



The Scottish Parliament
Pàrlamaid na h-Alba

Published 22 May 2019
SP Paper 532
12th Report 2019 (Session 5)

Standards, Procedures and Public Appointments Committee Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

Standing Order rule changes



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Introduction	1
Urgent Questions	2
Committee announcements	3
Members Bills and Committee Bills	4
Committee bills	5
FMQs – Removing Diary Questions	6
Business Motion Procedures	7
SPPA Committee – consideration of complaints	8
Other rule changes	9
Publication of written answers	9
Portfolio and general questions: lodging deadlines	9
Recommendation	11
Annexe A: Standing Order rule changes	12

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;
- (e) matters relating to the regulation of lobbying; and
- (f) matters relating to Scottish general elections falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/standards-committee.aspx>



SPPA.Committee@parliament.scot



0131 348 6924

Committee Membership



Convener
Bill Kidd
Scottish National Party



Deputy Convener
Mark Ruskell
Scottish Green Party



Jamie Halcro Johnston
Scottish Conservative
and Unionist Party



Tom Mason
Scottish Conservative
and Unionist Party



Gil Paterson
Scottish National Party



Elaine Smith
Scottish Labour



Maureen Watt
Scottish National Party

Introduction

1. On 26 October 2016, an independent Commission on Parliamentary Reform was established by the Presiding Officer to look at how the Scottish Parliament can engage better with the people of Scotland and how its work can be improved to deliver better scrutiny.
2. The Commission published its report on 20 June 2017.
3. The Standards, Procedures and Public Appointments Committee has been responsible for implementing some of the recommendations that were made by the Commission. Other recommendations were referred to the Parliamentary Bureau to be implemented.
4. The Committee and the Parliamentary Bureau have both now identified changes which are required to Standing Orders in order to implement certain Commission recommendations. This report discusses these changes and proposes specific amendments to Standing Orders.
5. In addition to rule changes arising from the Commission on Parliamentary Reform, the Committee has taken the opportunity to propose some changes to the rules on Members of the SPPA Committee participating in the consideration of complaints against MSPs. The Committee has also taken the opportunity to propose some other changes to Standing Orders, so that parliamentary rules reflect current practices. These are discussed later in this report.
6. Finally, it is expected that the Committee will propose further changes to Standing Orders later this year, following the completion of pilots of new Chamber procedures which were recommended by the Commission.

Urgent Questions

7. The Commission on Parliamentary Reform recommended that there should be a shift in focus from “emergency” questions to “urgent” questions, to emphasise the significance or timing of the question (rather than a crisis, which the use of the word emergency suggests).
8. The Commission considered that it should be for the Presiding Officer to agree whether any urgent questions should be taken in the Chamber and for business on the day to be amended accordingly.
9. The Presiding Officer took steps to implement these recommendations in September 2017 by allowing urgent questions using the existing rules on emergency questions. Guidance has been published on what constitutes an urgent question. The Committee is of the view that this procedure has proved to be a useful mechanism to allow Members to raise urgent issues in the Chamber.
10. Accordingly, the Committee recommends that the concept of “urgent questions” should be formalised in Standing Orders, by revising Rule 13.8 to replace the word “emergency” with “urgent”.
11. Proposed rule changes can be found at Annexe A of this report.

Committee announcements

12. The Commission on Parliamentary Reform recommended that the Parliament should provide an opportunity to allow committees to announce the launch of significant or urgent inquiries or to set out the findings from a recently published committee report.
13. Following consideration of this recommendation and consultation with the Conveners Group, the Parliamentary Bureau agreed and implemented a new procedure for committee announcements. Time is now set aside before Decision Time on Tuesdays for committees to make announcements.
14. The announcements procedure has been used on a number of occasions since it was introduced. The Conveners Group has welcomed the procedure and commented on how well it increased the profile of committee work to other Members in the Chamber. Positive responses on the procedure have also been received from those committees which have made use of it.
15. In light of the use of the procedure and the positive feedback from committees, the Bureau has decided that the committee announcements procedure should be made permanent.
16. The Bureau has noted that this could be achieved by adding an additional item to Rule 5.6 in Standing Orders, which details the items of Parliamentary business that the Bureau should ensure are included within the business programme. The Bureau notes that time “to allow any committee to make an announcement on matters in connection with the activities of that committee” could be added to this list.
17. The Committee considers that the new arrangements for committee announcements appear to have worked well and are broadly supported. Proposed Standing Order rule changes to formalise the procedure, along the lines suggested by the Bureau, are attached at Annexe A.
18. The Committee understands that more detailed information about how the procedure will work in practice will be set out in Bureau Guidance. In addition, this information will be included in the Guidance on Committees in order to ensure transparency and highlight the existence of the procedure to committees.

Members Bills and Committee Bills

19. The current rules in Standing Orders on Members' Bills include three criteria that must be satisfied before an MSP who has lodged a final proposal gains the right to introduce a Member's Bill. One is that the Scottish Government has not indicated that it, or the UK Government, intends to legislate itself "to give effect to the final proposal". Only if no such indication has been given (and if the other two criteria have been satisfied) by the end of a one-month period following the lodging of the final proposal does the MSP gain the right to introduce a bill.
20. The Commission for Parliamentary Reform commented on the current rules—
 - ” We recognise the practical aspects of this part of the process but feel it represents the point at which control of the Members' Bill process is taken away from MSPs. The Government should not be able to act as gatekeeper to the legislative process.
21. Recommendation 54 in the Commission's report proposed—
 - ” Where the Scottish Government proposes to legislate on the same proposal for a Member's bill then a Member's Bill should not be automatically stopped from progressing. In those circumstances, the parliamentary procedure should encourage collaborative working.
22. The Committee agrees that improvements could be made to the current rules, for example by reducing the timescale within which the Scottish Government must bring forward legislation after stopping a Member's bill from progressing. However, the Committee also noted that there are some practical reasons to retain the right of the Scottish Government to stop a final proposal. For example, the Scottish Government may be better placed to progress a Bill which deals with complex, technical or cross-cutting policy issues.
23. The Committee is proposing to make the following changes to Standing Orders, which can be found at Annexe A.
24. First it proposes to introduce a new requirement that there is now to be a statement in writing by the Scottish Government that it was proposing to legislate, which is to be followed up by an oral statement in the Chamber with the opportunity for questions to be asked by the Member who lodged the final proposal and other Members (at the discretion of the Presiding Officer).
25. The Committee believes that this will help increase the profile and transparency of this part of the process. The oral statement will allow the opportunity for the Scottish Government to expand on its reasons for its decision and its plans for bringing forward its own legislation.
26. Second the Committee proposes to reduce the timescale within which the Scottish Government must legislate following its blocking of a final proposal for a Member's Bill. The current rule states the Scottish Government must legislate within the same parliamentary session. The Committee is proposing to change this to whichever was the shorter of (a) 2 years or (b) the end of the same session.

27. The reason for proposing this change is that under the current rules, a Member could potentially wait a number of years for their proposal to be legislated for by the Scottish Government. This would be more likely if the Scottish Government indicated early in the parliamentary session that it intended to legislate to give effect to the Member's proposal.
28. In the view of the Committee, a maximum timescale of two years strikes a reasonable balance between being a meaningful improvement on the current rules, without being unduly restrictive (the Scottish Government would need sufficient time to get a Bill ready for introduction).
29. Thirdly the Committee proposes to remove the rule which allows the Scottish Government to stop a final proposal for a Member's Bill by indicating that the UK Government has initiated or will initiate legislation, during the current or next session of the UK Parliament, to give effect to the final proposal.
30. This particular element in the rule has never been used. In addition, its use is, arguably, unfair to the Member who lodged the final proposal. If the proposal is blocked because the Scottish Government has indicated that the UK Government intends to legislate, the Member does not have any direct parliamentary mechanism to hold UK Ministers to account should they fail to introduce the legislation they had promised, and would have no means of contributing to scrutiny or debate on that legislation if it is introduced.
31. The Committee notes that if the rule was removed, this would not prevent the UK Government from seeking to legislate (using the legislative consent procedure) to give effect to a final proposal for a Member's Bill. It would simply mean that the relevant Member's Bill could also be introduced in the Scottish Parliament.

Committee bills

32. The Commission's recommendations in this area focused on Member's Bills. However, the current rules, which allow the Scottish Government to stop a Member's Bill from being introduced, also apply to Committee Bills.
33. In order for a consistent approach to be taken in Standing Orders, it is proposed that the rules on Committee Bills are also revised to bring them in to line with the agreed approach on Member's Bills. These consequential amendments can also be found at Annexe A.

FMQs – Removing Diary Questions

34. The Commission on Parliamentary Reform recommended that the practice of using scripted diary questions by party leaders should cease, with party leaders moving straight to their questions. As a result, the Business Bulletin would reference only the names, and not the first question, of the party leaders.
35. The Presiding Officer took the early step of inviting the Parliamentary Bureau to implement this recommendation using a temporary variation to the Standing Orders.
36. The Bureau is of the view that the requirement for party leaders to lodge questions to the First Minister in advance should now be permanently removed from the Standing Orders. The Presiding Officer has noted that this would probably require some restructuring of the rules, and he invited this Committee to give this consideration.
37. The Committee notes that the removal of the requirement for diary questions by party leaders at FMQs appears to have worked well. The proposal to make this change permanent appears to be broadly supported.
38. In order to formalise the change, the Committee proposes to amend Rule 13.6 on First Minister's Questions to make it clear that the Presiding Officer may call any of the following members to ask a question—
 - a leader of a political party represented by 5 or more members of the Parliament, or a representative of that leader; or
 - a representative of any group formed in accordance with Rule 5.2.2 of Standing Orders.
39. In addition, the rules formalise the practice that the Presiding Officer may also, during First Minister's Questions, call any Member to ask a question, for example in relation to a constituency issue.
40. The proposed rule changes can be found at Annexe A.
41. The Committee notes that these revisions to the rules will not lead to any changes to how First Minister's Questions operates in practice. The changes will simply ensure that the rules in Standing Orders will, in the future, accurately reflect how FMQs currently operates.

Business Motion Procedures

42. In response to the Commission's recommendations on business programming, the Parliamentary Bureau agreed to explore ways in which to provide a mechanism for non-Bureau Members to make comments or raise points on the business programme.
43. The Bureau agreed to give effect to this by varying Rule 8.11.3 to allow any member to speak on the business programme on Wednesday at the discretion of the Presiding Officer. Under this variation of the rules, the 30-minute time limit on debate on the motion still applies. It is for the Presiding Officer to decide which Members are called to speak on the motion.
44. Since the procedure was introduced in September 2018, it has been used once, by Ross Greer MSP on 26 September 2018, to request a debate on eviction threats against asylum seekers in Glasgow. This debate was subsequently scheduled for 1 November 2018.
45. The Bureau now is of the view that the revised business motion procedure should be formalised in Standing Orders to ensure that the flexibility and opportunity for non-Bureau Members to influence business that was recommended by the Commission is delivered.
46. The Bureau has noted that this could be achieved by introducing a provision in Rule 8.11 that any member may request to speak on a business motion which sets out details of the business programme for future weeks.
47. The Committee is content to endorse the changes to Standing Orders being proposed by the Bureau. Some proposed rule changes to give effect to this change can be found at Annexe A.
48. The proposed new wording is designed to apply only in relation to a business motion setting out a programme of business for future weeks. This describes the business motion normally taken on a Wednesday afternoon. Debates on other business motions, such as motions to revise business or to set deadlines for stages of a bill, will continue under the existing rules which allow only one speaker for and one speaker against.

SPPA Committee – consideration of complaints

49. The Standards, Procedures and Public Appointments Committee has a role in considering complaints about MSPs' conduct, as well as recommending whether or not the Parliament should impose sanctions on MSPs.
50. Under the current rules, if a Member who is the subject of a complaint also happens to be a Member of the SPPA Committee, there is nothing to stop that Member from taking part in discussions about the complaint and whether or not to impose sanctions. There is the option of the Member voluntarily excusing themselves in these circumstances and sending a committee substitute in their place, but this is not compulsory.
51. The Committee is of the view that, in the interests of good practice, Standing Orders should be revised to make it compulsory for a Member to excuse themselves in these circumstances. Likewise, the Committee is of the view that it should not be possible for a Member who made a complaint to participate in the consideration of that complaint. In these circumstances, the Committee believes that it should be possible for committee substitute to attend in their place.
52. The Committee is of the views that these changes to the rules will enhance the complaints process. Some proposed rule changes can be found at Annexe A.

Other rule changes

53. The Committee would like to take the opportunity to make two additional changes to Standing Orders to ensure they accurately reflect current practice.

Publication of written answers

54. At present, Rule 13.5.3 requires the Clerk to publish all admissible written questions in the Business Bulletin. It also provides that an answer to a written question is to be published along with the question in the Official Report.
55. The Committee has become aware that, in practice, written answers have not appeared in the Official Report for some time. Instead, written answers are published on the Scottish Parliament website as they are received. They are also compiled each day in a daily written answers report, which is also published on the Scottish Parliament website.
56. It appears to the Committee that Rule 13.5.3 should be updated to reflect current practice in how written answers are published. The Official Report and the report of written answers are separate types of publication which have different purposes. The Committee does not believe there is a need for them to be published together.
57. Some proposed rule changes can be found at Annexe A which would require the Clerk simply to publish all admissible written questions and answers, without specifying that this must be in the Business Bulletin/Official Report.
58. In the view of the Committee, this will provide flexibility to the rules so that they would not need to be altered in the future if the location of publication changed. It is worth noting, however, that there are no plans to change the current practice of publishing all written questions in the Business Bulletin.

Portfolio and general questions: lodging deadlines

59. The Committee has become aware that the rules in Standing Orders about the lodging deadlines for portfolio and general questions do not reflect the practice which has been in place since 2005 and which is set out in the Guidance on Parliamentary Questions.
60. In 2012, Rule 13.6A.4 was amended as part of a package of rule changes relating to parliamentary reform, to change the deadline for the lodging of portfolio and general questions from “12.00” to “16.30” on the Wednesday of the relevant week. It is not clear why this rule was amended in 2012. It was not discussed in the report which accompanied the rule change or referred to in the explanatory note of the changes. In practice, we understand that both Members and the Chamber Desk have continued to observe the original deadline of 12.00. This is the deadline which is set out in the Guidance on Parliamentary Questions.

61. The Committee is of the view that Standing Orders should accurately reflect the deadlines for lodging parliamentary questions, and the apparent discrepancy between the rules and current practice should be addressed.
62. The Committee's preferred solution is for Standing Orders to revert to the original pre-2012 deadline of 12.00. This would bring Standing Orders into line with the current practice, and would mean that the lodging deadline which Members are currently using, in practice, would not change. In addition, there are some practical reasons why a 12.00 deadline is preferable. It allows more time for dialogue between Members and the Chamber Desk about the admissibility criteria for questions ahead of publication in the Business Bulletin. As Members are frequently in the Chamber in the afternoon, a 12.00 deadline helps to ensure that any queries about questions can be resolved in time for the relevant question to be included in the Business Bulletin.
63. The Committee therefore proposes to change "16.30" to "12.00" in Rule 13.6A.4 which reflects practice which has been in place since 2005. This proposed change is set out in Annexe A.

Recommendation

64. The Committee recommends to the Parliament the changes to Standing Orders set out at Annexe A of this report.

Annexe A: Standing Order rule changes

URGENT QUESTIONS

Rule 13. 8 Emergency Questions

In the heading for Rule 13.8, for ‘Emergency Questions’, substitute ‘Urgent Questions’.

Drafting points

‘Emergency Questions’ are re-named as ‘Urgent Questions’, to reflect the manner in which they are now actually described.

Throughout Rule 13.8, on each occasion that ‘emergency’ appears, substitute ‘urgent’.

Drafting points

Rule 13.8 refers in several places to an ‘emergency’ question, or to emergency questions. This amendment revises all such references so that they now relate to an ‘urgent’ question, or to urgent questions.

In paragraph 2, omit the opening words ‘If an emergency question is,’ and substitute ‘If such a question is,’

Drafting points

This adjustment is made so as to align a section of text within paragraph 2 with changes from ‘emergency’ questions to ‘urgent’ questions made elsewhere

COMMITTEE ANNOUNCEMENTS

Rule 5.6 (Special cases of Parliamentary business)

In Rule 5.6, after paragraph 1(c), insert

‘(d) time is available to allow any committee to make an announcement on matters in connection with the activities of that committee.’

Drafting points

The effect of this amendment is that in proposing the business programme, the Bureau is to ensure that time is available for any committee to make an announcement about matters relating to that committee’s activities.

MEMBERS BILLS AND COMMITTEE BILLS

Rule 9.14 Members’ Bills

For Rule 9.14.12(b), substitute -

“(b) the Scottish Government has not made, by the end of the period referred to in paragraph 11 (or has waived its right to make, within that period), a statement under paragraph 13.”

Drafting points

Rule 9.14.12 sets out the circumstances in which the member who lodged the final proposal obtains the right to introduce a Bill to give effect to it. One of the relevant factors is whether the Scottish Government has given “an indication” that it will initiate legislation.

This revisal to Rule 9.14.12(b) replaces reference to “an indication” with “a statement”. This is elaborated upon within subsequent rule changes.

For Rule 9.14.13, substitute -

“13. A statement under this paragraph is a statement made by a member of the Scottish Government or junior Scottish Minister that the Scottish Government will initiate legislation, within a period of 2 years from the date of the statement or by the end of the same session, if sooner, to give effect to the final proposal. The right to make such a statement may be waived at any time during the period referred to in paragraph 11 by notice in writing to the member who lodged the final proposal and to the Clerk; and such a notice shall be published in the Business Bulletin.”

Drafting points

At present under Rule 9.14.13, the provision of a written indication, given by the Scottish Government, to the effect that it will initiate legislation within the same session, to give effect to the final proposal (with similar provision for UK legislation) can “block” a Member’s Bill.

The substituted provision makes the following changes:

The timescale for the Scottish Government to bring forward legislation is shortened, from “within the same session”, to “within a period of 2 years from the date of the statement or by the end of the same session, if sooner.”

Reference to UK legislation stopping a Member’s Bill is removed (so that it would only be on account of its own forthcoming legislation that the Scottish Government could “block” a final proposal).

After Rule 9.14.13, insert -

“13A. A statement under paragraph 13 shall be made in writing to the member and to the Clerk (who shall arrange for it to be published in the Business Bulletin), and shall be repeated to a meeting of the Parliament as soon as reasonably practicable.

13B. When a statement is repeated to a meeting of the Parliament under paragraph 13A, the member who lodged the final proposal may ask questions on the statement. In addition, other members may, at the discretion of the Presiding Officer, ask questions on the statement.”

Drafting points

New paragraph 13A provides that a statement is to be made in writing, in the first instance, to be followed up by an oral statement (in the Chamber) as soon as reasonably practicable.

New paragraph 13B provides that, following the making of a statement to the Parliament, questions on it can be asked by the member who lodged the final proposal. Also, other members can ask questions, at the Presiding Officer's discretion.

In Rule 9.14.14 –

At sub-paragraph (a), delete “(in the Parliament or in either House of the UK Parliament)”, and at sub-paragraph (c), delete “(before the Parliament or before both Houses of the UK Parliament or the House of Commons alone)”.

Drafting points

Rule 9.14.14 sets out what is meant by “initiating legislation” for the purposes of paragraph 13. This amendment makes a consequential change, to reflect removal of reference to UK legislation in terms of new Rule 9.14.13.

Rule 9.15 Committee Bills

In Rule 9.15.7, in the last line, for “an indication has been given” substitute “a statement has been made”.

Drafting points

Rule 9.15.7 states that if the Parliament agrees to the proposal, the convener of the committee which made the proposal can introduce a Bill unless an indication has been given under paragraph 7A.

This revision replaces text providing that “an indication has been given” with “a statement has been made”. This is elaborated upon within substituted paragraph 7A.

For Rule 9.15.7A, substitute -

“7A. A statement under this paragraph is a statement made by a member of the Scottish Government or junior Scottish Minister that the Scottish Government will initiate legislation, within a period of 2 years from the date of the statement or by the end of the same session, if sooner, to give effect to the proposal.

7A.A. A statement under paragraph 7A.1 shall be made in writing to the convener of the committee which made the proposal and to the Clerk (who shall arrange for it to be published in the Business Bulletin), and shall be repeated to a meeting of the Parliament as soon as reasonably practicable.

7A.B. When a statement is repeated to a meeting of the Parliament, under paragraph 7A.A, the convener of the committee which made the proposal may ask questions on the statement. In addition, other members may, at the discretion of the Presiding Officer, ask questions on the statement.”

Drafting points

At present under Rule 9.15.7A, the provision of a written indication, given by the Scottish Government, to the effect that it will initiate legislation within the same session, to give effect to the proposal (with similar provision for UK legislation) can “block” a Committee Bill.

The substituted provision makes the following changes:

The timescale for the Scottish Government to bring forward legislation is shortened, from “within the same session”, to “within a period of 2 years from the date of the statement or by the end of the same session, if sooner.”

A statement is to be made in writing, in the first instance, to be followed up by an oral statement (in the Chamber) as soon as reasonably practicable.

There is to be an opportunity for questions on the statement from the convener of the committee which made the proposal. Also, other members can ask questions, at the Presiding Officer’s discretion.

Reference to UK legislation stopping a Committee Bill is removed (so that it would only be on account of its own forthcoming legislation that the Scottish Government could “block” a proposal).

FMQs – REMOVING DIARY QUESTIONS

Rule 13.6 First Minister’s Questions

In Rule 13.6 -

Insert new paragraph A1:

‘A1. A question for oral answer at First Minister’s Questions may be lodged in writing in advance, or may be called by the Presiding Officer at First Minister’s Questions, in accordance with paragraphs 1 to 5.’

Drafting points

This new paragraph sets out the different means by which a question may now be raised at First Minister’s Questions. Existing paragraphs 1 and 2, representing the previous extent of Rule 13.6, remain unchanged.

Insert new paragraph 3:

‘3. In addition to questions selected in advance under paragraph 2, the Presiding Officer may call any of the following members to ask a question at First Minister’s Question Time -

(a) a leader of a political party represented by 5 or more members of the Parliament, or a representative of that leader;

(b) a representative of any group formed in accordance with Rule 5.2.2.’

Drafting points

Paragraph 3 sets out new provision for questions to be called, on the day, from leaders or other representatives as detailed. As a consequence it removes the need for ‘diary questions’.

Insert new paragraph 4:

‘4. The Presiding Officer may also, at First Minister’s Questions, call any member to ask a question, so long as that question is not one which has been selected in advance.’

Drafting points

Paragraph 4 sets out new provision for further questions to be called, on the day, from members, in the circumstances detailed.

Insert new paragraph 5:

'5. The requirements of these Standing Orders, so far as they relate to questions being in writing and so far as they provide for lodging requirements, do not apply where a question has been called by the Presiding Officer under paragraphs 3 or 4.'

Drafting points

Paragraph 5 makes plain that the normal rules relating to questions being in writing, and in regard to lodging requirements, do not apply where questions have been called, on the day, under paragraphs 3 or 4.

BUSINESS MOTION PROCEDURES

Rule 8.11 Business motions

In the second sentence of paragraph 3, omit the word 'There' and substitute 'Other than on a motion referred to in paragraph 3A, there'.

Drafting points

This adjustment to paragraph 3 is provided in order to introduce the principal amendment set out within new paragraph 3A.

After paragraph 3, insert -

'3A. Any member may request to speak on a business motion which sets out details of the business programme for future weeks.'

Drafting points

This amendment applies only to a business motion which sets out a programme of business for future weeks. In those circumstances, only, any member can request to speak on such a motion. In relation to other business motions, the position remains that there is to be no more than one speaker for and one speaker against the motion or any amendment to it.

SPPA COMMITTEE – CONSIDERATION OF COMPLAINTS

Rule 12.2 Procedure in committee

After Rule 12.2 insert –

“Rule 12.2ZA Limits on participation in proceedings of the committee mentioned in Rule 6.4

1. Where a member who —

(a) has made a complaint about any of the matters set out in Rule 6.4.1(b), or

(b) is the subject of such a complaint

is a member of (or committee substitute for) the committee considering this complaint, or any related question of sanctions or withdrawal of a member's rights and privileges, that member shall not participate in that capacity in any such consideration by that committee.”

Drafting points

New Rule 12.2ZA prevents any SPPA Committee member (or committee substitute) who is the subject of a complaint about misconduct, or who has made such a complaint, from participating in SPPA Committee agenda items about that complaint and agreeing a recommendation about sanctions or withdrawal of a member's rights and privileges.

Rule 12.2A Participation by substitutes

In Rule 12.2A.1, insert “and Rule 12.2ZA” after “Rule 9.13A.”

Drafting points

The new Rule 12.2ZA, as well as Rule 9.13A limit participation by substitutes.

Rule 12.2A.2A is deleted.

Drafting points

Rule 12.2A. 2A is deleted and replaced with Rule 12.2A. 2AA.

After Rule 12.2A 2A, insert –

“2AA Where a committee member is prevented by Rule 12.2ZA from participating in that capacity in the consideration by the committee mentioned in Rule 6.4 of a complaint, or any related question of sanctions or withdrawal of a member's rights and privileges, a committee substitute from the same political party may, subject to Rule 12.2ZA, participate in place of that member in that consideration.”

Drafting points

Rule 12.2A 2AA allows for participation by substitutes in relation to Rule 12.2ZA.

In Rule 12.2A.3(c), insert an “A” after “paragraph 2A”.

In Rule 12.2A4, insert an “A” after “or 2A”.

PUBLICATION OF WRITTEN ANSWERS

Rule 13.5 Written questions

For rule 13.5.3, substitute:

‘3. The Clerk shall publish all admissible written questions and answers.’

Drafting points

At present, Rule 13.5.3 requires the Clerk to publish all admissible written questions in the Business Bulletin. It also provides that an answer to a written question is to be published along with the question in the Official Report. The amended text now requires the Clerk simply to publish all admissible written questions and answers (without specifying that this

must be in the Business Bulletin/Official Report). This reflects what has actually been happening, in practice, for some time.

Rule 16.2 Scottish Parliament Official Report

Rule 16.2.2 is deleted.

Drafting points

This consequential change removes the complementary provision set out within Rule 16.2.2 which provides that the Official Report is also to contain all written questions, together with the answers, in accordance with Rule 13.5.3.

PORTFOLIO AND GENERAL QUESTIONS: LODGING DEADLINES

Rule 13.6A Portfolio and General Questions

In paragraph 4, for “16:30”, substitute “12:00”.

Drafting points

This amendment updates the relevant Standing Order provision, so that it reflects what has been happening in practice, with the lodging deadline for members’ oral questions being 12 o’clock, rather than 16:30.

