



The Scottish Parliament
Pàrlamaid na h-Alba

Published 3 September 2020

SP Paper 794

8th Report 2020 (Session 5)

Standards, Procedures and Public Appointments Committee

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

The Scottish Parliament (Disqualification) Order 2020 [draft]



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

The Scottish Parliament (Disqualification) Order 2020 [draft]	1
Delegated Powers and Law Reform Committee Consideration	2
SPPA Committee Consideration	3
Annex: Extract from minutes	4

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;
- (ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;
- (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.parliament.scot/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



Neil Findlay
Scottish Labour



Jamie Halcro Johnston
Scottish Conservative
and Unionist Party



Gil Paterson
Scottish National Party



John Scott
Scottish Conservative
and Unionist Party



Maureen Watt
Scottish National Party

The Scottish Parliament (Disqualification) Order 2020 [draft]

1. The Scottish Parliament (Disqualification) Order 2020 [draft] was laid before the Scottish Parliament on 10 August 2020 and referred to the Standards, Procedures and Public Appointments Committee (SPPA Committee).
2. The draft Order specifies the office holders who are disqualified from being a member of the Scottish Parliament. Part 1 of the schedule specifies the office-holders who are disqualified from being a member of the Parliament. Part 2 of the schedule specifies the office-holders who are disqualified from being a member of the Parliament but only for particular constituencies or regions. The Order revokes and replaces the Scottish Parliament (Disqualification) Order 2015.
3. The existing 2015 Order has been updated to reflect appointments which meet certain policy criteria, including those that have been abolished, renamed or created since the making of the 2015 Order.
4. The Order will ensure that relevant stakeholders - notably the Electoral Commission, Returning Officers and potential candidates – can access a list of all office-holders that are disqualified by the Order.
5. The Policy Note states that the Order ensures that MSPs “are able to carry out their duties and responsibilities free from potential conflicts of interest, or accusations of partiality or personal gain, arising as a result of obligations incurred by reason of simultaneously holding public office outwith the Scottish Parliament.” There are four policy criteria for including office-holders in the Order:
 - Offices for profit in the gift of the Crown or Ministers. This includes salaried, pensionable and certain fee-paid posts, but excludes posts attracting expenses alone. To prevent trivial disqualification, offices where the remuneration is less than £10,000 per year are not normally disqualified.
 - Certain positions of control in companies in receipt of Government grants and funds, to which Ministers usually, though not necessarily, make appointments (for example, chairman or director).
 - Offices imposing duties which with regard to time and place would prevent their holders from fulfilling Parliamentary duties satisfactorily, i.e. they would take up too much time or otherwise prevent an MSP from attending Parliament.
 - Offices whose holders are required to be, or to be seen to be, politically impartial.

Delegated Powers and Law Reform Committee Consideration

6. The Delegated Powers and Law Reform Committee (DPLRC) considered the draft Order on 18 August 2020. The DPLRC's [report](#) indicates that it had no points to raise on the instrument.

SPPA Committee Consideration

7. Motion S5M-22418 was lodged by Graeme Dey, Minister for Parliamentary Business and Veterans, and supported by Michael Russell, Cabinet Secretary for Government Business and Constitutional Relations.
8. At the SPPA Committee's thirteenth meeting on 27 August 2020, it took evidence on the the Scottish Parliament (Disqualification) Order 2020 [draft] from—

Graeme Dey, Minister for Parliamentary Business and Veterans;

Jamie Bowman, Scottish Government Legal Directorate, Al Gibson, Policy Adviser, Parliament and Legislation Unit, and Kenneth Pentland, Senior Policy Officer, Elections Team, Scottish Government.
9. Following the evidence session, Graeme Dey moved Motion S5M-22418 that the Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Disqualification) Order 2020 [draft] be approved.
10. The motion was agreed to without division.
11. The evidence taken and the debate can be found in the [Official Report](#) for the SPPA Committee meeting of 27 August 2020.

The Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Disqualification) Order 2020 [draft] be approved.

Annex: Extract from minutes

13th Meeting 2020 (Session 5), Thursday 27 August 2020

Subordinate legislation: The Committee took evidence on the Scottish Parliament (Disqualification) Order 2020 [draft] and on the Representation of the People (Electoral Registers Publication Date) (Coronavirus) (Scotland) Regulations 2020 [draft] from—

Graeme Dey, Minister for Parliamentary Business and Veterans;

Jamie Bowman, Scottish Government Legal Directorate, Al Gibson, Policy Adviser, Parliament and Legislation Unit, and Kenneth Pentland, Senior Policy Officer, Elections Team, Scottish Government.

Subordinate legislation: Graeme Dey moved—S5M-22418—That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Disqualification) Order 2020 [draft] be approved.

The motion was agreed to.

