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The Scottish
Parliament

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31st October 2007

Sir John Elvidge
Permanent Secretary
The Scottish Government
St. Andrew's House
Regent Road
Edinburgh EH1 3DG

Dear Sir John,

Breach of the Scottish Ministerial Code and the Civil Service Code

I would be grateful if you would investigate a possible breach of the Scottish Ministerial Code and the Civil Service Code.

You will be aware that substantial sections of the ministerial statement on housing, planned for parliamentary business on 31st October 2007, were in the broadcast and print media in advance of the statement being delivered. You will also be aware of the Presiding Officer's decision to consequently take the statement as read.

I would be grateful if you would therefore consider if there has been a breach of the Scottish Ministerial Code, specifically paragraph 3.4, and whether there has been a breach of the Civil Service Code which applies to Special Advisers and civil servants.

Many thanks for your assistance,

Yours sincerely,

Jackie Baillie MSP
Dumbarton Constituency

Permanent Secretary
Sir John Elvidge KCB

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Jackie Baillie MSP
The Scottish Parliament
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Our ref: F1108022
8 November 2007

Dear Jackie,

Thank you for your letter of 31 October concerning the release to the media of sections of last week's planned Ministerial statement on housing. You asked me to consider whether the release of this information constituted a breach of the Scottish Ministerial Code.

I have already commissioned an internal investigation into the circumstances surrounding the release of this information. Nicola Sturgeon has said that she did not authorise the release; and I should not have committed the expenditure commissioning an investigation unless I judged that there was reason to believe that the release was unauthorised. An unauthorised release would not, of course, give rise to any issue of Ministerial conduct.

Yours sincerely,

JOHN ELVIDGE



The Scottish Parliament
Pàrlamaid na h-Alba

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Jim Hume MSP MSP for South Scotland

Date: 6 November 2011

2012

Our Ref: 1388

Alex Salmond MSP
First Minister of Scotland
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Dear *Alex*

Re: Borders Railway Project

I write to you concerning today's announcement of an agreement which has been signed between Transport Scotland and Network Rail appointing the latter body as the authorised undertaker of the Borders Railway Project. My specific concern on this matter relates to comments made by the Deputy First Minister in the chamber last Thursday.

You may recall that at last week's General Questions I asked the 5th question which was answered by the Deputy First Minister in her role as Cabinet Secretary for Infrastructure, Investment and Cities. I asked: "To ask the Scottish Government when an agreement will be in place appointing Network Rail as the authorised undertaker of the Edinburgh to Tweedbank railway project."

In both her initial response and response to my supplementary, the Deputy First Minister stated that an agreement would be concluded shortly and failed to fully answer my question. Yet, only 23 hours later I was informed by the Transport Minister's private secretary that a ministerial engagement was due to take place this morning at Newtongrange Mining Museum. It has transpired that this very engagement was to announce the signing of the agreement between Transport Scotland and Network Rail. Why was the Deputy First Minister unable to fully answer my question when it was clear arrangements were already being made to plan for the ceremony to announce the agreement?

In reference to the above, I believe the failure to announce this agreement before Parliament when provided the opportunity to do so is in breach of section 3.5 of the Ministerial Code. Furthermore, the failure to be fully open with the Parliament about

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Jim Hume MSP MSP for South Scotland

the timing of the agreement is a clear breach of section 1.2 (d) of the Ministerial Code.

In my supplementary to the Deputy First Minister, I asked her to reaffirm a pledge I had previously received from you at First Minister's Questions that the Borders rail project would be delivered on time and on budget. However, it is being widely reported today that the completion date has been put back to 2015, from 2014, and this would seem to be confirmed by the agreement which contractually allows for a completion date of 2015.

Only 5 days ago the Deputy First Minister said in response to me: "The target date that Jim Hume referred to remains the Scottish Government's target date". Again, why was the Deputy First Minister not more thorough and open in her answer when contingencies were clearly in place to allow for a slippage in the completion of the project? In this instance I refer you to sections 1.2 (c) and (d) of the Ministerial Code relating to openness and accurate and truthful information.

I believe it is clear that from the Deputy First Minister's comments on Thursday that she was not as open as she possibly could have been and therefore inadequately performed her Ministerial duties before Parliament. Furthermore, when presented with the opportunity to do so by my tabling of a question on the matter, the Deputy First Minister failed to take the chance to announce the timing of the signing of the agreement. I am sure you would agree that it is desirable for the announcements of agreements relating to nationally important infrastructure projects to be done before Parliament and not at museum's for the assembled media.

I would be grateful if you could review the case that I have presented and let me know what action you can take to remind the Deputy First Minister of her responsibilities to the Parliament.

I look forward to your response.

Yours sincerely

Jim Hume MSP
MSP for South Scotland (Scottish Liberal Democrats)

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Rt Hon Alex Salmond MSP
First Minister of Scotland

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Mr Jim Hume MSP
The Scottish Parliament
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Our ref: 2012/0036501

22 November 2012

Dear Jim,

Borders Railway Project

I refer to your letter of 6 November concerning answers given by the Deputy First Minister in Parliament on Thursday 1 November 2012 in response to your questions on the Borders Railway project.

Your suggestion that the answers given were not full and accurate are simply wrong.

When the Deputy First Minister responded to your main question, the necessary approvals were not in place to confirm that an announcement would go ahead on 6 November. Network Rail's Board did not give final authority to contract with Transport Scotland until after 3 pm on the afternoon of 1 November. The signing of the legal documents took place on Monday 5 November between officials from Transport Scotland, Network Rail, Scottish Borders, Midlothian and City of Edinburgh Councils. David Simpson, Network Rail's Managing Director for Scotland, sent out invitations to key stakeholders to attend the ceremonial signing event at Newtongrange Mining Museum on Tuesday 6 November only after he had received confirmation of his main Board's approval.

The Deputy First Minister's response to your supplementary question on cost and programme, confirming that the end of 2014 remained the Scottish Government's target for completing the project was accurate. The Minister for Transport and Veterans made that clear again in his letter to Maureen Watt MSP, the convener of the Infrastructure and Capital Investment Committee which was sent on 6 November before his public announcement later that morning. Transport Scotland will be working closely with Network Rail and its contractor BAM to look at ways of achieving our clear target to have the railway in place by the end of 2014 and a further review of the programme will take place 9 months from now once

construction is well underway and we have had an opportunity to make a further assessment of the risks.

The facts are clear that the Deputy First Minister's answers in Parliament in response to your questions were both full and accurate.

*Y- of Scotland
Alex Salmond*

ALEX SALMOND