicant has to demonstrate that at least one of the following criteria is met. That:
- there is a wider public interest in proceedings (i.e. that the case has the potential to produce real benefits for other individuals);
 - effective representation is not possible without public funding (considering whether the applicant could, without additional assistance, challenge information before the court and/or present their arguments to the court in an effective manner);
 - the European Union directive on access to justice in cross-border disputes³ requires legal aid to be made available.
9. Before 2007, Civil Legal Aid was not available in defamation cases except to defend a counterclaim of defamation. However, the Legal Profession and Legal Aid (Scotland) Act 2007 changed the law in light of the case of *Steel and Morris v the UK*⁴ (the “McLibel” case). This case involved two campaigners who handed out leaflets criticising the food available in McDonald’s restaurants and the practices of the McDonald’s Corporation. McDonald’s sued for defamation, resulting in the longest case in English legal history. The campaigners represented themselves throughout due to the non-availability of legal aid for such cases in England.

¹ An example of a situation where the reasonableness test might not be met is where the cost of taking legal action significantly outweighs the likely financial return – eg. pursuing an appeal to the Court of Session over a faulty washing machine

² In Scotland, a pursuer is the person/body initiating court action. The defender is the person/body defending the action.

³ Directive 2003/8/EC.

⁴ 68416/01 [2005] ECHR 103.

10. Ultimately, the campaigners brought a case in the European Court of Human Rights on the basis that the failure to provide legal aid was a breach of the right to a fair trial and the right to freedom of speech guaranteed in the European Convention on Human Rights. The Court found that the UK Government had not done enough to protect the campaigners' rights and awarded compensation. As a result of the legislative changes which flowed from this case, legal aid is now available in defamation cases in the limited circumstances described above.

Legal Aid – Advice and Assistance

11. "Advice and Assistance" is a type of legal aid available to cover advice (but not representation in court) from a solicitor. It is subject to a financial eligibility test only, although the amount of time a solicitor can spend on the matter is usually capped. Advice and Assistance is available for defamation cases but would not assist with representation in court.

Scottish Government Action

12. The Scottish Government produced the [Civil Legal Aid for Defamation or Verbal Injury Proceedings \(Scotland\) Direction 2010](#), which sets out the criteria highlighted above as additional criteria to be met before Civil Legal Aid can be granted for defamation proceedings. This replaced the [Civil Legal Aid for Defamation or Verbal Injury Proceedings \(Scotland\) Direction 2008](#), which contained slightly different criteria. This, in turn, replaced a 2007 direction.
13. The Scottish Government has carried out other activity in relation to defamation (for example, consulting on the ability to sue if a deceased person is the subject of defamatory comments), but none of it is relevant to the availability of legal aid.

Scottish Parliament Action

14. The Scottish Parliament passed the Legal Profession and Legal Aid (Scotland) Act 2007, which amended the Legal Aid (Scotland) Act 1986 to provide for legal aid to be available in limited circumstances in relation to defamation. During Stage 2 proceedings, the then Deputy Minister for Justice (Hugh Henry MSP) stated⁵:

"As the general exclusion of defamation from the scheme will remain in place, legal aid will be approved in only the most exceptional cases."

15. The Scottish Parliament has dealt with defamation on a number of other occasions. [Petition PE504](#) (on behalf of James and Margaret Watson) raised the issue of defamation of those who have been the victims of murder, and the fact that the current law does not provide any basis for defending their reputations. The petition called for legal aid to be available to the families of deceased victims who wished to take action. Otherwise, the Scottish Parliament's consideration of defamation has not related to the availability of legal aid for defamation proceedings.

⁵ Scottish Parliament Justice 2 Committee. [Official Report 31 October 2006](#). Col. 2908.

Action

16. The Committee is invited to consider what action it wishes to take in respect of the petition. The Committee may wish to

(1) consider whether the current eligibility and tests, with regard to legal aid for actions of defamation, are appropriate and may wish to call for views from:

- Scottish Government
- Scottish Legal Aid Board
- Law Society of Scotland
- Scottish Human Rights Commission

(2) take any other action that the Committee considers appropriate.

Public Petitions Committee**13th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1098 and PE1223 on School Bus Safety****Note by the Clerk****PE1098 – Lodged 2007**

Petition by Lynn Merrifield, on behalf of Kingseat Community Council, calling for the Scottish Parliament to urge the Scottish Government to make provision for every school bus to be installed with three point seatbelts for every school child passenger and to ensure that, as part of a local authority's consideration of 'Best Value' in relation to the provision of school buses, proper regard is given to the safety needs of the children.

[Link to petition webpage](#)

PE1223 – Lodged 2009

Petition by Ron Beaty calling on the Scottish Parliament to urge the Scottish Government to take all appropriate action, whether through amending guidance, contracts, agreements or legislation, to require local authorities to install proper safety signage and lights on school buses, to be used only when school children are on the bus when necessary, and make overtaking a stationary school bus a criminal offence.

[Link to petition webpage](#)

Purpose

1. The Committee previously considered these petitions at its meeting on [22 April 2014](#).
2. In relation to PE1098, the Committee agreed to write to the Minister for Transport and Veterans to request a more detailed timetable for the devolution of powers relating to the provision of seatbelts on dedicated school transport.
3. In relation to PE1223, the Committee agreed to write to Transport Scotland to seek further information on the work it is undertaking with local authorities on signage and lighting, and to request that Transport Scotland assists in the evaluation of some of the pilot schemes that have taken place.
4. Responses have been received and the Committee is invited to consider what action it wishes to take in relation to the petitions.

Session 4 Committee Consideration of both petitions

5. This Committee has considered these petitions on twelve occasions since the beginning of Session 4. During this time, Transport Scotland commissioned research to establish the full implications and potential costs of any new legislation. It published the report [The Costs and Challenges of Changing the Specifications for School Transport in Scotland](#), on 18 October 2013.

PE1098

6. On 18 March 2014, the Minister for Transport and Veterans announced an “in principle agreement” to proceed with a Section 30(2) Order. The Minister wrote to the Committee the same day outlining the anticipated completion of this process during 2015 and the Scottish Government’s intention to introduce legislation in the next Scottish Parliament that “will ensure that seatbelts are provided for children...travelling to and from school on dedicated school transport.”
7. At its meeting on [22 April 2014](#), the Committee agreed to monitor the progress of the devolution of these powers and to write to the Minister to request a more detailed timescale for this process.
8. In his letter of [14 May 2014](#), the Minister states that the “processes for the drafting and agreement of the Order...will now take place over the coming months.” The response outlined an intention to provide the Scotland Office with a draft Order by early June. The Minister reiterates his intention for the Order to be made “as early as it can be in 2015.”

PE1223

9. In relation to the petitioner’s call to make overtaking a stationary school bus a criminal offence, the Minister has stated on several occasions that the Scottish Government does not support this.
10. On the issues of signage and lighting, the Minister previously highlighted various pilot schemes undertaken by individual local authorities. At the time, the Scottish Government said it was considering whether to undertake an evaluation of these, with a view to developing them nationally.
11. Following its meeting on [4 March 2014](#), the Committee wrote to the Welsh Government. In her response, the Welsh Minister for Economy, Science and Transport outlined which powers were devolved to the Welsh Assembly and the areas that the Welsh Government now regulates. These included the fitting of seatbelts on school transport but there was no explicit mention of signage or lighting.
12. The Committee last considered these petitions on [22 April 2014](#) and agreed to write to Transport Scotland to seek further information on the work it is undertaking with local authorities on signage and lighting. The Committee also requested that Transport Scotland assist local authorities with evaluations of the pilot schemes that have taken place with a view to reporting on them.
13. In its response, Transport Scotland provides details of a pilot scheme it is attempting to pursue. However, it has not been able to identify a local authority to take this on and Transport Scotland is working with CoSLA to explore this. Transport Scotland’s response also reiterates that the Minister for Transport and Veterans’ request to the UK Secretary of State for Transport, for either legislation regarding construction and use regulations to be strengthened or devolved to Scottish Ministers, was refused.

14. The petitioner for PE1223 has provided a response in which he again states his view that many school transport operators are not displaying signage appropriately and that the legislation covering this issue is not strong enough for action to be taken.

Action

15. The Committee is invited to consider what action it wishes to take in relation to the petitions—

- (1) In relation to petition PE1098, the Committee may wish to continue to monitor the progress of the devolution of powers relating to seatbelt provision, and write again to the Minister for Transport and Veterans to seek confirmation that progress is being made in line with the timetable set out in his previous response;
- (2) In relation to petition PE1223, the Committee may wish to write to CoSLA and the Association of Transport Coordinating Officers (ATCO) Scotland to seek their views on the difficulty in identifying a local authority to take on the pilot scheme outlined in Transport Scotland's most recent response;
- (3) In relation to petition PE1223, the Committee may also wish to write again to the Welsh Government to seek its views on the specific issues of signage and lighting on school transport and what action it has taken in this area.

Public Petitions Committee**13th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1506 on Renaming Glasgow Prestwick Airport
to Robert Burns International Airport****Note by the Clerk****PE1506 – Lodged 22 February 2014**

Petition by Alison C Tait, on behalf of the Robert Burns World Federation Ltd, calling on the Scottish Parliament to urge the Scottish Government to rename Glasgow Prestwick International Airport to Robert Burns International Airport.

[Link to petition webpage](#)

Purpose

1. The Committee considered this petition for the first time on [1 April 2014](#) and agreed to defer further consideration to await any relevant recommendations on naming by the Scottish Government's adviser appointed to look at options for ownership and management. On [18 June 2014](#), whilst giving evidence to the Infrastructure and Capital Investment Committee, the Cabinet Secretary for Infrastructure, Investment and Cities stated that the Glasgow Prestwick airport name would be retained. Given the Scottish Government's decision, the Committee is invited to consider what action it wishes to take in relation to the petition.

Background

2. Glasgow Prestwick Airport is wholly owned by Scottish Ministers, who purchased it from previous owners Infratil (Prestwick Aviation Holdings Ltd) on 23 November 2013. Any decision on renaming Glasgow Prestwick Airport is a matter for Scottish Ministers and the holding company.

Scottish Parliament Action

3. The Infrastructure and Capital Investment Committee held an evidence session on Prestwick Airport with the Cabinet Secretary for Infrastructure, Investment and Cities on [19 March 2014](#). At that time, the Cabinet Secretary stated that a decision had yet to be made in relation to the potential renaming of the airport.

Committee Consideration

4. The Public Petitions Committee considered the petition on [1 April 2014](#) and agreed to defer further consideration to await any relevant advice on naming from the Scottish Government's adviser.
5. On [18 June 2014](#), the Infrastructure and Capital Investment Committee held a further evidence session on Prestwick Airport during which the Cabinet Secretary for Infrastructure, Investment and Cities stated that she had

“concluded that there are strong commercial reasons to retain the Glasgow Prestwick airport name rather than to rename the airport.” However, in recognition of Robert Burns, work would be commissioned to develop a Burns-related theme for the terminal and consideration would be given to other ways in which the legacy of Burns could contribute to the promotion and marketing of the airport.

6. The Robert Burns World Federation has provided a response to the statement by the Cabinet Secretary for Infrastructure, Investment and Cities, in which it express its “disappointment that an airport so close to the birthplace of our national bard cannot be named after him.” The Federation states its view that renaming the airport would make it easy to promote and market it globally, and hopes that the decision not to do so may be revisited soon. The Federation also expresses its willingness to assist with any Burns-related themes to be use in the promotion and marketing of the airport.

Action

7. The Committee is invited to consider what action it wishes to take on the petition. In light of the decision reached by the Cabinet Secretary for Infrastructure Investment and Cities, on commercial grounds, not to rename the airport, the Committee may wish to close the petition. In doing so, the Committee may wish to write to the Scottish Government to request that it continues to engage with the Robert Burns World Federation Ltd on the ways in which the Burns legacy can contribute to the promotion of the airport.

Public Petitions Committee**13th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1509 on Aberdeen to Inverness Rail Travel Improvement****Note by the Clerk****PE1509 – Lodged 14 March 2014**

Petition by Lee Wright Calling on the Scottish Parliament to urge the Scottish Government to improve the safety, frequency and standards of rail transportation between Aberdeen and Inverness. The North East of Scotland and the two most northerly cities in the UK deserve a better rail service.

[Link to petition webpage](#)

Purpose

1. The Committee considered this petition for the first time on [1 April 2014](#) and agreed to write to Network Rail. The Committee also agreed to request information from SPICe on UK and European train company policies on seating-only tickets, and the rules and policies that apply in Scotland regarding standing on trains. The information and responses have been received and the Committee is invited to consider what action it wishes to take in relation to the petition.

Background

2. Transport Scotland, working with Network Rail, has developed a [long term plan](#) for the improvement of the Inverness-Aberdeen railway. The project aims to deliver: a two hour journey time; an hourly service; enhanced commuter services into Aberdeen and Inverness; and new stations at Kintore in Aberdeenshire and Dalcross, near Inverness airport.
3. The project, which is estimated to cost between £250 million and £500 million, will be delivered in phases. The whole project is due to be completed by 2030. Phase one of the scheme aims to deliver enhanced commuter services into Inverness and Aberdeen and new stations at Kintore and Dalcross by 2019.

Committee Consideration

4. The Committee considered this petition for the first time on [1 April 2014](#). Just prior to this, the Scottish Government announced a £170m package of improvements for the Inverness to Aberdeen rail line. At the meeting, the Committee agreed to write to Network Rail to seek a timetable for the planned improvements.
5. Network Rail has now provided further details of the scope of the improvement project, confirming a five year timescale (2014 – 2019) for completion of the works.

6. The information received from SPICe makes reference to the [National Rail Conditions of Carriage](#), which state that “unless you have a seat reservation, the Train Companies do not guarantee to provide a seat for your journey.” SPICe also notes the statement by the Office of Rail Regulation that “there is no conclusive evidence linking crowding on trains with anything other than low level health and safety risks”.
7. The petitioner feels that the response from Network Rail does not represent an intention to improve the frequency or capacity of the services on this line. He also questions the safety of passengers standing on trains.

Action

8. The Committee is invited to consider what action it wishes to take in respect of the petition. Given that the Scottish Government has stated its medium and long term plans for the Inverness-Aberdeen railway, the Committee may be satisfied that improvements are being made to the service on this line and, for this reason, may wish to close the petition.

Public Petitions Committee**9th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1513 on Equal Rights for Unmarried Fathers****Note by the Clerk****PE1513 – Lodged 15 April 2014**

Petition by Ron Park calling on the Scottish Parliament to urge the Scottish Government to review the laws that govern parental rights and child access, and their implementation, to ensure unmarried fathers have guaranteed rights to be a part of their children's lives if they are deemed fit parents.

[Link to petition webpage](#)

Purpose

1. The Committee first considered this petition on [6 May 2014](#); the Committee agreed to seek views from stakeholders and a number of responses have been received. The Committee is invited to consider the submissions received and agree what action it wishes to take.

Background

2. The petitioner is concerned that there can be circumstances where a father is prevented from having access to his child on a “whim with no reason or explanation”. The petitioner makes three specific suggestions:
 - Both parents must be named on a birth certificate before a birth can be legally registered. Where the child's parentage is in doubt, all avenues must be explored in determining the child's father to the satisfaction of a court. If it is still not possible to name the child's father for whatever reason, a court may grant a registered birth with only one parent.
 - After parentage is determined, and should both parents be found to be fit and able to care for the child should an investigation be necessary, full rights and responsibilities will be awarded to both parents. This will include the duty of care and living arrangements either agreed by mutual consent or, as a last resort, a court order.
 - If the court orders a DNA test, or anything else for that matter, then failure to comply with this request should be considered contempt of court.
3. Many of the submissions the Committee received address these three suggestions specifically. However, the petitioner does acknowledge that others may offer preferable solutions to the problems he identifies.
4. The [SPICe briefing](#) to this petition provides background information on the process for registering births, who automatically has parental rights and

responsibilities (PRRs), and how parties can seek to change the registration of a birth to include a father's name and acquire PRRs.

Scottish Government Action

5. The last major review of this area of law in Scotland resulted in the Family Law (Scotland) Act 2006, with the main provisions relating to unmarried fathers being section 23 (effect of registration) and section 24 (domestic abuse and section 11 orders). The Scottish Government has no plans for a further review and, in particular, no plans to introduce a presumption of shared parenting in Scotland.
6. However the Scottish Government is currently chairing a working group to examine the role of court reporters in cases involving contact and residence with children. More information on the work of this group can be found [here](#).

Committee consideration

7. The Committee first considered this petition on [6 May 2014](#); the Committee agreed to seek views from stakeholders and a number of responses have been received.

Submissions received

8. The Scottish Government states that it has no plans to review legislation in this area.
9. Submissions from others differed on the merits of the various strands to the petition.
10. It should be noted that the Convener of the Equal Opportunities Committee has advised that the specific issues raised by this petition were not considered during the Committee inquiry into fathers and parenting. The [report on the inquiry](#) was published on 18 May 2014.

The best interests of the child

11. Several respondents argued that the petition takes the view of rights of fathers and is parent-centric, whereas family law in Scotland holds that the welfare of the child is paramount. The Law Society of Scotland (LSS) stated that the fundamental principles of Scots child law are:
 - the welfare of the child is the paramount consideration
 - account must be taken, in the light of the child's age and maturity, of any views the child wishes to express; and
 - the court should make no order unless to do so would be better than not making the order.
12. Scotland's Commissioner for Children and Young People (SCCYP) explained that articles of the [United Nations Convention on the Rights of the Child](#) (UNCRC), which the petitioner refers to, should be read in conjunction with the convention's general principles (those general principles include the first two

bullet points in the previous paragraph) and that one cannot deduce parental rights from rights afforded to children by the convention.

13. Families Need Fathers Scotland (FNF) suggested that despite the title, the petition is focused on the needs and best interests of children and that those interests are paramount; this point was also made by the petitioner himself.

Registration of births

14. The petitioner proposed that both parents' names should be provided for a registration of a birth to take place, and that "all avenues must be explored in determining the child's father to a satisfaction of a court" before a court could grant permission for a birth to be registered with only one parent. This suggestion received little support in the responses received by the Committee.
15. The Family Law Association (FLA) had a number of objections including that that the proposal is parent-centred and while mothers may sometimes refuse to add the name of the father on the birth certificate for non-legitimate reasons, a father has a course of action open to him in order to correct the official record and gain PRRs. The FLA also observed that a requirement for a father's name to be on a birth certificate would not guarantee the accuracy of that information and that there are legitimate circumstances where the mother would not wish to name a father on the birth certificate.
16. The LSS argued that the suggestion would create a large burden on the courts and adversely affect mothers and therefore the welfare of the child. Scottish Women's Aid (SWA) pointed out that births are required to be registered within 21 days and such investigations would unduly delay registration. Dr Mackay from Edinburgh University and the NSPCC both pointed out that under Article 7 of the UNCRC, a child should be registered "immediately after birth and has the right to a name and nationality flowing from this"; Dr Mackay argues that without registration, children are more difficult to trace in disappearance cases and at increased risk to human trafficking.
17. FNF noted that in England, Wales and Northern Ireland, parents have 42 days to register children and does not understand the urgency to register in Scotland within 21 days when "there are no obvious problems in England, Wales and Northern Ireland. FNF also criticised the current process for adding a father's name to a child's registration by way of a Register of Corrections, rather than replacing the original birth certificate.
18. FNF suggested that mothers should provide an explanation for sole-registrations. In a supplementary submission, it drew the attention of the Committee to a report of the Centre for Social Justice¹ which called for the UK Government to enact provisions in the Welfare Reform Act 2009 to ensure that fathers' names are provided at registration (subject to a number of exemptions)

¹ Centre for Social Justice (2014) *Fully Committed? How a Government could reverse family breakdown*. Available at: http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/CSJJ2072_Family_Breakdown.pdf

and to allow either parent to register a father's name on a birth certificate (subject to a paternity test if necessary). The report identifies two reasons for this approach: first in signalling the expectation that fathers will have a role in their children's lives to both fathers and practitioners; second, that such a policy would support children's right to know their parentage under Article 7 of the UNCRC.

19. Simon Hughes MP, Family Justice Minister, advises that in England and Wales it is possible to re-register a birth to ensure inclusion of a father's name on the birth certificate.
20. The Scottish Government states that it does not agree with the petitioner's proposal. However, it accepted that the current system of reflecting any decree of paternity or decree of declaratory of parentage in a Register of Corrections (rather than on the birth register) may require reform and it will undertake a consultation on this.

DNA Tests

21. The LSS supports measures to allow the court be able to order a DNA test of a child but noted that there may be instances when the best interests of the child could preclude a paternity test. The LSS argued that the court would be able to exercise discretion in these circumstances.
22. Others, including SWA, argued that such a provision could breach the child's human rights, under Article 8 of ECHR. SCCYP was concerned at the suggestion of criminal sanctions for mothers, or indeed children themselves, who refused to comply with a court ordered DNA test. He suggested that more should be done to "remind parties at declarator proceedings of the need to act in the best interest of the child".
23. The Scottish Government considers the current provisions, under which a court may make any inference it wishes should a party refuse to undertake a DNA test, are sufficient.
24. The petitioner welcomes the LSS's recommendation that the court be able to order a DNA test. He also noted that DNA tests need not be invasive.

Parental rights and responsibilities (PRRs)

25. The petitioner called for PRRs to be awarded to both parents once parentage is determined, so long as both parents are deemed fit and able. The SPICe briefing to this petition states:

"A range of people automatically have PRRs in respect of a child, including: 1) the child's mother; 2) the child's father where he is married to the mother at the time of the child's conception or subsequently; and 3) the child's father where he is registered as the father of a child *on or after 4 May 2006*."

26. It is possible to acquire PRRs by entering into an agreement with the child's mother and registering it in the Books of Council and Session, or through an application to the courts.
27. The LSS suggested that when a court considers an action raised for a declarator of parentage, PRRs could be considered at the same time. This would avoid a mother having to raise a separate action to prevent an abusive man having access to her and their child.
28. In its submission, CLAN Childlaw noted that a Scottish Law Commission Report in 1992 recommended that PRRs should be conferred to both parents regardless of marital status and this recommendation was not qualified by any reference to the registration of births. CLAN recommended that the issue of whether all fathers should automatically have PRR be referred to the Scottish Law Commission for consideration of inclusion in a future programme.
29. The Scottish Government has rejected the idea that all fathers should be given PRRs on the basis that; this could expose mothers and children to abuse and violence at the hands of former partners; it would be unfair for a women to have to raise court proceedings to remove PRRs from a man who raped her or a man with whom she had had a brief liaison and has fallen pregnant; and that some commitment to joint parenting should be required. FFJ contests this on the grounds that protecting against domestic abuse has unintended consequences for reasonable fathers. It feels the Minister is concerned with the effects of domestic abuse but not the negative effects of mothers controlling or withdrawing access between children and their fathers when that action is unwarranted.
30. The petitioner echoed many of the points of FNF. Particularly, the petitioner expressed his unhappiness that the Minister had drawn together cases of rape and brief (consensual) liaisons.

Action

31. The Committee is invited to agree what action it wishes to take in respect of the petition. The Committee may wish to write again to the Minister asking for her comments on the evidence received by the committee.
32. Specifically the Committee may wish to seek the Government's views on:
 - Families Need Fathers Scotland's proposal that mothers should provide a reason when registering a birth without providing the father's name;
 - the Law Society of Scotland's proposal that courts be given the power to order DNA tests when seeking to determine paternity;
 - CLAN Childlaw's suggestion that the question of whether all fathers should automatically have PRRs be referred to the Scottish Law Commission for consideration of inclusion in a future programme; and
 - Why it considers that the prospect of a mother raising proceedings to remove PRRs from a man with whom she had had a brief (consensual) relationship would be unfair.

Public Petitions Committee**13th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1514 on Making Time for Reflection representative of all beliefs****Note by the Clerk****PE1514 – Lodged 5 April 2014**

Petition by Norman Bonney calling on the Scottish Parliament to ensure that each year its weekly Time for Reflection fulfils its ambition of being representative of the diversity of religion and belief in Scotland by limiting representatives of religious denominations to one half of the presentations and ensuring that twenty five per cent of all sessions are presented by atheists.

[Link to petition webpage](#)

Purpose

1. The Committee considered this petition for the first time on [6 May 2014](#). The Committee agreed to seek views on the petition from the Presiding Officer, Interfaith Scotland, Humanist Society Scotland, the Scottish Secular Society, the Scottish Independent Celebrants' Association and the Equality and Human Rights Commission. A number of responses have been received and the Committee is invited to consider the submissions and agree what action it wishes to take.

Background

2. Chamber Business usually begins each week with Time for Reflection (TfR) when an external speaker addresses the meeting of the Parliament for up to 4 minutes. Invitations to address the Parliament at Time for Reflection are issued by the Presiding Officer on advice from the Parliamentary Bureau. In general, nominations for contributors are proposed to the Presiding Officer by MSPs or by the religions or faiths directly. There have also been occasions when individuals have written to the Presiding Officer with nominations. TfR was first agreed in the Parliament through [Motion S1M-131](#), which was moved by Tom McCabe MSP on 9th September 1999.
3. The motion proposed that contributions to TfR should follow a pattern based on the balance of beliefs in Scotland. In Session 2, the Parliamentary Bureau agreed that religions and faiths with smaller numbers of adherents should be included to a greater extent than the proportion within Scotland would indicate (based on the 2001 Census). Therefore, the current pattern is not reflective of the figures in the Census but is a loose approximation with this caveat factored in. In addition to reflecting the broad pattern of beliefs in Scotland, an attempt is made to take account of gender, geographical location and the length of time that a contributor has been on the waiting list.

4. The petitioner argues that TfR over-represents Christian denominations and other religious traditions and under-represents those with no faith. He proposes that atheists, who according to a Westminster Faith Debate survey, make up about one in four of the Scottish population, should get one quarter of the time slots available for TfR.
5. SPICe produces a [Scottish Parliament Fact sheet](#) outlining the contributors to Time for Reflection in Session 4. It states that up until 1 April 2014, 13 out of a total of 103 contributors were non-faith. This represents just under 13% of all contributors leaving a remainder of 87 percent for religious contributions. [Table 7 in release 2A of the census data for 2011](#) outlines the religious breakdown in Scotland. It shows that 36.7% of the population stated that they had no religion in the latest census.

Scottish Parliament Action

6. The Parliamentary Bureau issued [guidance on TfR](#) in 2005 which is available on the Parliament website and outlines the chamber procedure as well as direction on tone and content.

Submissions

Support for Time for Reflection

7. A number of submissions expressed support for TfR and considered the practice valuable. The Church of Scotland's highlights "the Scottish Parliament's commitment to celebrating Scotland's rich religious and civic heritage", and this sentiment was shared by others, including Interfaith Scotland and the Scottish Episcopal Church. The Catholic Parliamentary Office said that the current system "seems to operate successfully under the supervision of the Presiding Officer".
8. Other respondents questioned the value of TfR. The Scottish Independent Celebrants Association (SICA) agreed that TfR is an important symbol but stated that a wider debate on the Scottish Parliament's religious affiliations would be useful. The Humanist Society Scotland (HSS) suggested that Parliament's time and resources may be better spent and called for a debate on the future of TfR.

Allocation of TfR Contributors

9. The Presiding Officer provided details of how the Parliamentary Bureau manages and allocates TfR and indicated that the Parliamentary Bureau intends to review how it manages TfR. She stressed the importance in the process of individual MSPs proposing contributors to lead TfR and of including as many of those nominations as possible.
10. The Equalities and Human Rights Commission (EHRC) clarified that while the SPCB is subject to the Public Sector Equality Duty, the Parliament as a whole is not. As the decision to invite individuals or organisations to lead TfR is a matter for the Presiding Officer, it is not covered by the Duty. The EHRC noted that individuals may write directly to the Presiding Officer or approach their MSP should they wish to lead TfR and suggested that "this approach, rather than a

rigid quota system, or treating the matter as legal compliance issue, may prove more proportionate and productive”.

11. There was no explicit support for the quotas suggested by the petitioner. HSS noted, however, that proportion of contributions to TfR of non-believers falls considerably short of those who are identified as such in the 2011 Census.
12. Interfaith Scotland stated that its members support the inclusion of “other voices at the Time for Reflection” and that consideration should be given to “Charity organisations, teachers and health professionals who contribute so extensively to the life of Scotland” presenting TfR.
13. The Presiding Officer provided details of the number of women who have contributed to TfR. The figures provided showed that 24% of TfR contributors were women in the last three parliamentary years. The petitioner noted that none of the submissions directly addressed the gender imbalance of TfR contributors.
14. The petitioner asks Parliament to hold a debate on the future of TfR.

Action

15. The Committee is invited to agree what action it wishes to take in respect of the petition. Standing Orders provide that the Committee may refer the petition to any body to take such action as it considers appropriate. It is suggested that the Committee may wish to refer this petition and the submissions received to the Parliamentary Bureau to take account of in its review. If such a referral is made, the Committee should close the petition but in so doing note that any individual or group is able to contact their own MSP or the Presiding Officer directly with suggestions as to who may be invited to lead TfR.

Public Petitions Committee**13th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1516 on Referenda for Orkney, Shetland and the Western Isles****Note by the Clerk****PE1516 – Lodged 19 April 2014**

Petition by Malcolm Lamont calling on the Scottish Parliament to urge the Scottish Government to hold three separate referenda in Shetland, Orkney, and the Western Isles on Thursday 25 September 2014, one week after the Scottish independence referendum, asking the people of each island group whether they would prefer their island group to:

- to become an independent country, or
- to stay in Scotland

and, in the event of a yes vote in the referendum on Scottish independence, to have the following additional option: to leave Scotland and stay in the remainder of the UK.

[Link to petition webpage](#)

Purpose

1. The Committee first considered this petition on [20 May 2014](#). At that meeting, the Committee agreed to seek the views of the Scottish Government. A submission from the Scottish Government has been received and the Committee is invited to consider what action it wishes to take on the petition.

Background

2. This petition asks for the Scottish Government to hold separate referendums in each of the three Island groups a week after the Referendum on Scottish Independence takes place. The petitioner acknowledges that the Order in Council which transferred the power to hold a Referendum on Independence to the Scottish Parliament requires the poll for this referendum to be held on a day with no other poll provided for by legislation of the Scottish Parliament. However, he goes on to state that there would be nothing to prevent, "... the Scottish Government from deciding to hold these three referenda a week later".
3. The "Edinburgh Agreement", signed by the Scottish and UK Governments in October 2012, and the subsequent Order in Council made under section 30(2) of the Scotland Act 1998, gave a clear legal basis for the Scottish Parliament to legislate for a single-question referendum on Scottish independence to be held before the end of 2014. This was taken forward by the [Scottish Independence Referendum Act 2013](#), which provides for a referendum with a single question on independence in Scotland to be held on 18 September 2014 or later (but no later than 31 December 2014) in certain circumstances.

4. There was no provision in the Edinburgh Agreement, Order in Council or in the 2013 Act for further referendums on independence to be held in Scotland. While it is clear from the Section 30 Order that it would not be competent for the Parliament to legislate to hold another referendum on the same day as the Referendum on Scottish Independence, it is less clear whether or not the Scottish Parliament has the power to legislate for a referendum of the kind called for by the petitioner. In the case of the Referendum on Scottish Independence, there was disagreement between the Scottish and UK Governments on the former's competence to hold such a referendum. In the event, however, the use of a section 30 Order was mutually agreed to put the legality of the referendum beyond doubt and to ensure respect for the outcome.
5. It may be argued, as it was in the case of the Referendum on Independence, that the purpose and effect of such a referendum would be to end or alter the Union between Scotland and England. Schedule 5 Part 1, paragraph 1 of the Scotland Act 1998 reserves "aspects of the constitution", including the Union of the Kingdoms of Scotland and England. On the other hand, it may be argued that political independence does not necessarily mean ceasing to be part of the same kingdom. Paragraph 1 also reserves the Parliament of the United Kingdom. Arguably, a referendum on the removal of any or all of the three Island groups from the jurisdiction of the UK Parliament would impinge on that reservation. However, it is also arguable that such a referendum and its outcome would have no effect on the powers of the UK Parliament, as only further legislation at Westminster to give effect to the outcome could do that.

Our Islands Our Future Campaign

6. In response to the Referendum on Scottish Independence, Scotland's three island councils launched a campaign in June 2013 on the future of the Islands regardless of the result of the Referendum. This campaign '[Our Islands Our Future](#)' considers itself to be non-partisan, taking no position on the outcome of the Referendum. The campaign seeks to engage and negotiate with political leaders and decision makers on either side of the independence debate, to ensure that the particular nature and needs of Scotland's Island groups are recognised and taken fully into account.

Scottish Government Action

7. In July 2013 the First Minister issued what became known as the '[Lerwick Declaration](#)' establishing the Island Areas Ministerial Working Group, chaired by Local Government Minister, Derek MacKay MSP. The purpose of the Working Group was to work towards developing a prospectus outlining opportunities for island communities in the context of the referendum.
8. On 16 June 2014, the Scottish Government published the Working Group's report, '[Empowering Scotland's Island Communities](#)', which made proposals with the objectives of:
 - Promoting islands voice;
 - Harnessing island resources; and
 - Enhancing wellbeing.

9. The proposals made in the document are predicated on the transfer of all powers to the Scottish Parliament following the referendum on independence.

UK Government Action

10. Shortly after the Lerwick Declaration, Michael Moore MP, then Secretary of State for Scotland, announced that he would also meet with the leaders of the three islands councils to discuss the needs of the three Island groups. Since then, Alistair Carmichael, MP for Orkney and Shetland, has replaced Mr Moore as Secretary of State for Scotland.
11. On 7 April 2014, representatives of Our Islands Our Future held meetings at Westminster over three days with the Secretary of State for Scotland and with others, including Labour's Shadow Scottish Secretary, Margaret Curran MP. The main purpose of the meeting with the Secretary of State was to agree a concordat incorporating the Government's response to the issues raised in the campaign. Mr Carmichael said that he hoped to have an agreement in place by mid-summer giving the island authorities greater control over their own affairs. Mr Carmichael also said that the islands should have, 'the maximum amount of control' and promised 'genuine and long-lasting reform'.

Committee Consideration

12. The Committee first considered this petition on [20 May 2014](#) and agreed to seek the view of the Scottish Government. In its response, the Scottish Government states the importance and value of the Shetland, Orkney and Western Isles to Scotland, draws attention to [Empowering Scotland's Island Communities](#) and outlines some of the proposals.
13. At the time of writing, the Committee has not received anything from the petitioner in response to the Scottish Government's submission.

Action

14. The Committee is invited to agree what action it wishes to take in respect of the petition. The Committee may wish to defer any further action until the result of the referendum on independence is known.

Public Petitions Committee**13th Meeting, 2014 (Session 4), Tuesday 5 August 2014****PE1522 on improving bulk fuel storage safety****Note by the Clerk****PE1522 – Lodged 16 April 2014**

Petition by Simon Brogan calling on the Scottish Parliament to urge the Scottish Government to review the current statutory provisions applying to bulk fuel storage sites to ensure the same level of secondary containment is in place irrespective of the reason for the fuel being stored.

[Link to petition webpage](#)

Purpose

1. This petition was considered for the first time on [20 May 2014](#). The Committee agreed to seek the views of the Scottish Government, SEPA, the Health and Safety Executive, Fire Scotland, Orkney Islands Council, SSE and Certas. Responses have been received and the Committee is invited to consider what action to take on the petition.

Background – the following information is taken from the SPICe briefing

2. This petition relates to the Water Environment (Oil Storage) (Scotland) Regulations 2006, which apply to e.g. the storage of petrol, diesel, mineral, heating and lubricating oil in any kind of container which is used and stored on premises above ground, whether inside or outside a building. This includes fixed tanks, intermediate bulk containers, drums or mobile bowsers.
3. The regulations set design standards for new and existing above-ground oil storage facilities, and require that:
 - Where oil is stored in any portable container with a storage capacity of less than 200 litres, the container must be of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in its ordinary use.
 - Where the container has a storage capacity of 200 litres or more, the regulations require provision of a secondary containment (a bund or drip-tray) to ensure that any leaking or spilt oil cannot enter the water environment.
4. SEPA [provides](#) useful information on these regulations, and lists a number of exemptions, including:
 - Premises used for the onward distribution of oil to other places, like oil distribution depots for example. This includes sites where operations such

as blending and filling are carried out, but does not include fuel installations for transport companies

5. These sites are not subject to the Control of Major Accident Hazards Regulations 1999 ([COMAH](#)) due to the relatively small amounts of substances stored.

Scottish Government Action

6. None specific to date, however a similar petition ([PE936](#)) by the same petitioner was considered by the Scottish Parliament in 2006, and closed in April 2009:

[...] on the grounds that the Scottish Government has provided a satisfactory clarification of the standards of control applied at sites such as that at Shore Street which does not fall within the Control of Major Accident Hazards Regulations (COMAH) and that it has confirmed that lessons from the Buncefield incident and investigation reports are being addressed through relevant emergency and civil contingency arrangements, land use planning, public health policies as well as through the Health and Safety Executive and SEPA regulatory programmes.

Scottish Parliament Action

7. Aside from considering PE936, the following PQs are relevant:

Question S4W-13677: Liam McArthur, Orkney Islands, Scottish Liberal Democrats, Date Lodged: 14/03/2013 To ask the Scottish Government for what reasons the SSE power station on South Uist is subject to the provisions of the Water Environment (Oil Storage) (Scotland) Regulations 2006 but the Shore Street fuel depot in Kirkwall is not.

Answered by Paul Wheelhouse (27/03/2013): The oil stored at the SSE Power Station Loch Carnan is used on site, and as such is subject to the requirements of the Water Environment (Oil Storage) (Scotland) Regulations 2006.

The Kirkwall Fuel Depot is an oil storage facility used for the onward distribution of oil, and such installations are exempt from the Regulations.

A guidance note, Model Code of Safe Practice Part 2: Design, construction and operation of petroleum distribution installations (3rd edition) by the Energy Institute <http://www.energyinst.org.uk/> is specifically focused at distribution installations.

Question S4W-13676: Liam McArthur, Orkney Islands, Scottish Liberal Democrats, Date Lodged: 14/03/2013 To ask the Scottish Government how it determines which fuel storage sites are subject to the provisions of the Water Environment (Oil Storage) (Scotland) Regulations 2006.

Answered by Paul Wheelhouse (27/03/2013): < >Regulations 4 to 6 of the Water Environment (Oil Storage) (Scotland) Regulations 2006 set out

the criteria to determine which oil storage facilities are subject to the provisions of the Regulations. The Regulations can be found at the following link: <http://www.legislation.gov.uk/ssi/2006/133/contents/made>.

Public Petitions Committee Action

8. Following its initial consideration of the petition, further views have been received. SEPA is concerned about the “apparent 2-tiers of environmental protection performance provided for by the exemption from the 2006 Regulations”. It supports a review and is keen to be involved in discussion with parties involved including oil storage depot operators.

9. Orkney Islands Council sets out its involvement in discussions to date and its continuing concerns about safety and environmental issues.

10. SSE advises that its tanks have been inspected and upgraded in compliance with regulations and that two of the three tanks have been returned to service.

11. The Scottish Government references the SEPA pilot study and advises that it now intends to undertake a review of the provisions required to protect the water environment. The findings of the review and any proposed action will be published early in 2016.

Action

9. The Committee is invited to agree what action it wishes to take in respect of the petition. Options include—

(1) To request that the Scottish Government considers and takes account of the evidence received in relation to this petition and reports back its review findings and proposed action in due course.

(2) To take any other action that the Committee considers appropriate.