



Building the Scottish Parliament, *The Holyrood Project*

Standard Note: SN/PC3357
Last updated: 12 January 2005
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This note summarises how the project for building a new Scottish Parliament progressed from the initial discussion stages in May 1997 to its completion and royal opening in October 2004. The accounts are based on the sequel of events set out in Lord Fraser's *Holyrood Inquiry*. Briefings on the construction of the building can also be found on the Scottish Parliament website: <http://www.scottish.parliament.uk/business/research/> .

Contents

A.	Introduction	2
B.	Location of the New Building	2
C.	Design of the New Building	6
D.	The Procurement Route and Construction Manager	9
E.	Cost Increases of the Project	11
F.	Auditor General's Report	15
G.	Final stages of the project	16
H.	Summary of the Holyrood Inquiry's Conclusions and Recommendations	18
I.	Commentary	19
J.	Opening of the Parliament	21

A. Introduction

Against an initial deadline of the new millennium, the project of building a new parliament for Scotland was much over budget and much over due by May 2003. Subsequently an independent inquiry into the building project was announced. In June 2003 the First Minister Jack McConnell wrote to the Presiding Officer, George Reid, calling for an inquiry:

I believe that the investigation must provide the answers to the legitimate concerns that the public and MSPs alike have regarding the costs and construction of the new building. It must be independent of both the Scottish Parliament and the Scottish Executive, and it must examine the whole of the lifespan of the project.¹

Lord Fraser of Carmyllie QC was appointed to carry out the inquiry and in July 2003 he outlined the form the inquiry would take at a press conference near the Holyrood site. He claimed that “the people of Scotland expect the truth, they deserve the truth and I am determined that they will get the truth.”² The objective of the inquiry was to “provide the people of Scotland with answers to the questions which have been raised over the Holyrood project”. Lord Fraser stated that the inquiry would be as open and transparent as possible and that if anything got in his way he would have no hesitation in “naming and shaming them”.³ The decision to hold the Fraser inquiry was taken during the course of the April/May 2003 election campaign. This followed considerable pressure from Members of the Scottish Parliament to hold an independent inquiry.

B. Location of the New Building

In 1989 the Scottish Constitutional Convention had been formed to keep the issue of constitutional change in the public eye. The Convention presented its final report, “*Scotland’s Parliament, Scotland’s Right*” on St Andrew’s Day 1995. The report had made only one reference to where the Parliament might be accommodated if legislation was passed. In a chapter titled “What price accountability?” the Convention’s report stated:

The cost of Scottish democracy will certainly be no more than the current cost of government in Scotland. A building is waiting ready on Edinburgh’s Calton Hill. The Parliament will have power to set about replacing many of the undemocratic, accountable and expensive quangos which blight Scottish political life.⁴

The Convention confirmed that in its deliberations there had been little concern attached to the ultimate home for the proposed Parliament.⁵ Similarly, the accommodation arrangements for the new Parliament were not mentioned at all in the Labour Party’s 1997 Manifesto.

¹ <http://www.holyroodinquiry.org/holyrood-history.htm> , 16 January 2004

² <http://www.holyroodinquiry.org/news-and-updates.htm> , 16 January 2004

³ <http://www.holyroodinquiry.org/inquiry-objectives.htm> , 16 January 2004

⁴ *Scotland’s Parliament, Scotland’s Right*, p17 cited in *The Holyrood Inquiry*, p11

⁵ Evidence of Sam Galbraith on 28 October 2003, Para 100 cited in *The Holyrood Inquiry*, p11

The accommodation aspects of the Scottish Parliament were put to British Ministers in the form of a submission as early as 20 May 1997.⁶ Officials had clearly attached great importance to early progress with the issue of accommodation and that of meeting the tight scheduled timetable set by Ministers.⁷ The submission required Ministers' views on whether they wished to pursue the "Scottish Constitutional Convention's proposal" that the new Scottish Parliament should be located on the Regent Road site which would include the Old Royal High School building. Although the submission mentioned alternatives to the accommodation, it highlighted the additional time that would be required and that temporary accommodation would be needed for at least the first two years of the parliament. Officials also appeared to be very conscious that a decision to locate the new parliament on a site other than on Calton Hill could be controversial and politically charged.⁸

Further to this submission being received, a formal visit was paid to the Old Royal High School site by the Secretary of State of Scotland, Donald Dewar, and his advisors on 30 May. This was an event which was a key turning point in terms of the site selection for the new Scottish Parliament. His main concerns about the site were that of accessibility and size of the building.⁹ Subsequently Donald Dewar called for further work to be carried out to investigate alternative sites. The appraisals of sites were to include the Old Royal High school site and a location near the Scottish Office buildings at Victoria Quay.¹⁰

In response to Donald Dewar's request a series of submissions were put to Ministers. The first submission was made on 6 June 1997 which gave details of the four possible sites up for consideration; Regent Road/St Andrew's House; Leith; Haymarket and the Holyrood site; no estimates of comparative costs were given.¹¹

The earliest cost estimates for the Scottish Parliament building were first referred to in the drafts of the White Paper on Scottish Devolution in April 1997. Section 11.6 stated:

Overall the capital costs of establishing the Scottish Parliament – purchasing and refitting the New Parliament House and other buildings – are estimated to be between £24.5 and £34 million.

This range of figures was confirmed, but without further information as to their source, in a minute from Mr John Graham, the Principal Finance Officer, to Donald Dewar on 13 May 1997.¹²

⁶ Minute from Mr Alistair Brown to PS/Secretary of State and PS/Henry McLeish, 20 May 1997, cited in *The Holyrood Inquiry*, p34

⁷ *The Holyrood Inquiry*, p34

⁸ *ibid*, p35

⁹ Evidence given by Dr Gibbons, cited in *The Holyrood Inquiry*, p35

¹⁰ Minute from Michael Lugton to Mr Alistair Brown, 2 June 1997, cited in *The Holyrood Inquiry*, p36

¹¹ Minute from Mr Alistair Brown to PS/Henry McLeish and PS/Secretary of State, 6 June 1997, cited in *The Holyrood Inquiry*, p36

¹² Minute from Mr John Graham to Ps/Secretary of State, 13 May 1997, cited in *The Holyrood Inquiry*, p20

A second submission was put to Ministers on 12 June 1997 which offered further elaboration on the four options in the form of cost estimates.¹³ The lowest estimate was given for the adaptation and refurbishment of St Andrew's House at £27 million and the highest estimate was given for a new-build solution in Leith for £43.5 million.

On 24 July 1997 a final version of the White Paper was published. A range of £10 to £40 million was set for the cost of the building. The minimum was reduced to £10 million from an earlier estimation of £24.5 million. The Holyrood Inquiry found evidence to be "inconclusive" as to where the figure of £10 million had originated and what it was intended to cover. It was said that it was likely to "cover no more than the minimal refurbishment of the Old Royal High School...it would only have sufficient to provide temporary accommodation for the Scottish Parliament and not a permanent home."

In August 1997, independent Chartered Surveyors, Doig & Smith, were commissioned to produce various costings on the range of sites that were under consideration at the time. Their advice was contained in a report dated 30 September 1997.¹⁴ "Indicative estimates" were given for "new build" on both sites; the Leith site was estimated at £54.225 to £56.95 million and the Haymarket site at £67.8 to £71.2 million. Estimates were based on a new building of 20,000 metres squared, including 3,600 metres squared of car parking. This is compared to the earlier estimate given in the White Paper of £10 to £40 million for a 15,000 metres squared building.

Lord Fraser highlighted in the Holyrood Inquiry that:

...the £40 million figure could never have been a realistic estimate for anything other than most basic of new Parliament buildings. However, what can be stated clearly is that at the time £40 million was included in the White Paper, there was no clear understanding whether that was a total cost including professional fees or only a construction cost. It was certainly not explained to the Scottish public what the figure was anticipated to cover.¹⁵

One key issue for the new Scottish Parliament building was from where the funding for the project was to be obtained. It was questioned whether it would be funded by the "Scottish Block" or centrally, by the UK government. This matter was settled in a letter from the Treasury to the Secretary of State for Scotland, Donald Dewar, on 30 June 1997, which stated "it would be better to say explicitly that the setting up costs and the running costs of the Parliament will be met from the block budget."¹⁶

¹³ Minute from Mr Alistair Brown to PS/Henry McLeish and PS/Secretary of State, 12 June 1997, cited in *The Holyrood Inquiry*, p36

¹⁴ Fax from Doig & Smith to Mr Harry Watson, 30 September 1997, cited in *The Holyrood Inquiry*, p27

¹⁵ *The Holyrood Inquiry*, p27

¹⁶ Letter from Alistair Darling to the Secretary of State, 30 June 1997, cited in *The Holyrood Inquiry*, p28

It was later confirmed by Parliamentary Questions in the House of Lords on 26 October 2004, that there was no additional funding from the British Government for the Scottish Parliament building. The question was put by Lord Barnett, who asked Her Majesty's Government:

Whether the United Kingdom Government have made a contribution to the additional cost of the Scottish Parliament building; and, if so, how much?

Lord Evans of Temple Guiting responded:

Responsibility for the construction of the Scottish Parliament is a devolved matter. Its cost has therefore been met from the Scottish assigned budget. The Government have made no additional contribution.¹⁷

The possibility of Millennium or lottery funding as well as Private Finance Initiative (PFI) was considered. A further investigation into Millennium or lottery funding had revealed significant difficulties, and was therefore ruled out.¹⁸ The general thinking of civil servants was that a Private Finance Initiative approach would be incompatible with the very high priority attached by Ministers to the building being available very quickly.¹⁹

After consideration, the conventional procurement route was taken. This was recorded in a minute on 28 January 1998 which said that Ministers had taken into account that:

...the PFI option would lengthen the timetable for the Parliament building...would mean specifying and entering into fairly long term agreements...would be a novel procurement method for a Parliament building...²⁰

On 16 July 1997, Donald Dewar announced that a design competition would be held to select the new parliament. He wanted to see a “world-class creative talent brought to bear on developing a Parliament building that is fit for the Millennium and beyond”.²¹ An emphasis was put on quality and a time deadline for the new millennium, the “cost of the building took a back seat”.²²

The decision of site selection was postponed until the end of 1997 to allow the design feasibility studies, environmental and traffic impact studies of the site options to be carried out and further information to be collated on the “likely costs to the public purse of providing

¹⁷ HL Deb, 26 October 2004 Volume 665 c121WA

¹⁸ Minute from Alistair Brown to Ps/Henry McLeish and PS/Secretary of State, 6 June 1997, cited in *The Holyrood Inquiry*, p29

¹⁹ Minute from Mr Robert Gordon to PS/Henry Leish and PS/Secretary of State, 6 January 1998, cited in *The Holyrood Inquiry*, p30

²⁰ Minute from Mr Kenneth Thomson to Mr Robert Gordon, 23 January 1998, cited in *The Holyrood Inquiry*, p32

²¹ http://www.holyrood inquiry.org/documentary_evidence/RIAS_documents/RI-1-032_TO_033.pdf

²² *The Holyrood Inquiry*, p51

accommodation for the Parliament”.²³ A press release from the Royal Incorporation of Architects in Scotland (RIAS) in October 1997 highlighted that more time should be taken to consider the different options to enable a more detailed examination of the short listed sites and the possibility of a more informed public debate.²⁴

It was not until an announcement on 8 December 1997 that the possibility of the Holyrood site accommodating the Scottish Parliament was raised. This was kept out of the public domain because of the commercial risk attached to the site. Site owners, Scottish & Newcastle, were concerned about securing an alternative site for their headquarters, should an intention to dispose of it become widely known.²⁵

On 15 December 1997 Ministers received presentations on the design feasibility and estimated construction costs of the four site options. The construction cost for the Regent Road/St Andrew’s House site was calculated at £65 million; Leith was estimated at £59 million; Haymarket was estimated at £53 million (including site acquisition costs) and the Holyrood site excluding Queensbury House, was estimated at £49.5 million. The site acquisition cost for Holyrood was costed at £5 million. All estimates were excluding fees and VAT.

In a press release given on 9 January 1998, Donald Dewar announced:

I am delighted to be able to announce today that after a careful and thorough examination of options, Scotland’s Parliament will occupy this prestigious setting in the historical heart of Edinburgh close to the Palace of Holyrood.²⁶

Donald Dewar identified three reasons behind the selection of Holyrood in January 1998:

1. A purpose-built parliament offered to make a statement about Scotland’s future;
2. Its city centre location;
3. Its historical links.

None of the other sites was seen as offering all of these advantages.²⁷

C. Design of the New Building

There are generally two types of design competitions. One is held to find a *design* and the other to find a *designer*.

²³ Minute from Mr Alistair Brown to PS/Secretary of State and PS/Henry McLeish, 8 October 1997, cited in *The Holyrood Inquiry*, p42

²⁴ http://www.holyroodinquiry.org/documentary_evidence/RIAS_documents/RI-1-041.pdf

²⁵ *The Holyrood Inquiry*, p43

²⁶ ‘Scottish Parliament to be built at Holyrood’, <http://www.scotland.gov.uk/news/releas98/pr0029.htm>

²⁷ http://www.scottish.parliament.uk/business/research/pdf_res_notes/rn99-11.pdf, p4

In a press release on 9 January 1998, Donald Dewar said that “the way is now clear for detailed consideration to be given to the precise form that the competition may take”. It was concluded that due to the criteria of quality, time and cost, it pointed “to a *designer* competition with opportunities for the public to see options as they developed.”²⁸

On 26 January 1998 the *designer* competition was launched.

The tight time limitations put on the project was seen as a potential problem by the Royal Incorporation of Architects in Scotland (RIAS), who assisted with the conduct of the competition.

The RIAS was so concerned about what it saw as the undue haste with which the process overall was proceeding that its President, Mr George Wren, wrote on 23 January 1998 to Donald Dewar, drawing his attention in particular to the concern shared amongst many in the profession.²⁹ “Speed”, he wrote, “had two inevitable consequences”. Firstly, there was the reduction in the availability of design time. The need for quick methods of construction, combined with the truncation of sufficient time to “work through” a design and refine it, both impacted on the subtlety and elegance of the design solution itself, and influenced the design towards increased levels of prefabrication and standardisation. He was also concerned that the competition would create an ambiguous bias in favour of the larger practices, given the scale of the Project, and he repeated his plea for a design competition, rather than one for a designer. This disappointment was repeated in an RIAS press release issued on 26 January 1998,³⁰ in which it publicly warned that the Scottish architectural community considered that the process was being “unduly rushed”.³¹

A notice published by the Official Journal of the European Communities (OJEC) described the commission; the Project was given costs of approximately £50 million excluding VAT and the gross floor area of the accommodation in region of 17,000 metres squared (excluding car parking).³²

As a result of the OJEC notice, seventy Pre-Qualification Questionnaires (PQQs) were submitted, including separate submissions by the firms of Enric Miralles y Moya of Barcelona and by RMJM (Scotland) Ltd of Edinburgh.³³ A mix of methods was used to scrutinise the list of seventy candidates. Some panel members used scoring methods, whilst others used the PQQs in Victoria Quay. The list was reduced to twelve and these were

²⁸ ‘Dewar Opts for New Building in Historic Heart of Edinburgh’, 9 January 1998, cited in *The Holyrood Inquiry*, p53

²⁹ RIAS Scottish Parliament Position Report, 21 January 1998, cited in *The Holyrood Inquiry*, p55

³⁰ Architects Disappointed at Secretary of State’s Decision, 26 January 1998, cited in *The Holyrood Inquiry*, p55

³¹ *The Holyrood Inquiry*, p55

³² OJEC Advertisement for the Architectural Design Services, 26 January 1998, cited in *The Holyrood Inquiry*, p56

³³ List from Mr William Armstrong of returned PQQs, March 1998, cited in *The Holyrood Inquiry*, p57

publicised on 27 March 1998. Enric Miralles y Moya entry made this list, however RMJM did not.³⁴

Between 3 May and 5 May 1998, all twelve candidates were interviewed by the panel. Subsequently a shortlist of five design teams was given on 7 May 1998. They were as follows:

Rafael Vinoly
 Michael Wilford
 Richard Meier with Keppie Design
 Enric Miralles y Moya
 Glass Murray & Denton Corker Marshall International.

The panel wished to make the designs as visible as possible to the Scottish public and therefore the final five designs were sent out to the public on exhibitions. From the 4,480 responses, the public found a clear preference for the Vinoly and Miralles concepts.³⁵

A press release on 5 June 1998 from the Scottish Office, announced that the fourth competitor had now been changed to Enric Miralles y Moya and RMJM (Scotland) Limited.³⁶

Davis, Langdon and Everest (DLE) Quantity Surveyors and Cost Consultants to the Holyrood Project, reported cost commentary on the design entries. They were as follows:

COMPETITOR	ESTIMATED COST (Budget £50 million)	Area metres squared (User Brief - 20,740 metres squared)
Glass Murray/Denton Corker Marshall	£57.89 million	23,620
Richard Meier/Keppie	£43.00 million	Impossible to tabulate
EMBT/RMJM	£62.60 million	27,610
Rafael Vinoly/Reiach & Hall	£89.60 million	38,700
Michael Wilford & Partners	£73.40 million	39,885

It is clear from this table that none of the finalists adhered either to the user brief, an area of 20,740 metres squared, or the budget of £50 million.³⁷

Final interviews of the five finalists were held on 22 June 1998, in Glasgow. Presentations were given of the designs to illustrate the concepts. Enric Miralles and his EMBT/RMJM

³⁴ Evidence of Mr William Armstrong on 2 December 2003, Para 653, cited in *The Holyrood Inquiry*, p58

³⁵ *The Holyrood Inquiry*, para 4.29

³⁶ Visions for Holyrood Parliament Go On Show, 5 June 1998, cited in *The Holyrood Inquiry*, p60

³⁷ DLE Architectural Selection Process – Cost Commentary, 10 June 1998, cited in *The Holyrood Inquiry*, p62

colleague's vision of a parliament building which "sits in the land because it belongs in the land" appeared to have struck a chord with Donald Dewar and the panel.³⁸

It was announced in a press release on 3 July 1998, that Enric Miralles and RMJM were successful in gaining the contract for the design of the New Scottish Parliament building at Holyrood.³⁹ Ministers at the press conference stated that the budget would stand at £50 million, despite the earlier estimate of £62.6 million by DLE.

During the period of the appointment of EMBT/RMJM Ltd as Project Architects a number of changes to the Brief were required, as the demands for the increased space and occupancy continued to come through. An increase of 700 metres squared resulted from a higher number of staff needed in connection with the Official Report and the Public Information Service. To accommodate this increase in area, the brief required a building with three entrances, as oppose to the original proposal of two entrances.⁴⁰

In March 1998 a timeline for the Holyrood Project was set. With a start date of construction on the site of July 1999, a completion date of autumn 2001 was given.⁴¹ Lord Fraser highlighted in his Inquiry that it was ironic that a programme was devised, but without sufficient incorporation for the planning and design phases of the project.⁴²

Communication issues between EMBT and RMJM had been evident throughout the life of the joint venture. The two companies had come from two very different cultures and it was difficult to resolve arising issues from two different locations.⁴³

The failure of communication between the two companies had deteriorated to the point where Mr Armstrong, Project Manager handed in his letter of resignation on 1 December 1998.⁴⁴

D. The Procurement Route and Construction Manager

The decision to adopt construction management as the procurement vehicle for the construction of the Holyrood building was found to be "one of the most significant, if not the most significant" decisions taken during the course of the project.⁴⁵ Construction management offers the advantage of speed but with the disadvantage of price uncertainty until the last contract has been leased.

³⁸ *The Holyrood Inquiry*, p63

³⁹ Architect chosen to Design Scottish Parliament, 3 July 1998, cited in *The Holyrood Inquiry*, p66

⁴⁰ Minute from Mr William Armstrong, Draft Building User Brief dated April 1998, section 4.6, cited in *The Holyrood Inquiry*, p74

⁴¹ Evidence of Mr William Armstrong on 2 December 2003, Para 142 et seq, cited in *The Holyrood Inquiry*, p103

⁴² *The Holyrood Inquiry*, p103

⁴³ *ibid*, p105

⁴⁴ Letter from Mr William Armstrong to Dr John Gibbons, 1 December 1998, cited in *The Holyrood Inquiry*, p108

⁴⁵ *The Holyrood Inquiry*, p78

Lord Fraser substantially agrees with the Auditor General' conclusions given in the 2000 report:

The Scottish Office chose the construction management procurement route in July 1998 after due professional consideration, including advice from the design team. However, they did not prepare a comprehensive procurement strategy document, and the procurement strategy for the new Parliament was incomplete in that:

There should have been a reasoned analysis supporting the adoption of the construction management route represented by the appointment of Bovis as construction managers in January 1999. Such a strategic consideration of the procurement route could have been best conducted at the beginning of 1998, in conjunction with the evaluation leading to the decision to proceed with an international designer competition for the new Parliament building.

There should have been a systematic assessment of the risks implicit in the chosen procurement route (designer appointment and subsequent construction management) and how best to manage those risks.⁴⁶

The tenders for the appointment of a construction manager were opened on 27 November 1998. Estimated costs from tender's ranged from £2.7 to £5.6 million. The DLE produced a report which analysed the tenders. In relation to staff costs, Bovis and McAlpine applicants respectively quoted increased figures of £29,000 and £38,000 if on-site work started in May 1999 rather than July 1999. Further, Bovis required an additional £500,000 if a Parent Company Guarantee (PCG) was needed; all other tenders would provide this at no extra cost. Bovis staff were also subject to inflation which could add £200,000 to the total. A summary is given in the table below.⁴⁷

Tenderer	£	
Sir Robert McAlpine	Adjusted tender value	4,846,466
Tenderer 1	Adjusted tender value	5,027,156
Tenderer 2	Adjusted tender value	6,136,756
Bovis	Adjusted tender value	5,572,162
	<u>Add</u> estimated inflation	200,000
	<u>Add</u> fee for PCG	500,000
	Total	6,272,162

On the basis of DLE's assessment, Bovis was the highest tenderer.

The final round of interviews for a tenderer took place on 4 January 1999. The Managing Director of Bovis, Mr John Anderson had handed in a detailed note stating that Bovis would

⁴⁶ Auditor General for Scotland Report of September 2000, Para 3.20 as cited in the *Holyrood Inquiry*, p85

⁴⁷ *The Holyrood Inquiry*, p89

now provide the PCG without any additional charge. This subsequently reduced Bovis' tender by £500,000 and led to the contract being awarded them. Lord Fraser makes the following comments in regards to this change at such a late stage in the decision process:

I have not been addressed on the legality of allowing such a post tender variation and I refrain from making any comment in relation to the legal implications of the position. It does however appear to me, on elementary considerations of fairness as between competing tenderers, that if one tenderer was effectively permitted to change a very material aspect of the financial basis upon which its tender was submitted that is an opportunity which should have been afforded to the others.⁴⁸

E. Cost Increases of the Project

The main cost escalations came after the project handover in 1998. Details about the redesign of the debating chamber in early 2000; increased requirement for space and budget; the expansion of costs due to the foyer roof and use of kemnay granite can be found in the Holyrood Inquiry.⁴⁹

Further to a Davis, Langdon and Everest (DLE) submission of cost estimates on 2 March 1999, proposing basic construction costs at £63.4 million, a 10% allowance for contingencies and a further £17 million for risk allowance, which was a significant increase from the estimated £50 million, officials drew up a submission for Ministers to show the "latest cost estimates from our independent cost consultants".⁵⁰ This submission was given on 23 March 1999, where a figure of £107 million was identified as the total financial provision required.⁵¹

The reasons for the increase in cost estimates were summarised in the *Holyrood Inquiry*:

Firstly the briefed gross area on which the £50 million budget had originally been based had increased from the initial 17,500 to 23,000 meters squared in the latest design proposals. This increase was to accommodate large numbers of staff in the light of better knowledge of the way the Parliament would operate. Secondly, the design proposals had been unable to match the over optimistic gross/net proportions in the brief. Thirdly, the need to incorporate an additional formal entrance to the building had been recognised and imposed additional space demands and therefore costs. Although the submission suggested that saving could reduce the DLE cost estimate from £61.2 million to '£59 to £60 million', it did not at any point indicate to Ministers that DLE had advised that an additional £17 million should be incorporated as a risk allowance.⁵²

⁴⁸ *ibid*, p93

⁴⁹ Refer to section 9 and 12

⁵⁰ DLE feasibility estimate, Issue 5, 2 March 1999, cited in *The Holyrood Inquiry*, p109

⁵¹ Progress report by Mrs Barbara Doig to the Secretary of State, 23 March 1999, cited in *The Holyrood Inquiry*, p109

⁵² *The Holyrood Inquiry*, p110

The Holyrood Inquiry highlighted that there had been many references to the “complexity of design” as a factor causing both cost and programme overruns. It was as early as August 1998, within a month of EMBT/RMJM being appointed as architects of the project that a risk management workshop held by DLE identified that the Miralles concept might not be ‘affordable’. Possible risk exposure was identified as being 80% likely.⁵³ By March 1999 this risk exposure had increased to 100%.⁵⁴

On 1 June 1999, through the *Transfer of Property etc (Scottish Parliament Corporate Body) Order 1999*, all rights and interests in relation to the Parliament had been passed from the Scottish Office to the SPCB.⁵⁵ The purpose of the SPCB, as constituted by the *Scotland Act 1998*, section 23, is “to provide the Parliament, or ensure that the Parliament is provided, with property, staff and services required for the Parliament’s purposes”. It is equivalent to the House of Commons Commission at Westminster.

In the summer of June 1999, the future of the project was subject to much media and political speculation. On 8 June a decision was taken by the Scottish Office to hold a debate on a motion to “endorse the Holyrood Project”. It was expected that Executive Party Members would vote in favour of the motion and this matter was actioned to Tom McCabe MSP, the Minister for Parliament.⁵⁶

The debate proceeded upon an Executive motion moved by the First Minister:

That the Parliament endorses the decision to provide its permanent home on the Holyrood site and authorises the Scottish Parliamentary Corporate Body to take forward the Project in accordance with the plans developed by the EMBT/RMJM design team and within the timescale and cost estimates described in the Presiding Officer’s note to members of 9 June 1999.⁵⁷

Amendments to the motion were moved by the Liberal Democrat, Donald Gorrie MSP. He highlighted that he “had serious reservations about the timetable and recommended remaining at the Mound for longer to consider the options of staying there permanently, of going ahead more slowly with Holyrood if some improvements were made, or of going to another site”. In response Donald Dewar pointed out that he had received advice that an immediate cost of a two month delay would be around £2 to £3 million, excluding other costs and claims. Donald Gorrie’s amendment was defeated by 64 votes to 61 with no abstentions. The substantive motion was approved by 66 votes to 57 with two abstentions, a majority of 9 in favour of endorsing the project.⁵⁸

⁵³ Paper – Risk Analysis and Management, 21 August 1998, cited in *The Holyrood Inquiry*, p119

⁵⁴ Feasibility Estimate (Issue 8) at 25 May 1999 from Mr Ian McAndie, cited in *The Holyrood Inquiry*, p119

⁵⁵ *Transfer of Property etc. (Scottish Parliamentary Corporate Body) Order 1999* (S.I. 1999 No.1106)

⁵⁶ *The Holyrood Inquiry*, p126

⁵⁷ Motion moved by Donald Dewar, Scottish Parliament Holyrood Debate, 17 June 1999

⁵⁸ *The Holyrood Inquiry*, p127

In August 1999 the architect informed the Project Team that there was an increase of area by 4000 metres squared. The Auditor General's September 2000 report commented that this amendment was made "without (the architect) being able immediately to identify why".⁵⁹

Taking into account this increase in area, DLE produced an estimate construction cost of £115 million in their Feasibility Estimate No 9 on 30 August 1999.⁶⁰ This constituted of an increase of 86% from the original budget of £62 million for the construction cost. One could safely conclude that the project in August 1999 was significantly over area and over budget.

Mr Martin Mustard, the Project Manager for Holyrood, between January 1998 and December 2001, produced a paper called "A Health of the Project Report as at 26 August 1999". The report revealed the "us and them" attitude which existed between the EMBT/RMJM Ltd joint venture at the time.⁶¹ A second report was completed by Mr Mustard on 6 September 1999. The review concluded that the current programme was unachievable and was giving rise to unacceptable levels of risk.⁶²

Lord Fraser commented on Mr Mustard's report:

As I accept that his Review was essentially accurate, the inevitable conclusion has to be that the project was in danger of running out of control as early as August 1999. The factors leading to that conclusion are rooted in the state of the project at handover exacerbated by subsequent problems with the chamber and lack of control by the Architect... Mr Mustard regarded the position as recoverable, notwithstanding his damning indictment...he was hoping against hope...⁶³

In response to the review a value engineering exercise was undertaken. A "Design and Cost Review Workshop" was arranged by the DLE, which proposed a decrease in costs by 25%, without decreasing the quality.⁶⁴ A total of £2,747,919 savings was identified; this considerably missed the target set by the DLE.⁶⁵ The exercise was eventually replaced by a feasibility study which was first presented on 1 February 2000. This was to further investigate the requirement of an increase in space made in the summer of 1999, in the light of how the Parliament will function. The study identified an expansion in area by 3,000 metres squared, which although another increase, did offer "a better and more cohesive use of the available area".⁶⁶

In February 2000 the SPCB board commissioned an investigation by the independent architect, John Spencely. On 30 March 2000, the Spencely Report was published. The report

⁵⁹ Auditor General for Scotland's Report of September 2000, Para 2.27

⁶⁰ DLE Timetable: Development of Costs, October 1998 to August 2000, cited in *The Holyrood Inquiry*, p139

⁶¹ *The Holyrood Inquiry*, p139

⁶² *ibid*, p141

⁶³ *ibid*, p142

⁶⁴ *ibid*, p147

⁶⁵ Letter from Mr Hugh Fisher to the Holyrood Inquiry, 25 February 2004, cited in *The Holyrood Inquiry*, p149

⁶⁶ Minutes of SPCB Meeting of 1 February 2000, cited in *The Holyrood Inquiry*, p151

was requested in light of construction cost figures being estimated, but not guaranteed at staying, between £100 to £150 million in February 2000; “the project appeared to be in difficulty, and the SPCB wanted to know where it stood”.⁶⁷ The report subsequently became central to a debate in Parliament on the 30 March 2000, when MSPs questioned Mr Spencely’s findings.

The Spencely Report was further considered by the SPCB. They agreed that the terms of the motion to be debated on 5 April 2000 would ask Parliament simply to note, rather than endorse, all of the findings of the Spencely Report, as apart from the need for parliamentary agreement to continue the Project within a budget of £195 million. Subsequently MSPs were not afforded the opportunity of voting on the recommendations in the Spencely Report itself.⁶⁸

The Presiding Officer and Chair of the SPCB at the time, Sir David Steel MSP, lodged and spoke to a motion on the Holyrood project. An amendment was lodged by Gordon Jackson MSP, asking the Parliament “to direct the SPCB to establish a progress group, to report to it with a remit of finalising the design and completing the Project by the end of 2002 within a budget of £195 million”. Donald Gorrie MSP also lodged an amendment proposing that time should be taken to review the Holyrood option and to assess information in comparison to the other sites. After much debate, Parliament accepted Gordon Jackson’s amendment.⁶⁹

A Holyrood Progress Group (HPG) was subsequently set up following the debate. The HPG was to act as a “de facto” decision making body which monitored the cost and programme of the project.⁷⁰

In March 2000, Snr Miralles fell ill and subsequently died on 3 July 2000. In his Inquiry, Lord Fraser commented on the architect’s death:

While the project had lost its creative and charismatic principal architect the design to his concept should have by this time reached a sufficiently advanced stage for the project to continue in his absence. His death, however, gave rise to a substantial period of disharmony within the architectural Joint Venture and the only conclusion can be, sadly, that it caused further delay.⁷¹

In June 2000 work finally started on construction of the new parliament building.

Following an accident, Donald Dewar died suddenly on 11 October 2000. Lord Fraser commented:

⁶⁷ Evidence of Mr John Spencely on 17 February 2004, Para 32, cited in *The Holyrood Inquiry*, p158

⁶⁸ *The Holyrood Inquiry*, p160

⁶⁹ *ibid*, p161

⁷⁰ *ibid*, p167

⁷¹ *ibid*, p177

Although responsibility for the Project had passed to the SPCB in June 1999 his continuing influence on the Project should not be ignored. As the prime instigator of the Project and having spoken powerfully in its favour at the Parliamentary debates in June 1999 and April 2000 Donald Dewar had a very substantial and continuing personal political investment in the fortunes of the Project.⁷²

F. Auditor General's Report

At the request of Andrew Welsh MSP, a member of the SPCB, the Auditor General for Scotland undertook an examination of the Project under the *Public Finance and Accountability (Scotland) Act 2000*.

The Auditor General's September 2000 report identified a number of project management and governance issues. For example whilst recognising the unique and complex nature of the project the report identified some shortfalls. These included shortfalls in the procurement strategy, on project cost reporting, and in accounting for risk.⁷³

Lord Fraser's Holyrood Inquiry stated that this report was "timely and offered an informed roadmap that could take the project forward to a successful conclusion which at this stage was envisaged to occur in December 2002".

In December 2000 the Audit Committee published its 6th report of 2000, on the new Scottish Parliament building. The Committee met from September to November 2000 and concentrated on the following aspects of the Holyrood project; project costs, cost reporting and fee incentives; risk management and accounting for risk; the state of the project at handover in June 1999 and the current state of the project.⁷⁴ The main conclusions of the report were that:

The reporting systems in place were unsystematic and there should have been a greater level of transparency in the cost reporting arrangements for the project.

It was unnecessary and wrong not to disclose the estimated full costs of the project once they were known.

The Accounting Officer and Permanent Secretary, Muir Russell, was semi-detached from the process.

The construction costs of the project escalated from £62 million to £108 million after the responsibility of the project passed from the First Minister (and former Secretary of State) to the Scottish Parliamentary Corporate Body in June 1999.

⁷² *ibid*, p178

⁷³ http://www.scottish.parliament.uk/business/research/pdf_res_notes/rn01-64.pdf , p2

⁷⁴ Audit Committee 6th report, *The New Scottish Parliament Building*, SP Paper 227, Session 1 (2000), available at <http://www.scottish.parliament.uk/business/committees/historic/audit/reports-00/aur00-06-02.htm#02>

There should have been an independent review of the project in June 1999, when responsibility for the project changed.

The Spencely Report was a turning point for the project, and several indicators of improved management are now in place.

In addition, the report outlined recommendations for future projects within Scotland and it mentioned in its conclusions that it had been advised that April 2003 was a realistic date for the building to be occupied.⁷⁵

A debate in the Scottish Parliament on 21 June 2001 represented another pivotal point in the Holyrood Project's history. According to the Fraser Inquiry, this was the first time that Parliament had resolved explicitly that quality must not be compromised.⁷⁶

Security was in consideration from a very early stage and was identified in the Building User Brief in 1998. However there was little appreciation of the imposition that security measures would have on the delivery of the project.⁷⁷ When analysing whether the events of 11 September 2001 had led to changes in security guidance, Lord Fraser found that where there had been a relaxation of security measures in the past, after 9/11 they were no longer permitted.⁷⁸ The speculation in the press of security measures costing in the region of £100 million was dismissed by Lord Fraser. He commented that "I have to reject...the assertion that resolution of the bomb blast issue was the biggest single factor affecting both programme and cost over the last five years".⁷⁹

G. Final stages of the project

At the time the Holyrood Inquiry was opened in June 2003, estimated final costs of the project stood at £373.9 million and construction was forecasted to be completed in November 2003. It was anticipated that the Parliament would convene in its new home after the Easter recess in 2004.⁸⁰

In July 2003 the Corporate Body, chaired by the Presiding Officer George Reid, produced the first of monthly reports on the progress of the Parliament Building. In January 2004, the final completion date was targeted for July 2004, at an overall cost of £389.4 million (with a programme contingency of £11.8 million). Full details of the monthly reports to the Parliament's finance committee can be found on the Scottish Parliament's website, <http://www.scottish.parliament.uk/>.

⁷⁵ Audit Committee 6th report, *The New Scottish Parliament Building*, SP Paper 227, Session 1 (2000), available at http://www.scottish.parliament.uk/S1/official_report/cttee/audit-00/aur00-06-02.htm

⁷⁶ *The Holyrood Inquiry*, p195

⁷⁷ *ibid*, paragraph 15.2

⁷⁸ *ibid*, paragraph 15.6

⁷⁹ *The Holyrood Inquiry*, p236

⁸⁰ *ibid*, p238

By September 2003, George Reid's report detailed that the estimated final costs had risen to £401.2 million; "a landmark figure had been reached".⁸¹

However, in February 2004 the cost had increased again to £430.6 million, including a contingency of £8.4 million. This was due to continuing difficulties with the complexities of the window installation and cladding which required reassessment of the programme. Although the cost had increased, the date had remained unchanged at this stage.⁸²

In June 2004, the Auditor General for Scotland prepared a report on the Holyrood Project.⁸³ The report outlines the progress of the project since the previous report of September 2000⁸⁴; examines why the project was not completed by the earlier target of December 2002 and why there was subsequent spillage of the programme; concentrates on why forecast project costs more than doubled from £195 million in September 2000 to £431 million in February 2004; assesses the management and control of the Holyrood project in the four years since the 2000 report.

The Auditor General Report of 2004 made the following conclusions:

Spillage

The main cause of the 20 months delay to the project since September 2000 was the production of detailed design variations and the late supply of information during the construction process.⁸⁵

Cost Increases

The main reasons for construction cost increases after 2000 were design development and delay in the construction process. The design development was entirely related to realising the detail of the building and aspects such as the quality of finish and the palette of materials that were used, in accordance with the client's requirements.⁸⁶

Project management and control

Although it is likely that a high quality building is being delivered, the time and cost objectives have not been met. The same quality could have been achieved for less if the whole design and construction process had been better executed.⁸⁷

By July 2004 much of the construction work was completed and the premises began to be occupied by early August. On Saturday 9 October 2004, Her Majesty Queen Elizabeth II opened the New Scottish Parliament Building at Holyrood.

⁸¹ *ibid*

⁸² *ibid*, p239

⁸³ <http://www.audit-scotland.gov.uk/publications/pdf/2004/04pf07ag.pdf>

⁸⁴ <http://www.audit-scotland.gov.uk/publications/pdf/2000/00g01ag.pdf>

⁸⁵ The Auditor General Report June 2004, paragraph 6

⁸⁶ *ibid*, paragraph 10

⁸⁷ *ibid*, paragraph 16

Following Lord Fraser's many visits to the site, he concluded that "I acknowledge that a building of considerable impact has been constructed, albeit at great cost to the public purse and years late".

H. Summary of the Holyrood Inquiry's Conclusions and Recommendations

The Holyrood Inquiry was published in September 2004 by Lord Fraser.

One of the principal conclusions found in the Holyrood Inquiry was that "whenever there was a conflict between quality and cost, quality was preferred".⁸⁸

Lord Fraser further concluded that since Donald Dewar was determined in building a new parliament for Scotland as soon as possible, the timetable dictated the high risk and "fast track" procurement route.

In regards to the procurement method adopted, there was an inadequate level of evaluation or understanding of the construction management route; subsequently ministers were not informed of all the risks involved.

Lord Fraser added that it had not been realistic to estimate a figure of £40 to £50 million for the project; it could never have provided the unique and innovative design that was envisaged. Further there was no real appreciation of the complexity of the architects' evolving design and the inevitable costs until they were too late to alter.

The report highlighted that although it would be simple to blame the strained relationship between EMBT/RMJM and the style of work of the Spanish architect, "the analysis of the Auditor General is unimpeachable". Costs increased because the client (first the Secretary of State and latterly the Parliament) wanted changes and increases or approved of them in one manner or another.⁸⁹

The Holyrood Inquiry made a number of recommendations and they can be summarised as follows.⁹⁰

- 1) There should be an orderly, consistent and transparent selection of a designer from start to finish.
- 2) Where an international architect is recruited, a full and rigorous evaluation should be undertaken to confirm a compatibility of working cultures and practices.

⁸⁸ *The Holyrood Project*, p240

⁸⁹ *ibid*

⁹⁰ *ibid*, p259-260

- 3) Construction management as a public procurement route should be used as a last resort, as clearly indicated by Treasury guidance. A full analysis should be undertaken to evaluate all the risks.
- 4) The person leading any public project should have an understanding and appreciation of the EU procurement rules.
- 5) Views of independent advisors should not be filtered through civil servants when presented to ministers. Judgements should be received alongside the disagreements of civil servants.
- 6) Governance of public sector projects needs to be in line with those of the private sector.
- 7) Security and safety of public buildings should not be regarded as late ‘add ons’ to the design but primary integral parts of the User Brief and the assessment of any proposed design.
- 8) Section 21 of the *Scotland Act 1998* should be amended to give the Scottish Parliament's Corporate Body wider powers of delegation than exist at present and commended the introduction of oral questioning of the Presiding Officer
- 9) Where an architect, consultant or other contractor is comparably employed, full contracts, guarantees and bonds should be secured at the outset to prevent risks to the public purse emerging.

I. Commentary

On 15 September 2004 Lord Fraser held a press conference in the Scottish Land Court in Edinburgh, to release the Holyrood Inquiry. Lord Fraser began by giving a brief overview of his conclusions and announced that after analysing the seven years of the Holyrood project he found “no single victim” for the projects failings. He added that using a construction management method, as chosen by the then project manager, Bill Armstrong, was without doubt the “biggest single error”. Lord Fraser made special mentions to both Mr Armstrong and project sponsor, Barbara Doig; he said that he was “highly critical of their failures”, but did not point the finger of blame at them. Civil servants in general were heavily criticised for not informing ministers of the growing problems and increasing costs associated with the project. The late First Minister, Donald Dewar was seemingly cleared in the report. Lord Fraser said that he “had put before him reports that were simply wrong”. The Presiding Officer, George Reid gave a short statement to the media from inside the new parliament building, saying Scotland now needed to look forward to the work the parliament would do, rather than look on the building itself.⁹¹

During the news conference, Lord Fraser said Sir Muir Russell, the former permanent secretary to the Scottish Office and later the Scottish Executive, was “technically” responsible. He added that he accepted the criticism made of Sir Muir by the Scottish Parliament and “respectively adopt their recommendations”. Sir Muir responded by saying, “I repudiate utterly any suggestion that I was responsible for misleading Donald Dewar”. He

⁹¹ *Fraser lays final Holyrood stone, BBC News, 15 September 2004*

drew particular attention to the comment made by Lord Fraser in his report, which was to the contrary, “He would not appear to have been engaged in the calculation that led to the non-reporting of the cost-consultants, risk estimates to the late Donald Dewar and was not personally to blame”.⁹²

Commenting on the release of the Holyrood Inquiry, the First Minister Jack McConnell said that Labour, the Tories and the Liberal Democrats had to accept a share of the blame. He added, “I am prepared to accept, and have been all along, my share of that responsibility as an individual MSP”.⁹³ He went on to say, “I accept Lord Fraser’s recommendations in full. We will ensure that those which can be implemented by our government will happen”.⁹⁴

After the publication of the Inquiry, MSP Fergus Ewing from the Scottish National Party made a formal request for a police probe into the handling of the tender process. Mr Ewing said that civil servants had failed to explain to the Fraser Inquiry why the most expensive tenderer, Bovis Lend Lease, was allowed to cut its price by £500,000 at the end of the bidding process to become project construction manager whilst the other tenders were not given the opportunity.

Bovis Lend Lease denied acting illegally or improperly in securing the Scottish Parliament contract. The police had decided to discuss the issue with the procurator fiscal before making a decision as to whether to mount a full investigation.⁹⁵ A day before the Scottish Parliament building was due to open, the Crown Office and Procurator Fiscal Service (COPFS) confirmed the decision not to move to a full investigation. A spokesman said, “There is no basis for a police investigation into whether or not EU or domestic procurement law had been breached”.⁹⁶

On 22 September 2004, a “marathon debate” of four-and-a-half hour was held in Scotland’s Parliament on the finding of the Holyrood Inquiry.⁹⁷ The Nationalist MSP Fergus Ewing said the First Minister Mr Jack McConnell failed to ask the right questions about the cost of Holyrood when he was Finance Minister in 1999. He also accused the First Minister of ducking his responsibilities by failing to speak in the debate. Benedetta Tagliabue, the widow of the Spanish architect Enric Miralles, also made a brief appearance in the public gallery. She said it was “unfair” to criticise her husband for failing to take account of cost in his designs. “I don’t think this project went wrong. I think there was a misunderstanding of the real price of it at the very beginning”, Mrs Tagliabue added.⁹⁸

⁹² *Civil service boss’s Fraser vow*, BBC News, 15 September 2004

⁹³ *MSPs must take share of blame over Holyrood*, The Express, 17 September

⁹⁴ McConnell in post-Fraser pledge, BBC News, 15 September 2004

⁹⁵ Holyrood firm denies wrongdoing, BBC News, 20 September 2004

⁹⁶ Police parliament probe ruled out, BBC News, 8 October 2004

⁹⁷ See *Official Report* cols 10385-10478 at <http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor0922-01.htm>

⁹⁸ First Minister stays silent as SNP claims he has let himself and Scotland down, The Scotsman, 23 September 2004

David McLetchie, the leader of the Scottish Conservative Party, took up the theme of ministerial responsibility, claiming Lord Fraser's conclusions had focused too much on the actions of officials and that too little had been said about the fundamental failings of "poor political decision-making" by ministers. Andy Kerr, the Finance Minister insisted that the Executive had sufficient powers to address Lord Fraser's criticism of the civil service by reforming it and said the Executive would now press ahead with modernisation. At the close of the sitting, Mr Reid said, "it is time now for this Parliament not to be the prisoner of its past, but the cause of what happens next. It's time now for all of us in this place to be ambitious for Scotland".⁹⁹

J. Opening of the Parliament

On 9 October 2004 the Queen opened the new Scottish Parliament building. In Her Majesty's speech there was reference to the "difficult and controversial birth" of the building. That was "all the more reason to ensure that with the energy, flair and determination for which Scots are renowned the world over, Holyrood comes to be seen as a landmark of 21st-century democracy". There has been a vast interest in the Scottish Parliament building by the general public and it has seen over 100,000 visitors by November 2004.¹⁰⁰

An independent report into whether civil servants were culpable for the Holyrood building project was conducted by Alistair Macdonald, one of the UK Civil Service Commissioners. The report was published by John Elvidge the Permanent Secretary of the Scottish Executive. The report came after the Holyrood Inquiry highlighted the concerns over the conduct of civil servants during the project. This final report was published on 25 November 2004, but press reaction labelled it a "white-wash" after the report failed to find any civil servants responsible for the fiasco and said they had all acted in good faith.¹⁰¹ Mr Elvidge said, "Whilst the commissioner has expressed concern about the decision not to advise ministers in the spring of 1999 about the risk factors identified by professional consultants, he considers that officials acted in good faith on this issue. I accept the commissioner's advice on these matters". He added that advice about strengthening senior management on projects was already in hand.¹⁰²

At a Royal Incorporation of Architects in Scotland conference, held to address lessons learnt from the Fraser Inquiry, John Campbell QC, counsel for the Holyrood Inquiry, voiced his opinions on what he felt had gone wrong and why. According to press reports, he "lambasted those who ran the project, from the civil servants to the politicians, accusing them all of failing to tackle any of the problems that came to plague the building".¹⁰³

⁹⁹ *ibid*

¹⁰⁰ <http://www.scottish.parliament.uk/nmCentre/news/news-04/pa04-069.htm>

¹⁰¹ Whitewash claim as civil servants are cleared over Holyrood, *The Scotsman*, 26 November 2004

¹⁰² Holyrood fiasco civil servants let off the hook; MSPs in "whitewash" claim, *The Herald (Glasgow)*, 26 November 2004

¹⁰³ Holyrood Inquiry QC lashes out at MSPs and civil servants, *The Scotsman*, 17 December 2004

Home

Inquiry Objectives

Holyrood History

News and Updates

HOLYROOD INQUIRY

Schedule

Transcripts & Evidence

Live Television Coverage

Contact Us

Conducted by The Rt Hon The Lord Fraser of Carmyllie QC

Inquiry Objectives

I am determined that this inquiry will provide the people of Scotland with answers to the many questions that have been raised over the Holyrood construction project.

The people of Scotland expect the truth, they deserve the truth and I am determined that they will get the truth.

I will attempt as best I can to leave no stone unturned.

If anyone, or any organisation, attempts to stop me I will have no hesitation in naming and shaming them.

I am determined that this inquiry will be as open and transparent as possible.

To encourage those who may fear pressures from within their own organisation or company I have launched a confidential [e-mail link](#) for anyone who feels they have information that they feel could be of interest to the Holyrood Inquiry.

Both the Westminster Government and the Scottish Executive have assured me that any documents that I want from them will be forthcoming.

While I appreciate that my inquiry should not be the cause of further delay I do expect all involved in the Holyrood project from the early planning stages to the completion of the building to co-operate with the inquiry team.

This site is one of the vehicles I will use to ensure that those interested with the progress of my inquiry are kept up to date.

I come to this inquiry with an open mind. I have no preconceived ideas as to whether decisions were right or wrong.

To those who are demanding an exact date when the inquiry will report its findings, I say simply; We will not be rushed, we will get it right!

Lord Fraser

[▶ Holyrood Inquiry Introduction](#)



Lord Fraser pictured in front of the Parliament construction site after his press conference on 8th July 2003.

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Top of page

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