



The Scottish Parliament
Pàrlamaid na h-Alba

Published 16 June 2017

SP Paper 174

7th Report (Session 5)

Standards, Procedures and Public Appointments Committee

**Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd
Poblach**

Code of Conduct for MSPs and Written Statement Revisions



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland; and
- (e) matters relating to the regulation of lobbying.



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Introduction

1. The Parliament's Standing Orders provide for the Parliament to lay down a Code of Conduct (the Code) for its members. The Code contains rules which are statutory requirements and some rules which are non-statutory and were created by the Parliament to produce a comprehensive set of standards that must be adhered to. Alleged breaches of the Code are investigated, in most cases, by the Commissioner for Ethical Standards in Public Life in Scotland.

Code of Conduct for Members of the Scottish Parliament

2. This report introduces a reformatted Code which the SPPA Committee has prepared in order to make it more accessible and user-friendly. The purpose of the change is to simplify and streamline the Code, to remove any duplicated, extraneous or ambiguous material and to reword where it was felt that greater clarity or brevity could be achieved. The redraft does not involve the alteration or removal of any of the Code's current rules.
3. The Committee proposes that the current four-volume Code be replaced with a single, standalone document which contains all of the rules that MSPs must abide by. This is to be accompanied by a guidance document to be used as a companion to the Code. It is hoped that separating these different elements of the current Code will provide greater clarity about the enforceable rules and make a clear distinction between these rules and the guidance and background materials which are currently found in volumes of the Code.
4. The current Code contains a volume (Volume 4) devoted to background material such as Acts and determinations and directions made under those Acts. It is proposed that this reference material is published separately on the Parliament's website with links inserted in the redrafted Code and Guidance documents upon publication. This is in keeping with the increasing preference to consult documents online and should improve access for all users. The revised Code of Conduct for MSPs is attached to this report at Annexe A for Parliament's approval.

Written Statement Determination

5. The current Code of Conduct contains among its volumes a determination made under the Interests of Members of the Scottish Parliament Act 2006 (the Act). The determination is the mechanism by which the Parliament determines the format and content of the written statement form which MSPs are required to lodge under the Act in order to register or update their registrable interests.
6. Revisions have been made to the determination and the Written Statement in order to harmonise it with the revised Code of Conduct and also to make a number of improvements based on Members' experience of using the form at initial registration following the elections held in May 2016. The requirements of the form remain the same and reflect Members' responsibilities under the Act and the Code. The revised written statement form is attached at Annexe B for Parliament's approval.
7. The determination and its annexed written statement will be published on the Parliament's website along with the other background materials.

Conclusion and Recommendation

8. The revised Code of Conduct and written statement determination attached to this report have been reformatted and reworded to assist users. The Committee believes that the new, streamlined documents represent an improvement on the previous multi-volume Code.
9. The Committee recommends that the Parliament agrees the changes to the Code of Conduct and the written statement determination.

Annexe A - Revised Code of Conduct for MSPs

[Revised Code of Conduct for MSPs \(672KB pdf\)](#)

Annexe B - Revised Written Statement Determination

[Revised Written Statement Determination \(473KB pdf\)](#)

