



The Scottish Parliament  
Pàrlamaid na h-Alba

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# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Scottish Parliament (Assistance for Political Parties) Bill: Stage 1**



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# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



[dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot)



0131 348 5212

# Committee Membership



**Mary Fee**  
Scottish Labour



**Gil Paterson**  
Scottish National Party



**Deputy Convener**  
**Stuart McMillan**  
Scottish National Party



**Convener**  
**Bill Bowman**  
Scottish Conservative  
and Unionist Party



**Michelle Ballantyne**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 25 August 2020, the Delegated Powers and Law Reform Committee considered the resolution making process in the Scottish Parliament (Assistance for Political Parties) Bill (“the Bill”) at Stage 1.
2. This Committee Bill was introduced on 24 June 2020 by Bill Kidd MSP on behalf of the Standards, Procedures and Public Appointments (SPPA) Committee. The SPPA Committee proposed the Bill on behalf of the Scottish Parliamentary Corporate Body (SPCB).
3. As there are no delegated powers in the Bill, it does not require a Delegated Powers Memorandum. However, the resolution making process for the Parliament outlined in section 1 engages the Committee's remit.
4. The Committee submits this report to the SPPA Committee, as lead Committee, under Rule 9.6.2 of the Standing Orders.

## Overview of the Bill

5. Most political parties represented in the Scottish Parliament receive a capped financial provision for expenditure incurred in connection with their Parliamentary duties. The payments are colloquially known as “Short money” and are made under an Order in Council provided for by the Scotland Act 1998. Responsibility for setting the terms of such payments, via an Order in Council, currently lies with Scottish Ministers.
6. While the scheme is currently administered and funded by the SPCB, it is the Scottish Ministers who have the power to make changes to it. The SPCB wished to bring this power within the ambit of the Scottish Parliament and, before referring the matter to the Scottish Parliament’s Parliamentary Bureau, the Presiding Officer sought the view of the Scottish Government. The Scottish Government indicated that it was content that responsibility for these provisions be transferred to the Scottish Parliamentary Corporate Body.
7. The Bureau invited the SPPA Committee to propose and introduce a Committee Bill which would transfer responsibility for setting the terms of the Short money arrangements from Scottish Ministers to the SPCB.

# Resolution making process

## Section 1 – Assistance for registered political parties in the Parliament

8. Section 1 replaces the existing section 97 of the Scotland Act 1998 Act with a new version. The new subsection (1) is equivalent to the existing subsection (1) except that the means by which provision (about payments to registered political parties) is made is a resolution of the Parliament rather than an Order in Council. A resolution under section 1 may confer functions on the Parliamentary corporation.
9. Under the 1998 Act, the procedure for payments to registered political parties is by subordinate legislation. Her Majesty may make an Order in Council for that purpose. That Order is scrutinised by the Parliament in the same way as other pieces of subordinate legislation.
10. The scheme is currently administered and funded by the SPCB, but it is the Scottish Ministers who have the power to make changes to it. The purpose of this Bill is to bring this power within the ambit of the Scottish Parliament, and therefore it will be the Scottish Parliament that will make provision for payments to registered political parties to assist MSPs connected to those parties.
11. New section 97(2) sets out some matters which a resolution of the Parliament may include. In addition to conferring powers on the Parliamentary Corporation (new section 97(2)(a)), the new section replicates the existing provision in section 97(4) of the 1998 Act so that the resolution can determine the circumstances in which a MSP and a registered political party are to be regarded for the purposes of any resolution made.
12. The Committee notes that that the resolution making process achieves the purpose of the Bill as it transfers the power to make provision for payments to registered political parties from Scottish Ministers to the Scottish Parliament.
13. **The Committee is therefore content with the proposed resolution making process in section 1.**

