

Quantifying the Scottish Parliamentary and Legislative Agendas: Acts, Inquiries and Sewel Motions of the Scottish Parliament (1999-2007)

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Introduction

This paper reports on work to document and quantify the Scottish legislative agenda since the devolution settlement of 1999. This work has been conducted as part of a broader UK endeavor to assess the legislative agenda of the United Kingdom¹, which is itself a component of a European project designed to compare national legislative agendas². The modest aim of this working paper is to collect, in one place, the topic content of the legislative output of the Scottish Parliament for its first two sessions (1999-2007). In this paper, I conceive of *output* in quite a broad way. In the first instance, consistent with the comparative and UK projects, I quantify the spread and diversity of topics covered by Acts of the Scottish Parliament. But, of course, legislatures serve (at least in principal) the wider purpose of debating and deliberating over a broader agenda than is legislated upon. Therefore, I also examine the Bills that did not make it into law, and the inquiries of parliamentary committees (those unrelated to Bills). These two ‘additional’ agendas will tell us what (at least in part) was discussed by the institution of Parliament, but not legislated upon.

The original policy agendas project was a product of US scholarship (see Baumgartner and Jones 1993). And it focused almost exclusively on the US federal government and related political institutions, such as Congress. The UK Agendas Project could have simply focused upon UK level

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¹ Peter John, Will Jennings and Darren Halpin ‘Legislative policy agendas in the UK’ (ESRC Reference: RES-062-23-0872).

² European Science Foundation (ESF) EUROCORES European Collaborative Research Projects (ECRP) application, ‘The Politics of Attention: West European politics and agenda-setting in times of change’, led by Professor Stefaan Walgrave, University of Antwerp.

institutions and assumed it to be broadly equivalent with the US federal government. However, the decision was taken to include a devolved administration, in the form of Scotland. This has added some considerable complexity. One obvious complication is that the devolution settlement in the UK is characterized by the fluid nature of responsibilities between governments in both systems. Quantitative exercises – such as the one engaged in here – do require some clear distinctions to be made. But, in order to try to at least embrace this complexity, we have included analysis of Sewel Motions between Scottish and Westminster Parliaments (which allow Westminster to legislate on behalf of the Scottish Parliament on devolved issues). This analysis will capture some sense of the scale of the give and take between UK and Scottish institutions.

By comparison to the broader UK-focused element of the project, the brief for Scotland was modest: to generate data on post-devolution legislative outputs for the Scottish Parliament. The core aim of the Scottish workpackage was to supply data on the bills passed through the Scottish parliament and inquiries held by committees, and to code both according to the UK policy agendas codebook. Thus, unlike the British portion of this ESRC funded project, I do not produce data on Parliamentary Debates, Government expenditures, or media attention. Neither project includes regulations or statutory instruments as ‘legislative outputs’. These are no doubt worthy foci for future work.

It is also important to recognise that the relatively youthful nature of the Scottish Parliament makes many types of policy agenda-related analyses difficult to achieve. The ‘toolkit’ offered by the policy agendas approach is overwhelmingly orientated towards measures of year-upon-year ‘percentage change’ in the agenda of governing institutions (and the extent of ‘skewness’ therein). As Baumgartner *et al.* (2006, 959) explain, ‘Studies of policy agendas’ focus on changes ‘over time’ and ‘over long periods’. Indeed, much of the existing analysis in the policy agendas genre covers multiple decades of data. Given the Scottish case has just eight years of post-devolution data to analyse – I examine the first two Scottish Parliaments 1999-2007 – I am somewhat restricted in the types of analysis I can pursue. As envisaged in the overall project design, the Scottish data will make more sense when used to contrast with pre-devolution legislative output at Westminster. Thus, what is offered here is a starting point, not a final product. It is offered as basic foundation upon which to add to over time, and perhaps an investment in future policy agenda-related scholarship on Scottish

politics. However, here I limit discussions to the Scottish data alone; comparative Scottish-UK findings are reported elsewhere.

Background: Devolution and Scottish Political Institutions

As is no doubt well understood, the process of UK devolution resulted in Scotland, Wales and Northern Ireland being granted their own 'home' governments and legislatures with varied legislative powers and competencies. This paper concerns events in Scotland. The passing of the *Scotland Act 1998* by the UK Parliament marked the formal reorganization of governmental institutions and responsibilities throughout the United Kingdom. In Scotland, the majority of the duties of the Scottish Office were transferred to the Scottish Government (or Executive) and a Scottish Parliament was (re)established.³

Scottish devolution came with high expectations, chief among which was a stated desire to deliver what became referred to as 'new politics'.⁴ The Parliament and associated institutions would demarcate a strict departure from Westminster politics (see discussion in Cairney, Halpin and Jordan, 2009). The new politics of Scotland was, above all, about bringing government close to citizens and allowing for a truly Scottish agenda to be pursued. This type of desire is reflected in the formal institutions of the Parliament: its layout and design, its method for elections, the use of a public petitions process and the key legislative function attributed to committees.

But some have noted that the politics of the devolved Scotland has fallen well short of the 'new politics' scenario imagined a decade earlier (Jordan and Stevenson 2000; Bonney 2002). Such conclusions arise from evidence of, the low number of non-executive Bills (despite the possibility for committees to pursue their own agendas in the legislative process), the infrequent take-up by the Executive of outputs from the Petitions Committee, and the propensity for interest groups to focus their lobbying attention on the Executive rather than the new Parliament (Cairney *et al.* 2009; McGarvey and Cairney 2008). Given this type of debate, from an agendas perspective, one might ask whether there is any distinctive about the composition of the agenda of Committees, say

³ It is important to note that the *Act of Union (1707)*, which saw the Scottish Parliament dissolved, *did* safeguard separate Scottish legal, educational and church systems.

⁴ See for example, the Scottish Constitutional Convention (1995) and Consultative Steering Group Report (CSG) (1999).

compared to that of legislative outputs like Bills or Acts. Those arguing that the ‘new politics’ has failed to emerge would expect there to be little difference at all.

It is perhaps worth recapping the legislative powers and institutional design of the Scottish Parliament under devolution.

Legislative Powers: The Scottish Parliament was granted the powers to pass primary legislation in a range of ‘devolved’ areas. So-called ‘reserved’ matters resided with Westminster. Thus, in terms of policy issue coverage, the Scottish legislative agenda is by definition constrained to ‘devolved matters’⁵. But as will become evident, this presents an overly simplistic and neat picture of the *actual* division of legislative activity (and hence output). As is common in any non-unitary system of government, the black letter law tells a rather neat story of division of responsibilities among tiers; but the reality is often somewhat more complex. For instance, while Scotland has powers over say transport or criminal/civil law, this is only for some transport and legal issues. In addition, under *Section 63* of the *Scotland Act (1998)* the Scottish Executive can be granted further powers, even when beyond the legislative competence of the Scottish Parliament. Moreover, the Parliament may debate and inquire over topics which it cannot legislate over. Lastly, mechanisms, such as Sewel motions, allow for the two Parliaments to coordinate responses to common issues: with Scotland allowing Westminster to legislate on its behalf. Understandably, the Sewel motion process provides a window on the active debate and negotiation over competence and policy agendas. As Cairney (2006, 182) explains, such motions demonstrate the ‘blurred boundaries’ between reserved and devolved matters, and are used ‘when the divisions of United Kingdom and Scottish responsibilities are unclear and potential loopholes exist’. In sum, despite the neat formal statement of ‘competence’, there remains a key *empirical* question as to what the legislative agenda of the new Scottish Parliament actually looks like.

Institutional Design: It is worth recognising that the institutional design of the Scottish Parliament was guided by a desire to be different from Westminster. And, there is some reason to expect it may have an independent effect upon the type of legislative agenda pursued. Yet, as McGarvey and

⁵ Devolved Matters include, Health and social work; Education and training; Local Government and housing; Justice and police; Agriculture, forestry and fisheries; Environment; Tourism, sport and heritage; Economic development and internal transport. See Parliament and Constitution Centre (2009, Ref: 2009/10/25-PCC) for a detailed explanation of the division of responsibilities.

Cairney make clear, there is not much clarity with respect to what the ‘Westminster model’ actually means (2008, 23). The 1997 Consultative Steering Group on the Scottish Parliament (CSG) provided an important statement of the aspirations informing institutional design (CSG 1999). Their report focussed upon the ‘new politics’ of Scotland which was to be about ‘consensus and participation’ (see Arter 2004). A central feature in achieving this was a more prominent role for the parliamentary committees, which were to be both strong and non-partisan. Like Westminster the Executive would be able to introduce its own Executive Bills, but Committees could also initiate their own Bills. The relative ‘high committee strength’ in the design signalled a desire to change from the partisan plenary-led Westminster politics (Cairney 2006, 181). Of course, there is considerable debate as to whether this design *has* actually led to different practices⁶. There is a view that the Committees have been reluctant to really take on these new powers, and instead been content to undertake their legislative review functions. Other emphasise the absence of resources at the disposal of Committees. But, at the least, this design provides some justification for examining the work of parliamentary committees – particularly subject committees – as in principal they constitute a point for legislative agenda setting separate from the Executive.

Against this backdrop, scholarly attention has been paid to the amending functions of committees (Cairney 2006) and the comparative *content* of Scottish vs. UK legislative output (Keating *et al.* 2003). However, not much attention has been paid to the complexion of the agenda: what types and mix of topics have been on the agenda? Answering this question is relevant to the debate about whether the ‘new politics’ has emerged (or not). For instance, one might ask whether there is anything distinctive about the composition of the agenda of Committees, say compared to that of legislative outputs like Bills or Acts. The line that the ‘new politics’ has failed to emerge suggests that there will be little if any difference at all.

Defining the Scottish Legislative Agenda: Scope and Data

Research on ‘policy agendas’ has a common concern with tracing ‘levels of attention to issues within government over time’ (Baumgartner *et al.* 2006, 959). However, settling on what ‘measures’ or data

⁶ Some may say that the most notable divergences from Westminster – the advent of coalition and minority government within the UK – are products of electoral reforms and not the design of legislative or parliamentary procedures.

to utilise in assessing ‘attention’ is not a straightforward matter, and needs to be contextualised to the case at hand. Moreover, there is the issue of data availability: we may not be able to collect what we need or desire (Baumgartner *et al.* 2006, 970-1; see also John 2006). These issues are particularly salient for work at the sub-national level, as is the case with the work on Scotland.

A key element of the policy agendas approach is to compare and contrast the different institutions engaged in ‘processing’ policy issues. In particular, there is an argument that the ‘costs’ of processing differ across institutions, hence some are more responsive to shifts in public ‘demands’ for action than others (Jones and Baumgartner 2005, 174-5, 185). Based on the US case they hypothesise that the ‘institutional costs’ associated with processing policy issues in democratic systems heighten as one moves from broad social agenda to policy agenda, from policy agenda to enactment, from enactment to commitment of government resources and then finally to implementation. The rationale is that it is easier for the news media to switch focus swiftly – and efficiently – as new issues emerge; but relatively less efficient to shift attention of bureaucratic actors or legislative hearings; and even harder still for laws to be processed and resources allocated. Each stage along the policy process will deliver less efficient – and thus more skewed – distributions of attention.

Table 1. Scottish Legislative Agendas Data Coverage, at Dec. 2009

Step in Policy Process?*	Scope	Data Set
Agenda Setting stage	Parliamentary Inquiries (non Bill)	Scottish Parliament Committee data (1999-2007)
Policy Commitment stage	Legislative input	Bills of Scottish Parliament (1999-2007)
	Legislative output	(i) Acts of Scottish Parliament (1999-2007) (ii) Sewel Motions (1999- 2007) (iii) Acts of UK Parliament (Scotland) (1999-2007)

*As per Jones and Baumgartner (2005)

Table 1 summarises the various outputs of the Scottish legislative context that have been captured in my data sets, and that will form the basis for the description and analysis presented below. The first column of the table shows that we have data on just two points in this process: agenda setting to the commitment stage. This is a start in any effort to test the Jones and Baumgartner account for the Scottish case. Future work may want to concentrate on media and budgetary data (but, more of this in the concluding section below). But, as discussed above, it will require more than 8 years of data before such analysis can be conducted, as the key measure (*kurtosis* or skewness in distribution) is

calculated using annual percentage changes in attention (measured as expenditure, no. of hearings, Acts, etc) by topic code (or aggregated across codes) (Jones and Baumgartner 2005, 180). Trends are hard to identify over such small periods of time.

Agenda Setting Stage

Legislatures do more than legislate: they debate, discuss and attend to a broad range of issues through various means. They allocate attention short of legislating. A mainstay of US based analysis of ‘agenda setting’ is the number of Congressional hearings allocated to different topics (see Berry 1999, Baumgartner and Jones 1993/2009; Jones and Baumgartner 2005). Such measures are used as a proxy for the attention issues gain in the legislative arena (indifferent to whether they are legislated upon). According to Jones and Baumgartner (2005), hearings are more costly to bring about than the introduction of a Bill. But how are they used in the Scottish Parliament?

In general, scholars studying the UK Parliament rarely see parliamentary committees as key venues: mostly because their impact on legislative outputs is viewed as largely non-existent. Indeed, the extent to which the ‘parliament’ can be said to set an agenda separate from that of the ‘government’ is no doubt controversial in the UK context. A two-party system, with strong party discipline ensuring government MPs vote with the government, means that the government’s wishes *tend* to prevail. Anecdotally, one can see high profile committees publishing reports and holding sessions that attract a great deal of media attention⁷. But there is no obligation for the government to act on such reports. Therefore, for these sound reasons, the broader UK project does not assess the types of issues discussed in Westminster committees.

But, there are reasons to give committees more of a focus in a Scottish context. Committees of the Scottish Parliament are *directly* involved in the legislative process, and this involvement is at Stage 1 of the process. Further, committees of the Scottish Parliament may initiate legislation on their own account (Committee Bills) (although this has been infrequently utilized)⁸. Thus, they can, on their

⁷ A recent case in point is the hearings related to an Inquiry into the UK banking crisis in 2008/9 held by the Treasury Select Committee.

⁸ Despite the increased prominence given to committees in the Scottish Parliament, the legislative proposals considered by committees in Sessions 1 and 2 emanated overwhelmingly from the Scottish Executive/Government.

own account, respond to issues separate from government. In terms of non-legislative work, committees can launch their own inquiries into matters they deem central to their subject remit and that are of broad importance. Inquiries, in principle, should provide a way for the Parliament – *independent from government* – to respond to emerging agendas and could lead to subsequent Committee Bills (or recommendations for government legislation). And, as implied, committees can also initiate inquiries in any area that is consistent with their remit. The remit is related to devolved matters, but, as discussed above, the intertwined nature of many issues means inquiries often stray into reserved areas⁹. As such, Scottish committees are (on paper) better placed to turn inquiries into legislative action, and they are less marginal players (compared with the Parliament in plenary session) than in Westminster. The fact that committees are composed in such a manner as to reflect a good balance of party affiliations – chairs being selected in proportion with party numbers in Parliament – means that they are in principle arenas for novel agendas to emerge. Of course some factors have conspired against this potential role being fulfilled. The fact that much of the available committee time has been expended on scrutiny of Executive Bills, along with the general lack of resources, has reduced this capacity being exercised. A key question will be the extent to which such inquiries mirror or radically depart from the Government legislative agenda. In sum, given the prominent role of committees in Scotland’s Parliament, I have mapped the topics upon which committees held their own inquiries (not those called to consider Stage 1 Bills – which would largely mirror the Bills data set). I principally utilise non-Bill inquiry data in order to test whether there was any hint of a non-legislative parliamentary agenda emerging (this makes sense given the enhanced role of committees in the Scottish Parliament).

Policy Commitment Stage

The policy commitment stage is about measuring the substantive reaction by policy making institutions to emerging agendas. Because legislatures may attend to issues, but not in the end legislate, I examine *both* legislative input and legislative output. In Scotland, the former can be measured by observing the Bills introduced to Parliament – I have extended this to include Bills that were *not* passed (whether Executive, Member or Committee Bills). The Government’s response is

⁹ For instance, an inquiry by the Local Government and Transport Committee with respect to Water Bourne Freight focused on Scottish transport issues, but strayed repeatedly into the subject of UK ports because businesses utilise several ports across the UK and see a need for harmonisation rather than the development of a separate Scottish ports policy.

captured through ‘Executive’ Bills, while the non-government parties and private members attempts to be seen to respond are captured in Member or Committee Bills. Legislative outputs, for my purposes, are defined as legislation that has been passed by the Scottish Parliament and received Royal Assent between 1999 and 2007 (first two sessions). This is consistent with the broad agendas approach which maps legislation from the national legislative arena. Introducing a Bill is, of course, far easier to achieve than getting a Bill through parliament so as to produce an Act. And, not all Bills will be passed into law. However, it may be that Bills in some topic areas are easier to have passed into law than others. Therefore, it is useful to compare the topic focus of Bills and if they do in fact diverge from Acts.

The above provides a neat picture of what the Scottish Parliament has *directly* legislated upon. But, as a long time scholar of Scottish politics has accurately pointed out, the ‘allocation of responsibilities’ under devolution is more analogous to a ‘marble cake’ than a ‘layer cake’ (Keating *et al.* 2003, 131). The point Keating makes is that a focus on legislation passed by the Scottish Parliament alone would miss the other ways in which the Parliament – which for the most part means Government – demonstrates its ‘responsiveness’ to Scottish needs. The constitutional responsibilities are set out in the *Scotland Act 1998*, which provides a list of those areas still ‘reserved’ to Westminster. However, the UK Parliament *can* legislate for Scotland on devolved matters, albeit that it does so normally only at the request or with the consent of the Scottish legislature. Therefore, an accurate picture of Scottish legislative output ought to also reflect this more complex mechanism for responsiveness.

Devolved matters can be legislated upon in Westminster, by convention, only where the Scottish Parliament requests it by way of a ‘Sewel motion’ or ‘Legislative consent motion’. Cairney and Keating (2004) conclude that ‘The experience of Sewel motions illustrates the necessarily difficult and fluid boundaries between reserved and devolved matters. This is not peculiar to Scotland but is a feature of all devolved and federal systems’. The policy agendas literature has most frequently taken the nation-state as its unit of analysis. Whether concerned with media attention, public opinion or legislative output, the data sets generated have tracked national arenas. Things can get slightly more complex when the task is to look below nation-state level. This work on Scotland is a unique opportunity to unpick this flux of overlapping agendas and attention. I report the UK Bills that have been subject to a Sewel motion and that subsequently received Royal Assent. These, I argue, *also* constitute part of the Scottish legislative agenda. This view is supported by the often controversial

and heated nature of legislating by Sewel motion, particularly from among Scottish nationalists who see them as a sign of a lack of ambition by Scottish governments (see Devolution Monitor, *various*).

An additional element of the Scottish agenda is Scottish matters that are *still* legislated upon at Westminster. Prior to devolution, the Westminster Parliament had legislated for Scotland, producing Bills with a (Scotland) suffix. This approach (largely) ceased after devolution. However, some UK Acts *still* carry a (Scotland) suffix, as they may cover an issue that has an overwhelmingly 'territorial' impact on Scotland. Only two Acts of the UK Parliament carry this suffix post-devolution - the Mental Health (Amendment) (Scotland) Act 1999 and the Sunday Working (Scotland) Act 2003. The former was an interim measure and was quickly superseded by enactment of the Adults with Incapacity (Scotland) Act 2000. The Sunday Working (Scotland) Act 2003 amended specific sections of the Employment Rights Act 1996 relative to Scotland. As employment is a reserved matter, the UK Parliament legislated. This type of muddled approach makes assessment of *Scottish* agendas somewhat difficult and complex.

Lastly, a common way to respond to policy issues is to make subordinate legislation. In Scotland, this usually takes the form of Scottish Statutory Instruments (SSIs). They are made by executive bodies or individuals, usually a Scottish Minister. The Parliament's role is to scrutinise an SSI and, where applicable, approve or reject it. As the Parliament does not 'make' subordinate legislation, these were beyond the remit of the study.

The Data

As discussed above, the focal point of the UK and European project is on *legislative* agendas. In the US work, this has included data on Congressional Hearings, Bills, Acts and Government Expenditure, amongst others (see for instance Jones and Baumgartner 2005). At the UK level it has included, Queens Speeches, Commons Debates, Bills and Acts. However, as noted above, the Scottish sub-project is rather more limited than the broader UK initiative, and has focused on documenting the legislative outputs from the first two sessions of the Scottish Parliament. It does

not examine the bureaucratic arena¹⁰. This paper reports descriptive findings from three related data sets on Scottish legislative agendas.

Bills and Acts of the Scottish Parliament: This data set logs the Bills introduced to the Scottish Parliament, and the Acts of the Scottish Parliament. An Act of Parliament is the name for primary legislation enacted by the Scottish Parliament. These come into effect after royal assent: that is, the signing of each Act by the Monarch. The data set tracks all Bills introduced, regardless of whether they are passed into law.

The passage of legislation through the Scottish Parliament is different from Westminster. Most Bills are introduced into the Parliament by the government (as Executive Bills). However, committees and Members of Parliament can also initiate Bills. The first stage of a Bill's passage is a Committee stage. A lead committee conducts hearings into the Bill, takes evidence, and produces a report. The report is delivered to Parliament, where it is debated. At Stage 2, the Bill is sent back to the lead committee which considers amendments. In Stage 3, the final Bill is put to the entire Parliament, where amendments are discussed and voted upon. If passed, the Bill is sent for Royal Assent. There is no second chamber in the Scottish Parliament (such as the House of Lords in Westminster). The data for the Scottish Parliament is taken from its web site which tracks and records the passage of Bills through the legislative process and covers the first two parliaments (1999-2007)¹¹. The date of royal assent is the observed time point for Acts.

Parliamentary Committees: This data set records the topics of Committee Inquiries (both Bill and non-Bill)¹². In the analysis below I utilise non-Bill inquiry data in order to test whether there is any hint of a non-legislative parliamentary agenda emerging (this makes sense given the enhanced role of committees in the Scottish Parliament). The data covers all of the Parliament's subject committees although I excluded from the analysis several of the mandatory committees due to the internal nature of their remit¹³. The listings are based upon information taken from the Scottish Parliament's

¹⁰ For Scotland this has been examined in a separate ESRC funded project I conducted, which is reported elsewhere.

¹¹ See www.scottish.parliament.uk/business/bills/index.htm

¹² This data set was compiled outwith the ESRC/ESF funded project by way of collaboration with Iain Macleod.

¹³ For the purposes of clarity, the committees excluded were: Audit; Finance; Public Petitions; Standards, Procedures and Public Appointments; and Subordinate Legislation. Two mandatory committees (European and External Relations, and Equal Opportunities) were included as their respective remits are more public in scope. The (mandatory) Public

website (<http://www.scottish.parliament.uk>), which – as part of the Parliament’s commitment to openness and accessibility – provides electronic copies of almost all parliamentary documentation, including an Official Report; minutes of proceedings; and information on written and oral evidence (including digital copies/transcripts of evidence where possible).

Acts of UK Parliament (Scotland) (1999-2007): The UK Parliament can still pass legislation on reserved matters that nevertheless has a primary focus on a region – for instance Scotland. When this occurs they retain a (Scotland) suffix. Two such Acts have received Royal Assent since devolution. Given the low number I do not include them in the data analysis below.

Sewel Motions: The nature of devolution – unlike a truly federal system – is that some issues can be ‘shared’ in terms of legislative output. Sewell motions could also be considered as legitimate output of both UK and Scottish Parliaments. This data set lists out each Sewel motion passed in the first two sessions (1999-2007) based on the Parliament’s web site¹⁴. Those that referred to Acts not subsequently passed at Westminster were removed.

All data sets have been coded according to the UK policy agendas project (www.policyagendas.org.uk) which itself is coded according to the US policy agendas project (www.policyagendas.org) codeframe. This generates the major topic codes of the major activities of government. The advantages of this coding process are primarily twofold. First we are using an established and respected method for coding government policy. Second the use of this code frame makes this and other policy agendas projects data sources easily comparable (see John 2006 for a review).

Some Initial Work Quantifying the Scottish Legislative Agenda

Before I move on to some findings for Scotland, it is worth briefly reflecting on terminology. The policy agenda literature, at least outside the US context, is a newly emerging form of scholarship. As such, terminology is to some extent elastic. One challenge is to be clear on what is, and is not, part

Petitions Committee is also excluded from our analysis. For this reason my tally of inquiries will not correspond with that reported by the Parliament.

¹⁴ See www.scottish.parliament.uk/business/legconmem/LCM-Stats.htm

of any overall, or sub-unit, of a policy agenda. For instance, in the context of examining the health agenda in the US and Denmark, Green-Pederson and Wilkerson (2006, 1043) examine the percentage ‘share’ of all ‘debates and questions’ in the Danish *Folketinget* and Hearings and Bills in the US Congress over a 50 year period to quantify the ‘percentage of the total political agenda’ devoted to health issues. The term ‘total political agenda’ does seem to suggest the ‘entire’ agenda of, I assume, all political institutions? The point is that there is not a ready and agreed syntax to denote the different agendas that may ‘belong’ to different institutions, or mixes of institutions. So here I will be careful to specify what I include in different ‘types’ of agenda.

The Scottish Parliamentary Agenda (1999-2007)

Perhaps the broadest gauge measure of the Scottish policy agenda I can offer based on the above data would be something like the ‘Scottish Parliamentary Agenda’. It would be akin to posing the question, ‘What did the Scottish Parliament give its considered attention to over the period 1999 to 2007?’ This can be answered in a number of ways.

Considered broadly, the agenda of the Parliament could be taken as the topics that were captured in, (i) all Bills introduced (regardless of their progress) – which would also by definition include the Acts that received royal assent, (ii) all non-Bill inquiries held, and (iii) all Sewel motions. This would give a sense of the types of topics the Parliament dealt with over the two sessions and the relative attention accorded different agenda topics. From this perspective, the shape of the Scottish Parliament’s agenda is outlined in Table 1. Each item is reported separately, and the final column aggregates this data upwards into a combined distribution at the major topic level.

Table 1. The Scottish Parliamentary Agenda (1999-2007)

Agenda Topic	Topic Code	Sewel motions	Bill*	Inquiry	Combined^
Macroeconomics	1	-	5.8%	3.7%	3.8%
Civil Rights, Minority Issues, and Civil Liberties	2	8.1%	1.3%	5.6%	4.4%
Health	3	9.5%	8.4%	13.0%	10.5%
Agriculture	4	4.1%	4.5%	7.4%	5.6%
Labour and Employment	5	2.7%	0.7%	1.9%	1.5%
Education	6	4.1%	10.4%	14.8%	11.0%
Environment	7	2.7%	5.2%	3.1%	3.8%
Energy	8	1.4%	1.9%	1.2%	1.5%
Transportation	10	4.1%	8.4%	2.5%	5.1%
Law, Crime, and Family Issues	12	18.9%	21.4%	7.4%	15.1%
Social Welfare	13	1.4%	3.9%	1.2%	2.3%
Community Development, Planning and Housing Issues	14	2.7%	7.8%	4.9%	5.6%
Banking, Finance, and Domestic Commerce	15	17.6%	4.5%	3.1%	6.4%
Defence	16	1.4%	-	-	0.3%
Space, Science, Technology and Communications	17	1.4%	0.0%	2.5%	1.3%
International Affairs and Foreign Aid	19	8.1%	0.6%	8.0%	5.1%
Government Operations	20	12.2%	12.3%	19.8%	15.4%
Public Lands and Water Management (Territorial Issues)	21	-	2.6%	0.0%	1.0%

*Bills are used because they also incorporate Acts.

^This is not an average of averages. Rather it is calculated by combining the raw data from all data sets and calculating distribution at major topic level.

Table 2 reports correlations according to agenda topic between Scottish parliament bills and (non-bill) inquiries. These need to be read with some caution. For one, we are talking relatively low frequencies in most cases. In addition, the issue of interpretation is also difficult. The rationale for conducting this correlation is to see whether committees, who can and do launch inquiries that are not bill-related, conduct inquiries on topics of a different overall complexion to bills. For instance, a negative correlation may suggest an independent committee agenda is emerging. Thus, results in areas like energy and social welfare, which show high negative correlations, could be read to mean that when bills are hard to get passed, inquiries are utilized. Or else, one could interpret the finding to mean that inquiries are used by committees to set an autonomous agenda distinct from the government-controlled legislative agenda (as mapped by bills). Teasing out these multiple interpretation is the task of subsequent work.

Table 2. Correlations between policy agenda of Scottish bills with committee inquiries, 1999-2007

Agenda Topic	Topic Code	Corr.
Macroeconomics	1	0.714
Civil Rights, Minority Issues, and Civil Liberties	2	0.000
Health	3	-0.236
Agriculture	4	0.607
Labour and Employment	5	-0.612
Education	6	0.000
Environment	7	0.141
Energy	8	-0.905
Transportation	10	0.084
Law, Crime, and Family Issues	12	0.287
Social Welfare	13	-0.775
Community Development, Planning and Housing Issues	14	0.433
Banking, Finance, and Domestic Commerce	15	-0.112
Defence	16	0.000
Space, Science, Technology and Communications	17	0.000
International Affairs and Foreign Aid	19	0.737
Government Operations	20	0.309
Public Lands and Water Management (Territorial Issues)	21	0.000

The Scottish Parliamentary Committee Agenda: Hearings/Inquiries

As discussed above, parliaments are engaged in debate and deliberation over policy issues. One agenda measure would be to capture the nature of the attention that was *not* aimed at legislative

output *per se*. Other research teams, such as the UK project, have had the resources to collect and code data on ‘Debates’ or the equivalent of Prime Minister’s Questions (PMQs). In the Scottish case, there is data on committee hearings. Recalling the discussion earlier, the design of the Scottish Parliament makes subject committees, at least in principle, venues through which additional policy issues can be raised and agendas established (independent of the Parliament in plenary).

Generally speaking there are two types of committee hearings in the Scottish Parliament: ‘Bill’ and ‘Inquiries’. In the case of Bill hearings, these simply reflect the legislative agenda of the elected government (although some Bills may be committee sponsored or from individual MSPs). So the agenda is set external to the committee. By contrast, for an issue to be the focus of an Inquiry hearing it had to be identified by committee members and clerks as an issue of some importance and salience. Committees of the Scottish Parliament are able to launch inquiries – unrelated to considering Bills as part of the legislative process – into matters that are consistent with their remit. Inquiries can cover issues of high political salience – such as Land Reform – or issues that are relatively obscure – such as the welfare of Siamese fighting fish. Thus, the topics on which committee inquiries are held should present a quite sensitive measure of the shifting policy agenda of the Parliament (at least beyond that set by the legislative program of the Executive through the Bills introduced, and passed). The committees of the Scottish Parliament included in our data set engaged in 159 non-Bill related inquiries in the first two sessions, with slightly more held in the first session (see table 3). Interviews with several committee clerks (past and present), conducted by the author in early 2009, suggest that the agenda setting function of committees has been under utilized during the first two sessions. By way of explanation they pointed to a combination of (a) limited time given the heavy load of Executive Bills and (b) the low level of independent resource available to committees to engage in proactive agenda setting activities. While not in our data set, the current period of minority Scottish National Party (SNP) government left open the possibility for non-government parties to use the Committee Bill process to set the agenda – to prove they could get legislation on the books that responded to Scottish citizen needs. But this has not (yet) happened.

Table 3. Non-Bill related committee inquiries (Sessions 1 & 2: 1999-2007)

Session	Inquiry
1	84
2	75
Total	159

The subject matter of the inquiries was coded according to UK Policy Agenda major topic codes. The range of topics made the subject of inquiries is outlined in table 4. As is evident, almost half of all inquiries are covered by three topic areas, Government Operations, Health and Education. There are particular emphases within these subject areas that are worth noting. Almost half of Health related inquiries consisted of reviews of the NHS in Scotland, and related service provision (such as ambulance services). Almost half of the education related inquiries were in respect of further and higher education, including reviews of specific FE colleges. And, perhaps understandably given the relative youth of the Scottish Parliament, almost half of all inquiries on the subject of Government Operations concerned the operation and procedures of the Parliament itself.

Table 4. Non-Bill related committee inquiries by major topic code (Sessions 1 & 2: 1999-2007)

Topic	Topic Code	Inquiry
Macroeconomics	1	3.7%
Civil Rights, Minority Issues, and Civil Liberties	2	5.6%
Health	3	13.0%
Agriculture	4	7.4%
Labour and Employment	5	1.9%
Education	6	14.8%
Environment	7	3.1%
Energy	8	1.2%
Transportation	10	2.5%
Law, Crime, and Family Issues	12	7.4%
Social Welfare	13	1.2%
Community Development, Planning and Housing Issues	14	4.9%
Banking, Finance, and Domestic Commerce	15	3.1%
Space, Science, Technology and Communications	17	2.5%
International Affairs and Foreign Aid	19	8.0%
Government Operations	20	19.8%
Public Lands and Water Management (Territorial Issues)	21	0.0%

The policy agendas literature has so far tended to report data on legislative outputs, which reflects that fact that this type of data is readily available across countries. In that respect, Acts of Parliament are the most obvious measure. In this section we focus on both Bills introduced and Acts receiving royal assent.

In its first two sessions, the Scottish Parliament saw the introduction of 154 Bills, 73 in the first session and 81 in the second. Table 5 establishes that of these Bills, the overwhelming majority were Executive Bills. As discussed above, despite committees being able to propose Bills, they did so only 4 times during the first two sessions of the Parliament.

Table 5. Bills of Scottish Parliament (Sessions 1 & 2: 1999-2007)

Session	Executive	Member	Private	Committee
1	51	16	3	3
2	53	18	9	1
Total	104	34	12	4

As one would expect, not all Bills introduced in fact survive to receive royal assent. In all, 128 Bills were enacted – receiving Royal Assent – during the first two sessions. All the Committee Bills, all but two Private Bills and all but one Executive Bill were enacted; however fewer than half the Members' Bills were enacted.

A great deal of effort and activity has been expended on Members Bills and Bills that have elapsed. What do these tell us about what fell off the agenda? Table 6 compares the different topic composition of Bills introduced versus Acts receiving Royal Assent. For the most part, there is little difference between the compositions of the agendas. This is because many withdrawn Bills, particularly Members Bills, are the result of the Executive putting forward with their own Executive Bill (which then replaces the Members Bill).

Table 6. Acts and Bills of the Scottish Parliament by major topic code (Sessions 1 & 2: 1999-2007)

Topic	Topic Code	Acts		Bills	
Macroeconomics	1	6.2%	8	5.8%	9
Civil Rights, Minority Issues, and Civil Liberties	2	1.6%	2	1.3%	2
Health	3	6.2%	8	8.4%	13
Agriculture	4	4.7%	6	4.5%	7
Labour and Employment	5	0.8%	1	0.7%	1
Education	6	10.2%	13	10.4%	16
Environment	7	5.5%	7	5.2%	8
Energy	8	0.8%	1	1.9%	3
Transportation	10	8.6%	11	8.4%	13
Law, Crime, and Family Issues	12	23.4%	30	21.4%	33
Social Welfare	13	4.7%	6	3.9%	6
Community Development, Planning and Housing Issues	14	7.8%	10	7.8%	12
Banking, Finance, and Domestic Commerce	15	5.5%	7	4.5%	7
Space, Science, Technology and Communications	17	0.0%	0	0.0%	0
International Affairs and Foreign Aid	19	0.8%	1	0.6%	1
Government Operations	20	10.9%	14	12.3%	19
Public Lands and Water Management (Territorial Issues)	21	2.3%	3	2.6%	4

The Overlapping UK-Scottish Legislative Agenda: Sewel motions or Legislative Consent Motions (LMCs)

As discussed above, the UK Parliament *does* still legislate on Scottish matters, via Sewel motions. Crudely put, this process enables Scottish elements to be tagged onto UK Bills (that may stray into devolved areas) therefore removing the need for dedicated (and largely similar) Scottish legislation (see discussion in Keating *et al.* 20003, 117-120). I am interested only in Sewel motions that refer to UK Bills that were subsequently passed into law and received the royal assent.

In the first two sessions a total of 74 UK Acts received royal assent that were the subject of Sewel motions. The table below outlines the topics covered by the 74 UK Acts to which the Sewel motions refer¹⁵. The table shows that over half those pertained to three topics: crime and law, banking operations and finance, and government operations. In the case of crime, observers suggest it is no surprise it is subject to so many LMCs as ‘the boundaries are most blurred in this area and the issues are highly sensitive’ (Cairney and Keating 2004). That is, to avoid any legal challenges to Bills produced in Scotland, the Parliament asks Westminster to address relevant Scottish matters in its own UK Bill.

¹⁵ Therefore we do not separately count multiple motions made on the same UK Act.

What is immediately noticeable is that one topic – absent from Bills, Acts and Inquiries - has crept in to the LCMs data, namely Defence. This is a reserved matter, but aspects of the *Armed Forces Act 2001* were subject to a LCM in order to ensure uniformity across the UK with respect of the possibility of Chief Constables to request help from the Ministry of Defence police (and related matters) (see Cairney and Keating 2004). This reinforces the broader point that LCMs are made on UK Bills, which are deemed to touch upon devolved matters.

Table 7. Sewel motions (LMCs) passed by the Scottish Parliament by major topic code (Sessions 1 & 2: 1999-2007)

Topic	Topic Code	LCMs
Macroeconomics	1	-
Civil Rights, Minority Issues, and Civil Liberties	2	8.1%
Health	3	9.5%
Agriculture	4	4.1%
Labour and Employment	5	2.7%
Education	6	4.1%
Environment	7	2.7%
Energy	8	1.4%
Transportation	10	4.1%
Law, Crime, and Family Issues	12	18.9%
Social Welfare	13	1.4%
Community Development, Planning and Housing Issues	14	2.7%
Banking, Finance, and Domestic Commerce	15	17.6%
Defence	16	1.4%
Space, Science, Technology and Communications	17	1.4%
International Affairs and Foreign Aid	19	8.1%
Government Operations	20	12.2%
Public Lands and Water Management (Territorial Issues)	21	-

Sewel motions are an emotive issue, not least because some see them as the Scottish Parliament handing back powers that were hard won. But, how many of these motions were the subject of any actual controversy when they were discussed by the relevant committee? The *UK Devolution Monitor* has provided a periodic account of the activities in all devolved legislatures since 1999. The Scottish chapters provide an assessment of the debate around each Sewel motion. Drawing on analysis provided to the Scottish Parliament and published elsewhere (see Keating and Cairney 2004, 2005) I have been able to measure which Sewel motions were contested. This goes some way to being a

proxy for the institutional cost or friction involved in using motions to respond to changing agendas. As such, higher levels of partisan political contestation may be one cause for the mismatch or lag between issue attention shifting in the public agenda (e.g. media or public opinion) and the legislative response (see discussion of friction in Jones and Baumgartner 2005).

The Sewel motions were coded across two dimensions: process and contestation. This is consistent with, but slightly amended from, the broad approach adopted by Cairney and Keating (2004, 2005) (and repeated in Cairney’s chapters in the *Devolution Monitor* reports). The first dimension captures the ‘process’ – specifically, the degree of contestation or debate about each LMC. This was coded into three categories: (i) opposition, (ii) debate without opposition, and (iii) no debate or opposition. The second dimension captures the rationale for why a Sewel motion was required. Following Cairney and Keating (2004, 2005), four categories were used: (i) convenience, (ii) entangled responsibilities, (iii) cross-border administration, and (iv) safeguard powers/give powers to minister.

Analysis shows that almost 60 percent (n=43) of Sewel motions in the first two parliaments were passed with debate *and* opposition.¹⁶ That is, they were discussed by the relevant committee, and there were individual MSPs speaking against the motion. Just over 20 percent (n=15) were debated, but with no opposing views put, and just under 20 percent (n=13) were subject to no debate at all.

What about the rationale for a Sewel motion being used? As Table 8 reports, half of all motions were deployed in order to resolve possible overlaps or contests over areas of competence between Scotland and the UK Parliaments. This is not surprising given that like federal systems, there needs to be some mechanism for grey areas to be resolved to the mutual satisfaction of both parties.

Table 8. Frequency of Rationales utilized to support Sewel motions (Sessions 1 & 2: 1999-2007)¹⁷

<i>Rationale</i>	<i>N</i>	<i>percent</i>
Convenience	4	7.1
Entangled responsibilities	28	50.0
Cross-border administration	12	21.4
Safeguard powers	12	21.4

¹⁶ I coded by UK Bill, which means there may be multiple LMCs pertaining to a single bill. As such, the frequencies do not total the number of LMCs.

¹⁷ At the time of publication, 16 Sewel Motions had yet to be coded by the author on this dimension. So this figure will be amended at a later date.

Preliminary Analysis: Agenda Diversity

The fact that I have only a few years of Scottish data means there is limited value in offering ‘tests’ of the skewness (or otherwise) in the attention levels paid to issues by specific institutions over time. To draw conclusions in this regards would require identifying trends and patterns, and these are unlikely to emerge after only two full sessions of the Scottish Parliament.

However, what we can do is probe the diversity of the agenda. We could ask whether the diversity of the agenda covered by Bills differs from that of inquiries and of Sewel motions. One way to do so is to calculate the entropy score¹⁸. While capturing the same underlying concept as other similar measures used in political science – such as the Herfindahl-Hirschman Index (see use by Gray and Lowery 1996; Baumgartner, Jones, and McLeod 2000) – entropy is preferred in this application as it is more sensitive to situations where there is a broader spread of across categories. These scores theoretically range from 0.00 to 1.00. The score is lower where the distribution is heavily concentrated in a few topic categories, and reaches the highest score of 1.0 where all topic categories share the identical proportion of attention.

Table 8. Agenda Diversity across Data Sets

<i>Data</i>	<i>Entropy Score</i>
Bills	0.46
Acts	0.47
Inquiries	0.48
Sewel motions	0.54

So what did I find? As reported in table 8, the entropy scores are remarkably similar. That is to say, they show some concentration of attention to a clutch of topics – not an even distribution across topics – but they are also not highly concentrated. At a push, one could say that Bills are slightly more diverse in relation to topics than Acts, and Acts more diverse than Inquiries. Yet the scores are

¹⁸ There are several ways to calculate entropy. I use normalised Shannons H, calculated as the negative sum of $(p_i * \log_2(p_i))$. Thanks to Amber Boydston, Shaun Bevan, Trey Thomas and Frank Baumgartner for advice on this calculation. Obviously, they share no responsibility for what I have done with their advice.

so close, and the measure itself rather blunt, that I am comfortable with the conclusion that there is little difference in agenda variation. The entropy score for Sewel motions is 0.54, which is considerably less diverse than Bills, Acts or Inquiries.

Devolution Spillover?

As discussed above, published work deploying the policy agendas approach has tended to be applied at a national level. However, work is well underway in the US, Spain, France and Denmark (and probably others that I am not aware of) to explore the sub-national level. Obviously, formal constitutional frameworks provide a map that divides policy competencies between tiers of government. However, in practice, constitutional responsibilities are often shared as formal and informal institutions are developed to manage grey areas. Scotland has been no different, which is why I consider Sewel motions above.

Those familiar with the devolution settlement will notice immediately that utilising policy agenda coding for the Scottish data produced the finding that the Scottish Parliament has been considering Bills, enacting legislation, and conducting Inquiries in areas that are in principal reserved matters. What are we to make of this?

The obvious conclusion is that the coding scheme simply does not respect the divisions underpinning the devolution division of competencies. And there is substantial truth to this argument. For instance, the Major Topic 'Banking, Finance, and Domestic Commerce' covers areas that are both reserved (such as banking regulation) but also those that are devolved (such as tourism and small business issues). This reaffirms the point made above that the devolution settlement itself is quite complicated.

In the table below, I provide a key to the relationship between agenda topic codes (at major and sub-topic levels) and devolved competencies. I also pinpoint areas where Scotland seems (on the basis of agenda coding) to legislate in reserved areas, and point to how this may be accommodated within its extant areas of devolved competence.

Table 9. Formally Devolved Matters versus UK Policy Agenda Topic Codes

<i>Devolved matter (Scotland Act 1998)</i>	<i>Major Topic Code</i>	<i>Minor Topic Code</i>	<i>Comment on coverage</i>
health	Health (3)	All	Entire MT code
education and training	Education (6)	All	Entire MT code
local government	Government Operations (20)	Intergovernmental Relations (Local Government and Local Authorities) (2001) Regulation of Parties etc (2012) [on local govt. elections]	Relates to several ST code
social work	Law, Crime, and Family Issues (12) Social Welfare (13)	Child Abuse and Child Pornography (1207) Social Welfare General (1300) Assistance to Disabled and Handicapped (1303) Social Services and Volunteer Associations (1304)	One aspect of MT 12 Most of MT 13
housing	Community Development, Planning and Housing Issues (14)	Almost all	Almost entire MT code
planning	Community Development, Planning and Housing Issues (14)	Almost all	Almost entire MT code
tourism, economic development and financial assistance to industry	Banking, Finance, and Domestic Commerce (15)	Consumer Finance, Mortgages and Credit Cards (1504) Debt and Bankruptcy (1507) Small Business Issues (1521) Tourism (1524) Other (1599)	Small aspects of a range of ST. Some overlap with competence in legal system and civil code.
some aspects of transport, including the Scottish road network, bus policy and ports and harbours	Transportation (10)	Almost all	Transport is a reserved matter unless 'particular to Scotland' One of those areas where all codes apply equally.
law and home affairs, including most aspects of criminal and civil law, the prosecution system and the courts	Law, Crime, and Family Issues (12)	General (1200) Government Departments and Agencies Dealing With Law and Crime (1201) White Collar Crime and Organized Crime (1202)	Almost all aspects of law are devolved, reflecting long-standing separate Scottish legal system

		<p>Illegal Drug Production, Trafficking, and Control (1203)</p> <p>Court Administration(1204)</p> <p>Prisons (1205)</p> <p>Juvenile Crime & the Juvenile Justice System (1206)</p> <p>Child Abuse and Child Pornography [social work separate] (1207)</p> <p>Family Issues (1208)</p> <p>Criminal and Civil Code (1210)</p> <p>Riots and Crime Prevention (Public Order) (1211)</p> <p>Other (1299)</p>	
the police and fire services	Law, Crime, and Family Issues (12)	Police, Fire, and Weapons Control (1209)	Relates only to one ST code
the environment	Environment (7)	Most sub-topics included, although some question over global warming and climate change issues	Almost entire MT code
natural and built heritage	Public Lands and Water Management (21)	2101: National Parks, Memorials, Historic Sites, and Recreation	Relates only to one ST code
agriculture, forestry and fishing	Agriculture (4) Public Lands and Water Management (21)	<p>Almost all aspects of Agriculture MT code are devolved.</p> <p>2103: Natural Resources, Public Lands, and Forest Management</p>	<p>Although CAP is EU responsibility where UK is Member State.</p> <p>Spans parts of two MT codes</p>
sport and the arts	Education (6) Banking, Finance, and Domestic Commerce (15)	<p>609: Arts and Humanities (Culture)</p> <p>1526: Sports, Leisure and Gambling Regulation</p>	Single ST codes across two MT codes
statistics, public registers and records	Civil Rights, Minority Issues Immigration, and Civil Liberties (2) Government Operations (20)	<p>200: General (Human Rights)</p> <p>208: Right to Privacy and Access to Government Information</p> <p>Government Efficiency and Oversight (2002)</p> <p>Nominations and Appointments (2005)</p> <p>Regulation of Parties etc (2012) [other than local govt.]</p> <p>Census & Statistics (2013)</p>	Few ST codes across two MT codes

There are major agenda codes that are clearly not devolved, but nevertheless we see Acts passed in those areas. The obvious one is Macroeconomics (major topic code 1). This relates to the Scottish Government Budget. A single Bill in Labor and Employment (major topic code 5) relates to compensation for sufferers of Mesothelioma (this probably reflects devolution of ‘law and home affairs’). Two Bills in the area of Energy (major topic code 8) refer to offshore windfarms as they relate to navigation and fishing and energy saving measures in house design (so arguably they relate to devolved areas of fisheries and ports & harbours on the one hand, and the area of housing on the other). A single Bill exists with respect to the International Affairs topic code which relates to the International Criminal Court (Scotland) Bill. While it pertains to International Affairs and is coded as such, the competence under which it is addressed at Holyrood reflects devolved powers in the field of law and home affairs.

Gaps, Omissions and Possible Future Work?

A quantitative approach such as reported herein will inevitably gloss over and ignore many details that merit closer inspection. Moreover, resource limitations and difficulties in data availability mean there are additional questions that seem salient, but cannot (yet) be addressed. I spend some time reviewing these below as a guide to future work I, and others, will (and could) pursue.

What about regulations? Recent comments have been made to the effect that the minority SNP Government in Scotland is working via regulation (SSIs) or ‘guidance’ to set agendas and see them through to implementation. Clearly, the data here – and that more generally in the UK Agendas Project – does not capture this dynamic.

Minority government? Scotland has never had a single party majority. The first two parliaments were dominated by a coalition majority government, while the third is a minority SNP government. The impact of such variation is yet to be assessed. Additional data collection going forward will allow this to be explored in future.

Is the Scottish Agenda qualitatively different? One of the key claims for the Scottish Parliament is that it would enable a unique Scottish policy agenda to emerge. Things that would not get space on

the agenda at Westminster *would* get on the agenda at Holyrood. There is undoubtedly some truth to this. For instance, Land Reform is an issue that is peculiar to Scotland given its traditional pattern of land ownership (particularly in the Highland and Islands): it is highly unlikely it would ever have been addressed via legislation at Westminster, yet it was in Holyrood. However, the agenda topic codes do not in and of themselves allow one to identify the qualitative nature of this agenda. One way to gauge this is to look at, what Green-Pedersen and Wilkerson (2006) called the ‘substance of attention’. This means comparing, for instance, the substantive focus of ‘Health’ or ‘Education’ legislation in the UK versus Scotland. Future work would need to interrogate the mix of sub-topic levels addressed in Scotland – versus Westminster – in the same general policy area to identify any such difference.

The question of responsiveness? In the case of UK devolution, the quasi-federal constitutional arrangement has left the devolved institutions, such as the Scottish Parliament, with fewer tools to be responsive than, for example, the Parliament in Westminster. While the Scottish Parliament may have been institutionally designed to be closer to the people – it has committee structures and a petition process that in principle enable it to ‘hear’ diverse preferences – the Parliament cannot engineer outputs to match preferences. So, the conclusion that the Parliament is less-responsive to preferences – as measured via public opinion – needs to be tempered with the reality that it cannot, for example, address bank crises or change policy over the Iraq war. The Scottish Government may discuss these issues, issue press releases, consult with key stakeholders or conduct public conversations over such matters. But the Parliament itself cannot concretely address these through legislative output (even if it wanted). A future strategy, then, may be to test responsiveness by looking at consultation processes or press releases – actions that *are* in the gift of Scottish political leaders.

Additional data? As discussed above, the full suite of policy agenda analyses are not able to be well deployed in the Scottish case simply because only a few years worth of observations are available. However, this approach serves to form a foundation for the assembly, over time, of a data set sufficient to examine policy agendas in a devolved system. However, there are other data sets that could also be usefully added to those already under collection. Data on government expenditure is one useful area for development. Inquiries to the Scottish Government reveal that large scale

reclassifications of expenditure categories between years¹⁹, and the difficulty in identifying regional level data over time, will present significant barriers (and resource implications) on collecting such data (see discussion on UK level by John and Margetts 2003; Soroka *et al.* 2006). Media data on Scotland, to my knowledge, has not been collected in a form relevant to agenda studies. But again, this is heavily resource intensive, especially with respect to coding. Both would be welcome additional data sets, but would require additional dedicated funding to produce.

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¹⁹ For instance, there are some inconsistencies in the use of COFOG - Classification of the Functions of Government.

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