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STATUTORY INSTRUMENTS

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**1999 No. 1095**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Transitory and Transitional Provisions)  
(Standing Orders and Parliamentary Publications) Order 1999**

<i>Made</i>	- - - -	<i>7th April 1999</i>
<i>Laid before Parliament</i>		<i>12th April 1999</i>
<i>Coming into force</i>	- -	<i>6th May 1999</i>

In exercise of the powers conferred upon me by sections 112(1), 113, 114(1) and 129(1) of the Scotland Act 1998<sup>(1)</sup> and of all other powers enabling me in that behalf, I hereby make the following Order:

**Citation and commencement**

**1.**—(1) This Order may be cited as the Scotland Act 1998 (Transitory and Transitional Provisions) (Standing Orders and Parliamentary Publications) Order 1999.

(2) This Order shall come into force on 6th May 1999.

**Interpretation**

**2.** In this Order—

“the Act” means the Scotland Act 1998;

“court” includes tribunal;

“legal proceedings” means any legal proceedings (whether civil or criminal) in any court in the United Kingdom;

“the Parliament” means the Scottish Parliament; and

“statement” has the same meaning as in the Defamation Act 1996<sup>(2)</sup>.

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(1) 1998 c. 46.

(2) 1996 c. 31.

### **Standing orders of the Parliament.**

3. The standing orders of the Parliament are contained in the rules set out in the Schedule to this Order.

### **Publication of statements under the authority of the Parliament**

4.—(1) This article applies to any legal proceedings brought against a person for, on account of, or in respect of, the publication by that person—

- (a) of a statement under the authority of the Parliament; or
- (b) of a statement which has been published under the authority of the Parliament.

(2) In any legal proceedings to which this article applies, any person may produce to the court before which the proceedings are brought a certificate, sworn by the Clerk of the Parliament before a notary public, that the statement was published under the authority of the Parliament.

(3) On production of such a certificate the court shall order that, subject to paragraph (4), no further steps are to be taken in the proceedings and on the making of such an order the proceedings shall be treated as having been concluded.

(4) On the making of an order under paragraph (3), the court may make such ancillary orders as it considers appropriate.

(5) Any person intending to produce a certificate in accordance with paragraph (2) shall give at least 24 hours notice of his or her intention so to do to the other parties to the proceedings and to the court before which the proceedings are brought.

5. Any statement which is required or authorised to be published in pursuance of any of the rules set out in the Schedule to this Order shall be treated, for the purposes of section 41 of the Act (defamatory statements) and article 4 of this Order, as published under the authority of the Parliament.

### **Duration**

6.—(1) Unless earlier revoked by an order under section 129(1) of the Act and subject to paragraph (2), articles 3 and 5 of, and the Schedule to, this Order shall cease to have effect on the date on which the first standing orders made by the Parliament come into force.

(2) Article 5 of this Order shall continue to apply in relation to any statement published before the date when that Article ceases to have effect by virtue of paragraph (1).

7. Unless earlier revoked by an order under section 129(1) of the Act, article 4 of this Order shall cease to have effect on the day appointed by or under an Act of the Parliament.

St Andrew's House Edinburgh  
7th April 1999

*Donald C. Dewar*  
Secretary of State for Scotland

## SCHEDULE

Article 3

### STANDING ORDERS OF THE SCOTTISH PARLIAMENT

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## CHAPTER 1

### MEMBERS

#### Rule 1.1 The Scottish Parliament

1. The Scottish Parliament is established by the Scotland Act 1998.
2. The members of the Parliament returned for each constituency or region shall be known as members of the Scottish Parliament (MSPs) and are referred to in these Rules as members.

#### Rule 1.2 Oath of allegiance

1. Every person who is returned as a member shall take the oath of allegiance or shall make his or her solemn affirmation at a meeting of the Parliament before the Clerk. A member shall not take part in any other proceedings of the Parliament until he or she has done so.
2. A member may, immediately after taking the oath or making his or her solemn affirmation, repeat the oath or affirmation in a language other than English.
3. The member shall then sign a register kept by the Clerk for the purpose indicating that he or she has taken the oath or, as the case may be, made a solemn affirmation.
4. The Parliament's power under section 84(3) (where a member fails to take the oath of allegiance) to decide, before the end of the period of two months within which a member must take the oath or make a solemn affirmation, to allow him or her a longer period to do so is exercisable on a motion of any member. The motion is valid only if it is seconded by another member.
5. In these Rules, "oath of allegiance" means the oath in the form provided in section 2 of the Promissory Oaths Act 1868<sup>(3)</sup> and "solemn affirmation" means the affirmation in the form provided in section 6(1) of the Oaths Act 1978<sup>(4)</sup>.

#### Rule 1.3 Term of office

1. The term of office of a member begins on the day on which the member is declared to be returned and ends with the dissolution of the Parliament or, if earlier, that member's death or resignation.
2. A member may at any time resign his or her seat by giving notice in writing to the Presiding Officer.
3. A member may also cease to be a member in accordance with section 17(1) or (2) (where a member is or becomes disqualified) or section 84(3) (where a member fails to take the oath of allegiance).

#### Rule 1.4 Disqualification

1. The Presiding Officer shall notify the Parliament where a person is, or is alleged to be, disqualified from being a member (either generally or for a particular constituency or region) on any ground other than one falling within section 15(1)(b) (disqualification otherwise than under House of Commons Disqualification Act 1975).
2. Any member may, within 3 sitting days of such notification, by motion propose that the Parliament disregard the disqualification because it is considered that the ground has been removed

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(3) 1868 c. 72.

(4) 1978 c. 19.



and that it is proper to disregard the disqualification. The motion is valid only if it is seconded by another member.

### **Rule 1.5 Vacancies**

1. For the purposes of section 9 (constituency vacancies), the date on which a vacancy in the seat of a constituency member is to be treated as occurring shall be determined in accordance with paragraph 2. The Presiding Officer shall notify the Parliament of that date.

2. The date on which a constituency vacancy is to be treated as occurring is–

- (a) in the case of a vacancy arising on the death of a member, the date of death;
- (b) in the case of a vacancy arising on the resignation of a member, the date on which written notice of the resignation is given to the Presiding Officer;
- (c) in the case of a vacancy arising under section 17(1) (effect of disqualification where a disqualified person is returned), the date on which the person concerned was returned as a member;
- (d) in the case of a vacancy arising under section 17(2) (effect of disqualification where a member becomes disqualified), the date on which the member became disqualified;
- (e) in the case of a vacancy arising under section 84(3) (failure of member to take the oath of allegiance), the expiry of the period of 2 months beginning with the day on which he or she was returned or such longer period as the Parliament may have allowed; or
- (f) in any other case, such date as the Presiding Officer may determine.

3. If, in any of the cases mentioned in paragraph 2(a) and (c) to (e), the vacancy does not come to the notice of the Presiding Officer within the period of one month beginning with its occurrence, the Presiding Officer shall notify the Parliament of the date when the vacancy did come to his or her notice.

4. For the purposes of section 10 (regional vacancies), the date on which a vacancy in the seat of a regional member is to be treated as occurring shall be determined by the Presiding Officer. The Presiding Officer shall notify the Parliament of that date.

### **Rule 1.6 Code of Conduct**

1. The Parliament may, on a motion of the Standards Committee, lay down a Code of Conduct for members. The Parliamentary corporation shall arrange for the Code of Conduct to be printed and published.

### **Rule 1.7 Withdrawal of rights and privileges**

1. The Parliament may, on a motion of the Standards Committee, withdraw from a member his or her rights and privileges as a member to such extent and for such period as are specified in the motion.

## **CHAPTER 2:**

## **MEETINGS OF THE PARLIAMENT**

### **Rule 2.1 Session of the Parliament**

1. A session of the Parliament shall be the period from the date of the first meeting of the Parliament following a general election until the Parliament is dissolved.

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2. Each session shall be divided into Parliamentary years. The first Parliamentary year shall be the year beginning with the date of the first meeting of the Parliament following a general election. Subsequent Parliamentary years shall begin on each succeeding anniversary of that date in that session.

3. A sitting day is any day when the office of the Clerk is open but not when the Parliament is in recess or dissolved. The Parliament shall decide, on a motion of the Parliamentary Bureau, the days on which the office of the Clerk is to be open. Until the Parliament has so decided, the Presiding Officer shall appoint those days. The days on which the office of the Clerk is to be open shall be notified to members by the Presiding Officer.

## **Rule 2.2 Meetings of the Parliament**

1. The Parliament shall meet on the day appointed or determined for its first meeting following a general election.

2. The Parliament shall decide, on a motion of the Parliamentary Bureau, the date and time for any other meeting of the Parliament, or, until the Parliament has so determined, the Presiding Officer shall appoint such dates and times. This is subject to the following paragraphs.

3. The Parliament may, except as mentioned in paragraph 4 or in an emergency, meet on any sitting day during the normal Parliamentary week. The normal Parliamentary week is between the hours of 14:30 and 17:30 on Monday, 09:30 and 17:30 on Tuesday, Wednesday and Thursday and 09:30 and 12:30 on Friday.

4. A meeting of the Parliament may continue beyond 17:30 on Monday to Thursday or 12:30 on Friday—

- (a) if it is necessary in order to complete any voting which is not adjourned to a later meeting under Rule 11.2.5;
- (b) if it is necessary in order to complete the election of the Presiding Officer or a deputy Presiding Officer under Rule 11.9 or the election of a member or members of the Parliamentary corporation or selection of a nominee for appointment as First Minister under Rule 11.10;
- (c) if the Parliament so decides, on a motion of the Parliamentary Bureau, in order to consider Members' Business; or
- (d) in other cases, if the Parliament so decides on a motion of a member of the Scottish Executive or of the member who moved the business under consideration at that time.

5. Any motion mentioned in paragraph 4(d) may be moved without notice. It may be debated for up to 10 minutes. Each speaker may speak for no more than 3 minutes. The motion may be amended but only by proposing that the time specified in it is increased or decreased.

6. A meeting of the Parliament shall normally begin and end on the same day and normally not more than one meeting of the Parliament may take place on the same day.

7. A meeting of the Parliament begins when the Presiding Officer or other person chairing the meeting takes the chair.

8. The Presiding Officer may convene the Parliament on other dates or at other times in an emergency.

9. In these Rules “Members' Business” means any item of business, other than a Member’s Bill, proposed by a member who is neither a member of the Scottish Executive nor a junior Scottish Minister.

### **Rule 2.3 Parliamentary recess**

1. The Parliament shall decide, on a motion of the Parliamentary Bureau, the dates of any Parliamentary recess.
2. In considering dates of any Parliamentary recess, the Parliamentary Bureau shall have regard to the dates when schools in any part of Scotland are to be on holiday.
3. The dates on which a Parliamentary recess is to begin and end shall be notified by the Clerk to members.

### **Rule 2.4 First meeting following general election**

1. The first meeting of the Parliament following the first ordinary general election shall be chaired—
  - (a) by the Clerk but only for the purpose of presiding over the proceedings to enable the oldest qualified member to take the oath of allegiance or make a solemn affirmation; and
  - (b) thereafter, by the oldest qualified member but only for the purpose of presiding over the proceedings when members are taking the oath of allegiance or making a solemn affirmation and for the election of the Presiding Officer; and
  - (c) thereafter, by the elected Presiding Officer.
2. The first meeting of the Parliament following any subsequent general election shall be held on the day and at the time determined by the Presiding Officer. The Presiding Officer shall notify members of the date and time of that meeting.
3. Subject to paragraphs 4 and 5, that meeting shall be chaired—
  - (a) by the Clerk but only for the purpose of presiding over the proceedings to enable the former Officer to take the oath of allegiance or make a solemn affirmation; and
  - (b) thereafter, by the former Officer but only for the purpose of presiding over the proceedings when members are taking the oath of allegiance or making a solemn affirmation and for the election of the new Presiding Officer; and
  - (c) thereafter, by the elected Presiding Officer.
4. If the person holding the office of Presiding Officer as mentioned in section 19(2) is not a member of the Parliament, that meeting shall be chaired by that person but only until a new Presiding Officer is elected. Thereafter it shall be chaired by the elected Presiding Officer.
5. If neither that person nor the former Officer is present at that meeting or able to chair that meeting, that meeting shall be chaired as mentioned in paragraph 1.
6. The chair may be taken by a member only if that member has taken the oath of allegiance or made a solemn affirmation.
7. Any reference to “the oldest qualified member” means the oldest member—
  - (a) who is present at the meeting;
  - (b) who has indicated to the Clerk that he or she does not intend to stand as a candidate for the office of Presiding Officer or First Minister; and
  - (c) who is not a leader within the Parliament of a political party represented by more than 5 members of the Parliament.
8. When the Clerk or the oldest qualified member is in the chair, he or she shall, so far as necessary for the purposes of concluding the business over which he or she is presiding, have similar functions as the Presiding Officer has for the purposes of conducting meetings under Rules 7.1 to 7.7 and 8.17.

9. Any reference to “the former Officer” means—

- (a) the member holding the office of Presiding Officer as mentioned in section 19(2); or
- (b) if that office is vacant or that member is unable to chair the meeting, a member holding the office of deputy Presiding Officer as mentioned in that section,

but only if, in either case, that member has indicated to the Clerk that he or she does not intend to stand as a candidate for election as Presiding Officer.

### **Rule 2.5 Chairing of meetings**

1. Except as provided in Rule 2.4, meetings of the Parliament shall be chaired by the Presiding Officer or by a deputy Presiding Officer.

2. Where the offices of Presiding Officer and of both deputy Presiding Officers are vacant, a meeting of the Parliament shall be chaired by the oldest qualified member but only for the purpose of presiding over the proceedings for the election of the Presiding Officer.

3. Where the Presiding Officer and both deputy Presiding Officers are unable to act, a meeting of the Parliament shall be chaired by the oldest member who is present at the meeting but only during such period as all of those officers are unable to act. When the oldest member is in the chair, he or she shall, so far as necessary for the purposes of concluding the business over which he or she is presiding, have similar functions to those of the Presiding Officer for the purpose of conducting meetings under Rules 7.1 to 7.7 and 8.17.

4. Paragraphs 2 and 3 are subject to the special provisions applying to the first meeting of the Parliament following a general election mentioned in Rule 2.4.

### **Rule 2.6 Witnesses and documents**

1. The Parliament may in connection with any matter invite any person—

- (a) to attend its proceedings for the purpose of giving evidence; or
- (b) to produce documents in that person’s custody or under that person’s control,

but this is in addition to its power under section 23 (power to call for witnesses and documents) to require any person to do so but subject to and in accordance with the terms of that section and section 24 (notice provisions in relation to witnesses and documents).

2. The Parliament shall arrange for the Parliamentary corporation to pay to persons whom it requires, and may arrange for the Parliamentary corporation to pay to persons whom it invites to attend its proceedings to give evidence or to produce any documents, such allowances and expenses as may be determined by the Parliament.

### **Rule 2.7 Location**

1. Meetings of the Parliament shall be held in the Church of Scotland Assembly Hall, The Mound, Edinburgh, subject to the following provisions.

2. The Parliament may decide, on a motion of the Parliamentary Bureau, that a meeting of the Parliament shall be held in another place in Scotland.

3. Where it is not practicable for the Parliament to meet to decide the matter, the Presiding Officer may decide that a meeting of the Parliament shall be held in another place in Scotland and members shall be notified of that place.

## **CHAPTER 3:**

### **OFFICERS OF THE PARLIAMENT**

#### **Rule 3.1 Presiding Officer and deputy Presiding Officers**

1. The Presiding Officer shall—
  - (a) preside over any meeting of the Parliament except as provided in Rule 2.4 and 2.5 and, except where Rule 11.9 or 11.10 applies, exercise a casting vote in the event of a tie;
  - (b) convene and chair any meeting of the Parliamentary Bureau and exercise a casting vote in the event of a tie;
  - (c) determine any question as to the interpretation or application of these Rules and give a ruling on any such question; and
  - (d) represent the Parliament in discussions and exchanges with any parliamentary, governmental, administrative or other body, whether within or outwith the United Kingdom.
2. The Presiding Officer shall have such other functions as may be conferred upon him or her by the Act, by the Parliament or by these Rules.
3. In exercising any functions, the Presiding Officer and deputy Presiding Officers shall act impartially, taking account of the interests of all members equally.
4. The Presiding Officer's functions may be exercised by a deputy Presiding Officer if the office of Presiding Officer is vacant or if the Presiding Officer is for any reason unable to act.
5. The Presiding Officer may authorise a deputy Presiding Officer to exercise any of his or her functions on his or her behalf but shall not authorise him or her to sit in place of the Presiding Officer as a member of the Parliamentary corporation under section 21(2)(a).

#### **Rule 3.2 Election of Presiding Officer**

1. The Parliament shall, at its first meeting following a general election, elect from among its members a Presiding Officer.
2. If the Presiding Officer ceases to hold office before the Parliament is dissolved, the Parliament shall elect another from among its members.
3. In the case of the election of the Presiding Officer under paragraph 1, the voting period at the election ("the voting period") shall take place at such time during the first meeting as may be notified in the Business Bulletin or as may be appointed by the person chairing the meeting.
4. In the case of the election of a Presiding Officer under paragraph 2, the voting period shall take place on the day and at the time appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than fourteen days after the date on which the Presiding Officer ceased to hold office. If this is not possible because the Parliament is in recess at that time, the voting period shall take place on the day and at the time notified in the Business Bulletin.
5. For the purposes of paragraph 4, the date on which the Presiding Officer ceased to hold office shall be—
  - (a) in the case where he or she resigns, the date on which the resignation takes effect;
  - (b) in the case where he or she is removed from office by resolution of the Parliament, the date on which he or she is so removed; or

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- (c) in the case where he or she ceases to be a member of the Parliament, the date on which a vacancy is to be treated as occurring for the purposes of section 9 (constituency vacancies) or 10 (regional vacancies) in accordance with Rule 1.5.

6. A member may, at any time during the period which is not earlier than 2 hours and not later than 15 minutes before the time appointed for the beginning of the voting period, nominate a candidate for appointment as the Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

7. Where there are 2 elected deputy Presiding Officers who represent the same political party, a member representing that party is not eligible for nomination as a candidate for appointment as Presiding Officer. The person chairing the meeting shall reject any such nomination as being invalid.

8. A person nominated as a candidate must take the oath of allegiance or make a solemn affirmation before for the beginning of the voting period. If he or she has not done so, the person chairing the meeting shall reject his or her nomination.

9. At the beginning of the voting period, the person chairing the meeting shall announce the name or names of the candidate or candidates validly nominated and an election shall be held in accordance with Rule 11.9.

10. After the person chairing the meeting has declared the result of the election of the Presiding Officer, the elected Presiding Officer shall take the chair.

### **Rule 3.3 Election of deputy Presiding Officers**

1. The Parliament shall, at its first meeting following a general election, elect from among its members two deputy Presiding Officers.

2. If a deputy Presiding Officer ceases to hold office before the Parliament is dissolved, the Parliament shall elect another deputy Presiding Officer from among its members.

3. Where there is a vacancy in the office of Presiding Officer and in the office of a deputy Presiding Officer, the election of the Presiding Officer shall precede the election of the deputy Presiding Officer.

4. Where there are vacancies in the offices of both deputy Presiding Officers, consecutive elections shall be held for the offices.

5. In the case of the election of deputy Presiding Officers under paragraph 1, the voting period for the election of the first deputy Presiding Officer ("the first voting period") shall take place at such time during the first meeting as may be appointed by the Presiding Officer, which shall be not earlier than 30 minutes after the Presiding Officer informed the Parliament as to when the first voting period is to take place. The voting period for the election of the second deputy Presiding Officer shall take place immediately after the completion of the first voting period.

6. Paragraph 5 shall also apply in any other case where there are vacancies in the offices of both deputy Presiding Officers except that, where the Parliament is not dissolved or is not in recess, the date and time for the first voting period shall be appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than 14 days after the date on which both those offices became vacant. If this is not possible because the Parliament is in recess at that time, the date and time for the first voting period shall be appointed by the Presiding Officer.

7. In the case of an election under paragraph 5 or 6, the candidates in the election for the second deputy Presiding Officer shall be the candidates not elected in the election for the first deputy Presiding Officer, except that, where the Presiding Officer and the first deputy Presiding Officer represent the same political party, any candidate representing that party shall not be a candidate for election as the second deputy Presiding Officer.

8. In the case where there is a vacancy in only one of the offices of deputy Presiding Officer, the voting period for the election of the deputy Presiding Officer shall take place on the date and at the time appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than 14 days after the date on which the office became vacant. If this is not possible because the Parliament is in recess at that time, the date and time for the voting period shall be appointed by the Presiding Officer.

9. In the case of an election under paragraph 8, where the elected Presiding Officer and a deputy Presiding Officer represent the same political party and there is a vacancy in the office of the other deputy Presiding Officer, a member representing that party is not eligible for nomination as a candidate for election as that other deputy Presiding Officer.

10. For the purposes of paragraphs 6 and 8, the date on which the deputy Presiding Officer ceased to hold office shall be—

- (a) in the case where he or she resigns, the date on which the resignation takes effect;
- (b) in the case where he or she is removed from office by resolution of the Parliament, the date on which he or she is so removed; or
- (c) in the case where he or she ceases to be a member of the Parliament, the date on which a vacancy is to be treated as occurring for the purposes of section 9 (constituency vacancies) or 10 (regional vacancies) in accordance with Rule 1.5.

11. The following paragraphs apply to an election in any of the cases mentioned in paragraphs 5, 6 and 8.

12. A member may at any time during the period which is not earlier than 30 minutes before and not later than 15 minutes before the beginning of the first voting period in the cases mentioned in paragraphs 5 and 6 and the voting period in the case mentioned in paragraph 8, nominate a candidate for appointment as deputy Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

13. A person nominated as a candidate must take the oath of allegiance or make a solemn affirmation before the time appointed for a voting period. If he or she has not done so, the Presiding Officer shall reject his or her nomination.

12. At the beginning of a voting period, the Presiding Officer shall announce the name or names of the candidate or candidates validly nominated and an election shall be held in accordance with Rule 11.9.

### **Rule 3.4 Resignation of Presiding Officer and deputy Presiding Officers**

1. The Presiding Officer or a deputy Presiding Officer may resign office by giving notice in writing to the Clerk.
2. The Clerk shall notify the Parliament of any such resignation.

### **Rule 3.5 Removal of Presiding Officer and deputy Presiding Officers**

1. A member may by motion propose that the Presiding Officer or a deputy Presiding Officer be removed from office. The motion is valid only if it is seconded by another member.
2. The Presiding Officer or deputy Presiding Officer is removed from office if the Parliament so decides by an absolute majority.

### **Rule 3.6 Members of the Parliamentary corporation**

1. The four members of the Scottish Parliamentary Corporate Body (“the Parliamentary corporation”) referred to in section 21(2)(b) shall be appointed by the Presiding Officer either after an election in accordance with Rule 3.7 or in accordance with Rule 3.8. Those members are referred to as “appointed members”.

### **Rule 3.7 Election of members of the Parliamentary corporation**

1. Not later than 10 sitting days after a general election, the Parliament shall hold consecutive elections to elect the four appointed members of the Parliamentary corporation.

2. An election shall also be held to fill any vacancy which arises when an appointed member—

- (a) resigns;
- (b) ceases to be a member of the Parliament otherwise than by virtue of a dissolution; or
- (c) is removed from office by resolution of the Parliament.

3. In the case of an election under paragraph 1, the voting period for the election of the first appointed member (“the first voting period”) shall take place on such date and at such time as may be appointed by the Presiding Officer. The voting period for the election of the second and other appointed members under paragraph 1 shall take place immediately after the completion of the first voting period.

4. Paragraph 3 shall also apply in any other case where there are vacancies in the offices of more than one appointed member except that, where the Parliament is not dissolved or is not in recess, the date and time for the first voting period shall be appointed by the Parliament on a motion of the Parliamentary Bureau.

5. In the case of an election under paragraph 3 or 4, the candidates in the election for the second and other appointed members shall be the candidates not elected in the election for the first appointed member.

6. In the case where there is a vacancy in only one of the offices of an appointed member, the voting period for the election shall take place on the date and at the time appointed by the Parliament on a motion of the Parliamentary Bureau.

7. Any member may, not later than 30 minutes before the beginning of the first voting period in the cases mentioned in paragraphs 3 and 4 and the voting period in the case mentioned in paragraph 6, nominate a candidate for election by submitting a written nomination to the Clerk.

8. A nomination of a candidate shall be valid only if it is seconded by another member.

9. At the beginning of a voting period, the Presiding Officer shall announce the name or names of the candidate or candidates validly nominated and an election shall then be held in accordance with Rule 11.10.

10. The Presiding Officer shall appoint as a member of the Parliamentary corporation a member elected in accordance with this Rule.

### **Rule 3.8 Appointment of members of the Parliamentary corporation**

1. If any office of an appointed member is not filled in accordance with Rule 3.7, the Presiding Officer may appoint a member to that office and shall do so if the office remains vacant for more than 28 days. In calculating the period of 28 days for this purpose, no account shall be taken of any time when the Parliament is dissolved.

2. The Presiding Officer shall notify the Parliament of any appointment under paragraph 1.



### **Rule 3.9 Resignation of members of the Parliamentary corporation**

1. An appointed member may at any time resign office by giving notice in writing to the Presiding Officer.
2. The Presiding Officer shall notify the Parliament of the resignation.

### **Rule 3.10 Removal of members of the Parliamentary corporation**

1. A member may by motion propose that an appointed member be removed from office. The motion is valid only if it is seconded by another member.
2. An appointed member is removed from office as a member of the Parliamentary corporation if the Parliament so decides on such a motion.

### **Rule 3.11: Auditor General for Scotland**

1. If the office of Auditor General for Scotland is, or is expected to become, vacant, a panel (referred to as the “Selection Panel”) shall be established for the purpose of recommending a person for nomination by the Parliament to Her Majesty for appointment as Auditor General for Scotland.
2. The members of the Selection Panel shall be the Presiding Officer, the Convener of the Audit Committee and at least 4 but not more than 7 other members appointed by the Presiding Officer. In appointing members of the Selection Panel the Presiding Officer shall have regard to the balance of political parties in the Parliament.
3. The Selection Panel shall recommend to a meeting of the Parliament one person for nomination by the Parliament.
4. Any member of the Selection Panel may by motion propose that the Parliament nominates the person recommended by the Selection Panel.
5. Any debate on such a motion shall be restricted to 30 minutes. Each speaker may speak for no more than 5 minutes.
6. If there is a division on such a motion, the result is valid only if the number of members who voted is more than one quarter of the total number of seats for members. In calculating the number of members who have voted for this purpose, account shall be taken not only of those voting for or against the motion but also of those voting to abstain.

### **Rule 3.12 Removal of Auditor General for Scotland**

1. Any member may by motion propose that the Parliament resolve that a recommendation be made to Her Majesty for the removal from office of the Auditor General for Scotland.
2. If there is a division on such a motion, the motion shall be taken to be agreed to only if the number of members voting in favour is not less than two-thirds of the total number of seats for members of the Parliament.

## **CHAPTER 4: THE SCOTTISH EXECUTIVE**

### **Rule 4.1 Nomination of First Minister**

1. The nomination of a member for appointment as First Minister under section 46(1) shall be conducted in accordance with the following provisions.

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2. The date and time for the voting period to select a nominee shall be determined—
  - (a) in the case of a selection following a general election when the Parliamentary Bureau has not been established, by the Presiding Officer, provided that the date of the first such voting period shall not be later than 14 days after the date of the general election; and
  - (b) in any other case, by the Parliament on a motion of the Parliamentary Bureau,and the date and time of the voting period shall be notified to members.
3. Any member may, not later than 30 minutes before the time appointed for the voting period for selection of a nominee, nominate a candidate for appointment as First Minister by submitting a written nomination to the Clerk.
4. A nomination shall be valid only if it is seconded by another member.
5. A member nominated as a candidate must take the oath of allegiance or make a solemn affirmation before the time appointed for the voting period to select a nominee. If he or she has not done so, the Presiding Officer shall reject his or her nomination.
6. At the time appointed for the voting period to select a nominee, the Presiding Officer shall announce the name or names of the candidate or candidates and the nominee shall then be selected in accordance with Rule 11.10.

#### **Rule 4.2 Designation of person to exercise functions of First Minister**

1. The Presiding Officer shall notify the Parliament of the name of any person whom he or she has designated to exercise the functions of the First Minister under section 45(4).

#### **Rule 4.3 Appointment of Scottish Law Officers**

1. The agreement of the Parliament to the First Minister's recommendation to Her Majesty for the appointment of a person as Lord Advocate or Solicitor General for Scotland under section 48(1) shall be sought on a motion of the First Minister that a person specified in the motion be so recommended. The provisions of Rules 8.2.5 and 8.2.6 shall not apply to such a motion.
2. Such a motion may relate to one or both of the appointments to be recommended.
3. Before the Presiding Officer puts to the Parliament the question on a motion relating to both appointments, the motion may be amended without notice but only to delete that part of the motion relating to one of the appointments.
4. If there is a division on such a motion, the result is valid only if the number of members who voted is more than one quarter of the total number of seats for members. In calculating the number of members who have voted for this purpose, account shall be taken not only of those voting for or against the motion but also of those voting to abstain.

#### **Rule 4.4 Removal of Scottish Law Officers**

1. The provisions of Rule 4.3 shall apply, with such modifications as are appropriate, in relation to a recommendation for the removal of a person as Lord Advocate or Solicitor General for Scotland as they apply in relation to a recommendation for an appointment.

#### **Rule 4.5 Participation of Scottish Law Officers in proceedings**

1. This Rule applies where the Lord Advocate or Solicitor General for Scotland ("the Scottish Law Officer") is not a member of the Parliament.

2. The Scottish Law Officer may (subject always to the provision in section 27(1)(a) preventing him or her from voting) participate in any of the proceedings of the Parliament as fully as any member but he or she may not be appointed as a member of the Parliamentary corporation or the Parliamentary Bureau.

3. These Rules shall apply to the Scottish Law Officer, when he or she is participating in any proceedings of the Parliament, as if he or she were a member of the Parliament.

4. Paragraphs 2 and 3 are without prejudice to section 27(2) (application of rules regarding members' interests) and section 27(3) (questions and documents relating to operation of system of criminal prosecution).

#### **Rule 4.6 Appointment of other Scottish Ministers**

1. Where the First Minister proposes to appoint any Minister or Ministers under section 47(1), he or she shall, before seeking Her Majesty's approval for any appointment, seek the agreement of the Parliament to his or her proposal in accordance with the following provisions.

2. He or she shall by motion seek the agreement of the Parliament to the appointment of either—
- (a) an individual member to be a Minister; or
  - (b) a group of 2 or more members to be Ministers.

The provisions of Rules 8.2.5 and 8.2.6 shall not apply to such a motion.

3. Before the Presiding Officer puts to the Parliament the question on a motion relating to a group of members, the motion may be amended but only to delete that part of the motion relating to a particular member or members.

4. If there is a division on such a motion, the result is valid only if the number of members who voted is more than one quarter of the total number of seats for members. In calculating the number of members who have voted for this purpose, account shall be taken not only of those voting for or against the motion but also of those voting to abstain.

#### **Rule 4.7 Appointment of junior Scottish Ministers**

1. The provisions of Rule 4.6 shall apply, with such modifications as are appropriate, where the First Minister proposes to appoint one or more junior Scottish Ministers under section 49(1).

#### **Rule 4.8 Resignation of Ministers**

1. If the First Minister tenders his or her resignation to Her Majesty under section 45(2), the Presiding Officer shall, if the resignation is accepted by Her Majesty, notify the Parliament.

2. Where any other member of the Scottish Executive or a junior Scottish Minister resigns, the Presiding Officer shall notify the resignation to the Parliament.

## **CHAPTER 5:**

### **THE PARLIAMENTARY BUREAU AND MANAGEMENT OF BUSINESS**

#### **Rule 5.1 Parliamentary Bureau**

1. The Parliament shall establish the Parliamentary Bureau in accordance with these Rules.
2. The main functions of the Parliamentary Bureau shall be—

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- (a) to propose the business programme as mentioned in Rule 5.4;
- (b) to propose alterations to the daily business list;
- (c) to propose the establishment, remit, membership, and duration of any committee or sub-committee; and
- (d) to determine any question regarding the competence of a committee to deal with a matter and, if two or more committees are competent to deal with a matter, to determine which of those committees is to be the lead committee responsible for that matter.

3. The Parliamentary Bureau shall have such other functions relating to the business of the Parliament or of any committee or sub-committee as may be conferred upon it by these Rules or by the Parliament.

4. The Parliamentary Bureau shall not be regarded as a committee for the purpose of these Rules.

### **Rule 5.2: Members of the Parliamentary Bureau**

1. The Parliamentary Bureau shall consist of—

- (a) the Presiding Officer; and
- (b) a representative of each political party represented by more than 5 members of the Parliament (“a party representative”) who is nominated by the leader within the Parliament of that party; and
- (c) a representative of any group formed under paragraph 2 (“a group representative”) who is nominated by that group.

2. Members who represent a political party with fewer than 5 representatives in the Parliament and members who do not represent a political party may join together to form a group for the purposes of nominating a group representative under paragraph 1(c). The number of members in any such group shall be at least 5.

3. A nomination of a party or group representative may be made to the Presiding Officer at any time during a Parliamentary session but must be made in writing and, in the case of the nomination of a group representative, must be signed by each member of the group.

4. If a member wishes to join a group or no longer wishes to form part of that group, he or she shall notify the Presiding Officer and the group representative that the group representative represents or, as the case may be, no longer represents him or her.

5. If, at any time and for whatever reason, a party or group representative no longer represents 5 or more members (including himself or herself), he or she shall cease to hold office as a member of the Parliamentary Bureau and the Presiding Officer shall notify the Parliament accordingly.

6. Where a party or group representative ceases to hold office as a member of the Parliamentary Bureau in any circumstances other than those mentioned in paragraph 5, the leader of the party or the group which nominated that representative shall nominate another representative to it in place of him or her.

7. A party or group representative may arrange for another member to take his or her place at a meeting of the Parliamentary Bureau if the Presiding Officer has been notified in writing in advance of that meeting.

### **Rule 5.3 Procedure of Parliamentary Bureau**

1. The Presiding Officer shall convene and chair meetings of the Parliamentary Bureau. He or she shall have a casting vote but shall not otherwise vote in the proceedings.

2. The Parliamentary Bureau shall meet in private.

3. The Parliamentary Bureau shall not consider any business if the number of members of the Bureau who are present is fewer than half of the total number of members of the Bureau.

4. Matters to be decided by the Parliamentary Bureau shall, in the event of any disagreement, be decided by a vote. The vote shall be conducted in such a manner as the Presiding Officer may determine.

5. A party or group representative shall carry one vote for each member of the party or group which he or she represents (including himself or herself). The representative shall notify the Presiding Officer and other members of the Parliamentary Bureau of the number of votes which he or she carries and of any changes to that number.

6. A deputy Presiding Officer may attend any meeting of the Parliamentary Bureau and may participate in the proceedings but may not vote unless he or she is chairing the meeting in place of the Presiding Officer when he or she shall have a casting vote.

7. The Parliamentary Bureau may invite members who are not members of the Parliamentary Bureau to attend a meeting of the Parliamentary Bureau and those persons may participate in the meeting but may not vote.

#### **Rule 5.4 Business programme**

1. The Parliament shall decide, on a business motion of the Parliamentary Bureau, a programme of business (referred to as “the business programme”) for such period as may be specified in that motion.

2. The business programme shall include an agenda of business for any meeting of the Parliament which is due to be held during that period and may include the timetable for consideration by the Parliament, any committee or sub-committee of–

- (a) any Bill or any provision of a Bill;
- (b) any legislation or draft legislation of the European Communities or any provision of such legislation; or
- (c) any subordinate legislation or draft subordinate legislation.

3. The business programme shall be notified to members in the Business Bulletin.

#### **Rule 5.5 Daily business list**

1. On the basis of the business programme and other decisions of the Parliament and the Presiding Officer, the Clerk shall publish a daily business list containing details of business to be considered by the Parliament and by each committee or sub-committee on each day when the Parliament or a committee or sub-committee meets. The daily business list shall also contain details of the times at which particular items of business are to be taken at any meeting if such times have been allocated in the business programme or in the decisions of the Parliament or the Presiding Officer.

2. The daily business list shall be notified to members in the Business Bulletin.

3. The Parliament may, on a motion of the Parliamentary Bureau, make alterations to the daily business list. Any such alterations shall be notified to members in the Business Bulletin.

4. If any emergency business arises, the Presiding Officer may allow that business to be taken at an appropriate point during a meeting of the Parliament and shall make any necessary alteration to the daily business list. Members shall be notified that the emergency business is to be taken and of any subsequent alteration to the daily business list.

### **Rule 5.6 Special cases of Parliamentary business**

1. In proposing the business programme, the Parliamentary Bureau shall ensure that—
  - (a) on 12 half sitting days in each Parliamentary year, the business of committees is given priority over the business of the Scottish Executive at meetings of the Parliament;
  - (b) on 15 half sitting days in each Parliamentary year, meetings of the Parliament consider business chosen by political parties which are not represented in the Scottish Executive or by any group formed under Rule 5.2.2; and
  - (c) at each meeting of the Parliament there is a period of up to 30 minutes for any Members' Business at the end of the meeting following Decision Time.
2. For the purposes of this Rule, a half sitting day is the period between 09:30 and 12:30 or between 14:30 and 17:00 on a sitting day from Monday to Thursday and the period from 09:30 to 12:00 on a sitting day on Friday.

### **Rule 5.7 Programme of the Scottish Executive**

1. When the First Minister wishes to make a statement to a meeting of the Parliament setting out the proposed policy objectives and legislative programme of the Scottish Executive for any Parliamentary year, he or she shall give notice of his or her proposal to the Presiding Officer. The Presiding Officer shall then notify the Parliamentary Bureau.
2. The Parliamentary Bureau shall ensure that sufficient time is set aside in the business programme for the statement to be made and debated.

### **Rule 5.8 Financial business**

1. In proposing the business programme, the Parliamentary Bureau shall ensure that sufficient time is set aside—
  - (a) between the beginning of May and the end of June each year for the consideration of financial proposals;
  - (b) between the beginning of October and the end of November each year for consideration of draft budgets; and
  - (c) between the beginning of January and the end of February each year for the Stages of the main Budget Bill.
2. “Consideration of financial proposals” means consideration by committees of documents laid before the Parliament setting out outline proposals for public expenditure in the forthcoming financial year and consideration by the Parliament of any report and recommendations of the Finance Committee concerning such documents.
3. “Consideration of draft budgets” means consideration by committees of documents laid before the Parliament setting out preliminary draft budgets of public expenditure in the forthcoming financial year.
4. “Financial year” means the year beginning on 1st April.

### **Rule 5.9 Business Bulletin**

1. The Clerk shall produce the Business Bulletin.
2. The Business Bulletin shall include—
  - (a) the business programme;
  - (b) the daily business list;

- (c) agendas for committee meetings;
- (d) notices of oral questions for answer at Question Time or Open Question Time;
- (e) written questions;
- (f) notices of motions and amendments to motions;
- (g) notices of Bills introduced into the Parliament and amendments to Bills;
- (h) notices of any subordinate legislation or draft subordinate legislation or any other document which is laid before the Parliament; and
- (i) any other item which requires to be notified to members,

and the Business Bulletin may include any other information which the Clerk considers appropriate.

3. The Business Bulletin shall be issued to members by whatever means the Presiding Officer considers appropriate and shall be made public.

4. The Clerk shall keep the Business Bulletin under review and if necessary shall issue to members an amended version of any part of it.

## **CHAPTER 6:**

### **COMMITTEES**

#### **Rule 6.1 Establishment of committees**

1. The Parliament may, on a motion of the Parliamentary Bureau, establish such committees as it thinks fit.

2. Any member may by motion propose the establishment of a committee.

3. The Parliamentary Bureau may, whether in response to such a proposal or otherwise, by motion propose the establishment, membership, remit and duration of a committee.

4. A committee established by the Parliament to deal with a particular subject, other than a mandatory committee, is referred to as a subject committee.

5. In addition, the Parliament shall, on a motion of the Parliamentary Bureau, establish the following mandatory committees—

- (a) the Procedures Committee;
- (b) the Standards Committee;
- (c) the Finance Committee;
- (d) the Audit Committee;
- (e) the European Committee;
- (f) the Equal Opportunities Committee;
- (g) the Public Petitions Committee;
- (h) the Subordinate Legislation Committee.

6. The Parliamentary Bureau shall by motion propose the establishment of—

- (a) the Procedures, Standards and Finance Committees within 21 sitting days of a general election; and
- (b) the other mandatory committees mentioned in paragraph 5 within 42 sitting days of a general election.

## **Rule 6.2 Functions of all committees**

1. A committee shall examine such matters within its remit (referred to as “competent matters”) as it may determine appropriate or as may be referred to it by the Parliament or another committee and shall report to the Parliament on any such matter.

2. In particular, each committee shall conduct such inquiries into such competent matters as it may consider appropriate or as the Parliament or another committee may require, and may—

- (a) consider the policy and administration of the Scottish Administration upon any competent matter;
- (b) consider any proposals for legislation which relate to or affect any competent matter, including proposals for primary or secondary legislation, whether before the Scottish Parliament or the United Kingdom Parliament;
- (c) consider any European Communities legislation or any international conventions or agreements or any drafts which relate to or affect any competent matter;
- (d) consider the need for the reform of the law which relates to or affects any competent matter;
- (e) initiate Bills on any competent matter; and
- (f) consider the financial proposals and financial administration of the Scottish Administration (including variation of taxes, estimates, budgets, audit and performance) which relate to or affect any competent matter.

## **Rule 6.3 Membership of committees**

1. The membership of each committee shall be approved by the Parliament on a motion of the Parliamentary Bureau.

2. Each committee shall have at least than 5 but not more than 15 members.

3. A member may indicate to the Parliamentary Bureau his or her interest in serving on a particular committee.

4. In proposing a member to be a committee member, the Parliamentary Bureau shall have regard to the balance of political parties in the Parliament and, where that member has expressed an interest in serving on that committee, to his or her qualifications and experience as indicated by him or her.

5. A committee member shall serve as a member of a committee for the duration of that committee unless—

- (a) he or she resigns from that office by intimating his or her resignation to the Parliamentary Bureau;
- (b) he or she is removed from that office by the Parliament on a motion of the committee; or
- (c) he or she ceases to be a member of the Parliament otherwise than by virtue of a dissolution.

6. A committee member may not be represented at a meeting of the committee by a substitute.

## **Rule 6.4 Procedures Committee**

1. The remit of the Procedures Committee is to consider and report on the practice and procedures of the Parliament in relation to its business.

## **Rule 6.5 Standards Committee**

1. The remit of the Standards Committee is to consider and report on—



- (a) 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; and
  - (b) the adoption, amendment and application of any Code of Conduct for members.
2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

#### **Rule 6.6 Finance Committee**

1. The remit of the Finance Committee is to consider and report on—
- (a) any report or other document laid before the Parliament by members of the Scottish Executive containing proposals for, or budgets of, public expenditure or proposals for the making of a tax-varying resolution, taking into account any report or recommendations concerning such documents made to them by any other committee with power to consider such documents or any part of them;
  - (b) any report made by a committee setting out proposals concerning public expenditure; and
  - (c) Budget Bills.
2. The Committee may also consider and, where it sees fit, report to the Parliament on the timetable for the Stages of Budget Bills and on the handling of financial business.
3. In these Rules, “public expenditure” means expenditure of the Scottish Administration, other expenditure payable out of the Scottish Consolidated Fund and any other expenditure met out of taxes, charges and other public revenue.

#### **Rule 6.7 Audit Committee**

1. The remit of the Audit Committee is to consider and report on—
- (a) any accounts laid before the Parliament;
  - (b) any report laid before the Parliament by the Auditor General for Scotland; and
  - (c) any other document laid before the Parliament concerning financial control, accounting and auditing in relation to public expenditure.
2. No member of the Scottish Executive or junior Scottish Minister may be a member of the Committee and no member who represents a political party which is represented in the Scottish Executive may be convener of the Committee.

#### **Rule 6.8 European Committee**

1. The remit of the European Committee is to consider and report on—
- (a) proposals for European Communities legislation;
  - (b) the implementation of European Communities legislation; and
  - (c) any European Communities or European Union issue.
2. The Committee may refer matters to the Parliamentary Bureau or other committees where it considers it appropriate to do so.
3. The convener of the Committee shall not be the convener of any other committee whose remit is, in the opinion of the Parliamentary Bureau, relevant to that of the Committee.

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4. The Parliamentary Bureau shall normally propose a person to be a member of the Committee only if he or she is a member of another committee whose remit is, in the opinion of the Parliamentary Bureau, relevant to that of the Committee.

#### **Rule 6.9 Equal Opportunities Committee**

1. The remit of the Equal Opportunities Committee is to consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament.

2. In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

#### **Rule 6.10 Public Petitions Committee**

1. The remit of the Public Petitions Committee is to consider and report on—

- (a) whether a public petition is admissible; and
- (b) what action should be taken upon the petition,

in accordance with the Rules in Chapter 15.

#### **Rule 6.11 Subordinate Legislation Committee**

1. The remit of the Subordinate Legislation Committee is to consider and report on—

- (a) subordinate legislation which is laid before the Parliament 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; and
- (c) general questions relating to powers to make subordinate legislation.

#### **Rule 6.12 Duration of committees**

1. The mandatory committees referred to in Rule 6.1.5 shall be established for the whole session of the Parliament.

2. The Parliament shall, on a motion of the Parliamentary Bureau, determine the duration of any other committee.

3. The Parliament may decide, on a motion of the Parliamentary Bureau, that any other committee be disbanded.

#### **Rule 6.13 Questions regarding competence**

1. Any question whether a matter is within the remit of a committee shall be determined by the Parliamentary Bureau.

2. If a matter falls within the remit of more than one committee the Parliament may, on a motion of the Parliamentary Bureau, name one of the committees as the lead committee responsible for that matter. The other committee or committees shall be asked to give their opinion to the lead committee. This is without prejudice to Rule 6.14.

#### **Rule 6.14 Joint consideration by committees**

1. Where a matter falls within the remit of more than one committee, the committees concerned may, with the agreement of the Parliamentary Bureau, decide to consider that matter jointly.
2. Where a matter is to be considered jointly under paragraph 1, any meeting to consider that matter shall be held jointly by the committees concerned. Such a meeting may be convened by the convener of any of those committees. At such a meeting the convener of any of those committees may take the chair.
3. Any report on the joint consideration of a matter shall be produced jointly by those committees.
4. Any of those committees may establish a sub-committee to consider the matter jointly with a sub-committee of another of those committees.

## **CHAPTER 7: CONDUCT OF MEETINGS**

#### **Rule 7.1 Languages**

1. The Parliament shall normally conduct its business in English but members may speak in Scots Gaelic or in any other language with the agreement of the Presiding Officer.
2. Any person addressing the Parliament on the invitation of the Parliament in accordance with Rule 15.3.5, may do so in any language other than English with the agreement of the Presiding Officer.

#### **Rule 7.2 Calling speakers and content of speeches**

1. No member except the Presiding Officer may speak unless called upon to do so by the Presiding Officer. In deciding who should be called, the Presiding Officer shall have regard to the nature of the business under consideration. Normally, members shall speak standing at their places and shall address the Presiding Officer.
2. The Presiding Officer may allocate speaking time, whether for proceedings in relation to a particular item of business or for a particular speaker in any proceedings, and may do so whether or not the proceedings have started or the speaker has started to speak. The Presiding Officer may not allocate speaking time in a manner which would disrupt any timetable of business set out in the daily business list.
3. The Presiding Officer may order a member to stop speaking if that member continues to speak beyond any time allocated to him or her or to that item of business (whether by the Presiding Officer or in the daily business list or under these Rules) or if, in the opinion of the Presiding Officer, the member departs from the subject or repeats himself or herself.
4. A speaker may not be interrupted except by the Presiding Officer. The speaker may, however, give way to allow another member to intervene.

#### **Rule 7.3 Order in the chamber**

1. Members shall at all times conduct themselves in a courteous and respectful manner and shall respect the authority of the Presiding Officer. In particular, members shall not speak or stand when the Presiding Officer is speaking.
2. Members shall at all times conduct themselves in an orderly manner and, in particular, shall not conduct themselves in a manner which would constitute a criminal offence or contempt of court.

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3. Any member who is in breach of paragraph 2 may be ordered by the Presiding Officer to leave the chamber and may be excluded from the chamber—

- (a) on the order of the Presiding Officer for such period as the Presiding Officer thinks fit but not beyond the end of the next sitting day; and
- (b) for such further period as the Parliament may decide, on a motion of the Parliamentary Bureau.

4. A motion under paragraph 3(b) may not be amended. If the motion is debated only the following may speak, namely—

- (a) the member concerned; and
- (b) one member for the motion and one member against the motion.

#### **Rule 7.4 Disturbances**

1. If any disturbance in the Parliament interferes with the conduct of the business of the Parliament, the Presiding Officer shall close the meeting, adjourn it for a specified period or suspend it. The meeting is suspended if the Presiding Officer leaves the chair after ordering members to stop the disturbance. The Presiding Officer may reconvene a suspended meeting as soon as he or she considers it appropriate to do so.

#### **Rule 7.5 Sub judice**

1. A member may not in the proceedings of the Parliament refer to any matter in relation to which legal proceedings are active except to the extent permitted by the Presiding Officer.

2. For the purposes of paragraph 1, legal proceedings are active in relation to a matter if they are active for the purposes of section 2 of the Contempt of Court Act 1981(5).

3. Where any member refers to a matter in relation to which legal proceedings are active the Presiding Officer may order that member not to do so.

4. Nothing in this Rule shall prevent the Parliament from legislating about any matter.

#### **Rule 7.6 Forms of address**

1. Each member shall be referred to in any proceedings of the Parliament by name and, if he or she wishes, by his or her title, if any, except—

- (a) the Presiding Officer, who may, in addition or as an alternative, be referred to by that title;
- (b) a deputy Presiding Officer, who may, in addition or as an alternative, be referred to by that title; and
- (c) any member of the Scottish Executive or junior Scottish Minister, who may, in addition or as an alternative, be referred to by such titles as the First Minister may notify to the Presiding Officer.

#### **Rule 7.7 Calculating the length of debates or the number of speakers**

1. For the purposes of any Rule limiting the length of a debate or the number of speakers—

- (a) if the member moving the motion speaks in support of it, he or she shall be treated as a speaker for that motion and the time for which he or she speaks shall be treated as part of the debate; and
- (b) any debate on an amendment shall form part of the debate on the motion.

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(5) 1981 c. 49.

### **Rule 7.8 Committee proceedings**

1. Rules 7.1 to 7.7 shall apply to proceedings at meetings of committees and sub-committees as they apply to proceedings at meetings of the Parliament, with such modifications as are appropriate. However, only the Presiding Officer may grant the permission referred to in Rule 7.5.1.

## **CHAPTER 8: MOTIONS AND POINTS OF ORDER**

### **Rule 8.1 Motions**

1. Any member may, except where these Rules provide otherwise, give notice of a motion or move a motion about any matter.

2. A motion may be moved without notice being given only as permitted by these Rules or, exceptionally, as permitted by the Presiding Officer.

3. Where these Rules provide for a motion of a committee or of the Parliamentary Bureau, notice of the motion (if required) may be given, and the motion may be moved, only by a member of that committee or, as the case may be, of the Parliamentary Bureau.

### **Rule 8.2 Notice of motions**

1. Notice of a motion shall be given by being lodged by a member with the Clerk. Notice of a motion shall contain the text of the motion and the name of the member giving notice of it.

2. A motion shall—

- (a) be in English;
- (b) not contain offensive language; and
- (c) not breach any enactment or rule of law or be contrary to the public interest.

3. The Clerk may refuse to accept notice of a motion only if the motion is not permitted under these Rules or if, in the opinion of the Clerk, it is not in accordance with paragraph 2.

4. Any member may indicate his or her support for a motion by notifying the Clerk.

5. The text of a motion and the name of the member who gave notice of it and of any member supporting it shall be printed in the Business Bulletin.

6. Normally, a motion shall not be taken before the sitting day after the day on which notice of it is given under paragraph 1. A motion may be taken on shorter notice if the Parliament so decides on a motion without notice. Such a motion may be taken only with the agreement of the Presiding Officer.

7. Where time has been allocated for a debate on a particular subject, the Presiding Officer shall consider all motions on that subject of which notice has been given and shall decide which of those motions are to be taken by the Parliament. In all other cases, the Parliamentary Bureau shall consider motions of which notice has been given and shall by motion propose which of those motions are to be taken by the Parliament. A business motion shall always be taken by the Parliament.

### **Rule 8.3 Motions taken by the Parliament**

1. A motion is taken by the Parliament when it is called at a meeting of the Parliament by the Presiding Officer.

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2. When a motion is taken by the Parliament the motion may be moved by the member who gave notice of it or, except in the cases referred to in Rule 8.9, Rules 8.10 and Rule 8.11, if that member does not move the motion, by any other member who has indicated his or her support for it before the end of the previous sitting day.

3. Before the member moves the motion, he or she may speak in support of it.

4. Immediately after the motion is moved, the Presiding Officer may call on any other member to speak.

5. All motions may be debated, except as provided in these Rules.

6. After a motion is moved, it may be withdrawn by the member who moved it at any time before the question is put unless any member objects to it being withdrawn.

7. After the debate has been closed or, where there is no debate, after the motion has been moved, the question on the motion shall be put at the time when it requires to be put in accordance with Rules 11.2 to 11.4.

#### **Rule 8.4 Amendments to motions**

1. A motion may be amended except as provided in these Rules.

2. A motion without notice may be amended without notice.

#### **Rule 8.5 Notice of amendments**

1. Notice of an amendment to a motion of which notice has been given shall be given by being lodged by a member with the Clerk at any time after notice of the motion has been given. Notice of an amendment shall contain the text of the amendment and the name of the member giving notice of it.

2. An amendment shall—

(a) be in English;

(b) not contain offensive language; and

(c) not breach any enactment or rule of law or be contrary to the public interest.

3. The Clerk may refuse to accept notice of an amendment only if the amendment is not permitted under these Rules or if, in the opinion of the Clerk, it is not in accordance with paragraph 2.

4. Any member may indicate his or her support for an amendment by notifying the Clerk.

5. The text of an amendment and the name of the member who gave notice of it and of any member supporting it shall be printed in the Business Bulletin.

6. The Presiding Officer shall examine all amendments of which notice has been given and shall decide which amendments are to be taken by the Parliament.

#### **Rule 8.6 Amendments taken by the Parliament**

1. If an amendment to a motion is to be taken by the Parliament, it shall be taken immediately after the motion is moved.

2. When an amendment is taken, it may be moved by the member who gave notice of it or by any member who has indicated his or her support for it.

3. Before the member moves the amendment, he or she may speak in support of it.

4. An amendment may be debated only if the motion may be debated.

5. The question on an amendment shall be put in accordance with Rules 11.2 to 11.4.

### **Rule 8.7 Amendments to amendments**

1. The provisions of Rules 8.4 to 8.6 shall apply to amendments to amendments as they apply to amendments to motions with such modifications as are appropriate.

### **Rule 8.8 Application to committees**

1. The provisions of Rules 8.1 to 8.7 shall apply to proceedings at meetings of committees and sub-committees as they apply to proceedings at meetings of the Parliament, with such modifications as are appropriate.

### **Rule 8.9 Motions of First Minister**

1. The following motions may be moved, and notice of any such motion may be given, only by the First Minister, namely—

- (a) a motion seeking the agreement of the Parliament under section 48(1) that a recommendation be made to Her Majesty for the appointment or removal of a person as Lord Advocate or Solicitor General for Scotland;
- (b) a motion seeking the agreement of the Parliament under section 47(2) or 49(3) that a member be appointed a Minister or a junior Scottish Minister respectively;
- (c) a motion under section 95(7) that a recommendation be made to Her Majesty for the removal of a judge.

### **Rule 8.10 Tax-varying resolutions**

1. A motion for a tax-varying resolution under section 74 may be moved, and notice of such a motion may be given, only by a member of the Scottish Executive. Such a motion may not be amended.

2. Subject to paragraph 3, a motion for a tax-varying resolution may be moved no earlier than 12 months before the beginning of the year of assessment to which it relates.

3. A motion for a tax-varying resolution may be moved after the beginning of the year of assessment to which it relates only at Stage 3 of a Budget Bill, or a Bill to amend a Budget Act, relating to that year.

### **Rule 8.11 Business motions**

1. A motion seeking the approval of the Parliament to the Parliamentary Bureau's proposals on the business programme shall be known as a business motion.

2. A business motion may be moved, and notice of such a motion may be given, only by a member of the Parliamentary Bureau.

3. Any debate on a business motion shall be restricted to 30 minutes. There shall be no more than one speaker for and one speaker against the motion and any amendment to it and each speaker may speak for no more than 5 minutes.

4. Members may propose amendments to a business motion. If, when notice of an amendment is given, it is supported by at least 10 members, that amendment shall be taken by the Parliament.

### **Rule 8.12 Motions of no confidence**

1. Any member may give notice of a motion that the Scottish Executive or a member of the Scottish Executive or a junior Scottish Minister no longer enjoys the confidence of the Parliament ("a motion of no confidence").

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2. If notice of a motion of no confidence is supported by at least 25 members, it shall be included in a proposed business programme.

3. Members shall normally be given at least 2 sitting days' notice of a motion of no confidence. Exceptionally, members may be given a shorter period of notice if in the opinion of the Parliamentary Bureau a shorter period is appropriate.

#### **Rule 8.13 Procedural motions**

1. Only the member moving the motion and one speaker against may speak on a motion mentioned in Rules 8.14 to 8.16. Each such person may speak for no more than 3 minutes.

2. A motion referred to in paragraph 1 shall take precedence over the business under consideration, the debate on which shall be suspended while the motion is being considered.

#### **Rule 8.14 Closure of a debate**

1. Where time has been allocated for a debate (whether by the Presiding Officer or in the daily business list) the debate shall, subject to paragraphs 2 and 3, be closed when the time allocated has been exhausted.

2. A member may, by motion without notice, propose that a debate be closed earlier than the end of the period of time allocated for that debate. Such a motion may be taken only with the agreement of the Presiding Officer. If the motion is agreed to, the debate shall be closed. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.

3. Any member may, by motion without notice, propose that a debate be extended for up to 30 minutes beyond the end of the period of time allocated for that debate. Such a motion may be taken only with the agreement of the Presiding Officer. If the motion is agreed to, the debate shall be extended. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.

4. If a debate is closed or extended under this Rule the Presiding Officer shall make any necessary alteration to the daily business list. Members shall be notified of any such alteration.

#### **Rule 8.15 Motions for adjournment of a debate**

1. At any time during a debate a member may, by motion without notice, propose that the debate be adjourned. Such a motion may be taken only with the agreement of the Presiding Officer.

2. If the motion is agreed to, the Parliament shall proceed to the next business. If a debate is adjourned under this Rule the Presiding Officer shall make any necessary alteration to the daily business list. Members shall be notified of any such alteration.

3. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.

#### **Rule 8.16 Adjournment and closure of meetings**

1. Any member may, by motion without notice, propose that a meeting of the Parliament be adjourned or closed. Such a motion may be taken only with the agreement of the Presiding Officer. A meeting may be adjourned only to a time later in the same day. If a meeting is so adjourned, the Presiding Officer shall make any necessary alteration to the daily business list. Members shall be notified of any such alteration.

2. The Presiding Officer may, if he or she considers it appropriate, at any time close a meeting of the Parliament.



### **Rule 8.17 Points of order**

1. A member may in any proceedings question whether proper procedures have been or are being followed by making a point of order.
2. In making a point of order, a member may not speak for more than 3 minutes and may not speak on the question under consideration. Points of order shall take precedence over the question under consideration, the discussion of which shall be suspended while they are being considered.
3. The Presiding Officer shall normally take an immediate decision on any point of order in accordance with these Rules but may exceptionally defer taking a decision. He or she shall announce his or her ruling.

## **CHAPTER 9: BILL PROCEDURES**

### **Rule 9.1 General Rules and Special Rules**

1. The General Rules set out in Rules 9.2 to 9.13 shall apply in relation to every Bill introduced in the Parliament but, where any of the Special Rules set out in Rules 9.14 to 9.21 (special provision about Member's Bills, Committee Bills, Budget Bills, Private Bills, Consolidation Bills, Codification Bills, Statute Law Repeals Bills, Statute Law Revision Bills and Emergency Bills) applies in relation to the Bill, then the Special Rule shall supersede the General Rules to the extent that they are inconsistent.

### **Rule 9.2 Form and introduction of Bills**

1. A Bill may be introduced by any member on a sitting day. The member introducing a Bill or any other member nominated by him or her for the purpose is referred to as "the member in charge of the Bill".
2. A Bill shall be introduced by being lodged with the Clerk.
3. A Bill may not be introduced unless it is in proper form. The Presiding Officer shall determine the proper form of Bills and the Clerk shall arrange for the determinations of the Presiding Officer to be notified to the Parliament.
4. A Bill must, before introduction, be signed by the member introducing it and may also be signed by any other member or members who support the Bill.
5. The Clerk shall ensure that notice of the introduction of a Bill in the Parliament is published in the Business Bulletin. Such notice shall set out the short and long titles of the Bill, the name of the member who has introduced it and the name of any member supporting the Bill and shall indicate what type of Bill it is.
6. No Bill, other than a Budget Bill, may be introduced in the Parliament if it contains any provision which would have the effect of authorising sums to be paid out of the Scottish Consolidated Fund (as opposed to a provision which charges expenditure on that Fund).

### **Rule 9.3 Accompanying documents**

1. A Bill shall on introduction be accompanied by a written statement signed by the Presiding Officer which shall—
  - (a) indicate whether or not in his or her view the provisions of the Bill would be within the legislative competence of the Parliament; and

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- (b) if in his or her view any of the provisions would not be within legislative competence, indicate which those provisions are and the reasons for that view.
2. A Bill shall on introduction be accompanied by a Financial Memorandum which shall set out the best estimates of the administrative, compliance and other costs to which the provisions of the Bill would give rise, best estimates of the timescales over which such costs would be expected to arise, and an indication of the margins of uncertainty in such estimates. The Financial Memorandum must distinguish separately such costs as would fall upon–
- (a) the Scottish Administration;
  - (b) local authorities; and
  - (c) other bodies, individuals and businesses.
3. A Bill introduced by a member of the Scottish Executive (referred to as “an Executive Bill”) shall also be accompanied by–
- (a) a written statement signed by the member of the Scottish Executive in charge of the Bill which states that in his or her view the provisions of the Bill would be within the legislative competence of the Parliament;
  - (b) Explanatory Notes which summarise objectively what each of the provisions of the Bill does and give other information necessary or expedient to explain the effect of the Bill; and
  - (c) a Policy Memorandum which sets out–
    - (i) the policy objectives of the Bill;
    - (ii) whether alternative ways of meeting those objectives were considered and, if so, why the approach taken in the Bill was adopted;
    - (iii) the consultation, if any, which was undertaken on those objectives and the ways of meeting them or on the detail of the Bill and a summary of the outcome of that consultation; and
    - (iv) an assessment of the effects, if any, of the Bill on equal opportunities, human rights, island communities, local government, sustainable development and any other matter which the Scottish Ministers consider relevant.
4. A Bill which contains any provision charging expenditure on the Scottish Consolidated Fund shall be accompanied by a report signed by the Auditor General for Scotland (referred to as “an Auditor General’s Report”) setting out his or her views on whether the charge is appropriate.
5. The documents which must accompany a Bill under this Rule are referred to as its “accompanying documents”.
6. A Bill may be introduced without one or more of its accompanying documents only with the agreement of the Parliament.

#### **Rule 9.4 Printing and publishing of Bills and accompanying documents**

- 1. As soon as a Bill has been introduced the Clerk shall arrange for the Bill, together with its accompanying documents, to be printed and published.

#### **Rule 9.5 Stages of Bills**

- 1. The procedure for a Bill introduced in the Parliament shall be–
  - (a) consideration of the Bill’s general principles and a decision on whether they are agreed to (Stage 1);
  - (b) consideration of the details of the Bill (Stage 2); and

(c) final consideration of the Bill and a decision whether it is passed or rejected (Stage 3).

2. A Bill which has been passed by the Parliament may additionally be subject to reconsideration at a further stage in the circumstances described in Rule 9.9.

3. The business programme shall set out the time or times at which each Stage, or any part of any Stage, of a Bill is to be taken but there must be at least 2 weeks between completion of Stage 1 and the start of Stage 2 and, if the Bill is amended at Stage 2, between completion of that Stage and the start of Stage 3.

4. If at any Stage a Bill falls or is rejected by the Parliament, no further proceedings shall be taken on the Bill and a Bill in the same or similar terms may not be introduced within the period of 6 months from the date on which the Bill fell or was rejected.

5. A Bill introduced in any session of the Parliament falls if it has not been passed by the Parliament before the end of that session but a Bill in the same or similar terms may be introduced in any subsequent session.

#### **Rule 9.6 Stage 1**

1. Once a Bill has been printed, the Parliamentary Bureau shall refer it to the committee within whose remit the subject matter of the Bill falls. That committee (referred to as “the lead committee”) shall consider and report on the general principles of the Bill. Where the subject matter of the Bill falls within the remit of more than one committee the Parliament may, on a motion of the Parliamentary Bureau, designate one of those committees as the lead committee and the other committee or committees may also consider the general principles of the Bill and report its or their views to the lead committee.

2. The Parliamentary Bureau shall also refer any provision in the Bill conferring powers to make subordinate legislation to the Subordinate Legislation Committee, which shall consider and report on those provisions to the lead committee.

3. In considering the general principles of the Bill and preparing its report on them, the lead committee shall take into account any views submitted by any other committee, and shall incorporate in its report any report submitted by the Subordinate Legislation Committee. If the Bill is an Executive Bill, the lead committee shall also consider and report on its Policy Memorandum.

4. Once the lead committee has reported on the Bill, the Parliament shall consider the general principles of the Bill in the light of the lead committee’s report and decide the question whether those general principles are agreed to.

5. Any member may by motion propose that the Bill be referred back to the lead committee for a further report on the general principles of the Bill, or any specified part of the Bill, before the Parliament decides whether to agree to them.

6. If the motion is agreed to, consideration of the Bill’s general principles is adjourned to a time to be determined by the Parliamentary Bureau. The Parliamentary Bureau shall refer the Bill back to the lead committee which shall prepare a further report in accordance with the Parliament’s decision.

7. If the Parliament agrees to the Bill’s general principles the Bill proceeds to Stage 2. If the Parliament does not agree to the Bill’s general principles the Bill falls.

#### **Rule 9.7 Stage 2**

1. If the Parliament has agreed to the Bill’s general principles, the Parliamentary Bureau shall—

- (a) refer the Bill back to the lead committee which shall consider the details of the Bill in accordance with this Rule; or

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- (b) by motion propose that Stage 2 of the Bill be taken, in whole or in part, by a Committee of the Whole Parliament or a committee or committees other than the lead committee.
2. The Presiding Officer shall be the convener of a Committee of the Whole Parliament and shall chair its proceedings and the provisions of these Rules about committees shall apply with such modifications as are appropriate.
3. At Stage 2, each section and schedule and the long title of the Bill shall be considered separately and the committee shall decide whether they are agreed to. The question whether a section or schedule or the long title is agreed to shall be put by the convener without the need for any member to move a motion to that effect. Sections or schedules to which no amendments are proposed and which fall to be considered consecutively may be taken and agreed to together.
4. Unless the Parliament has decided, on a motion of the Parliamentary Bureau, the order in which the sections and schedules of the Bill are to be considered at Stage 2, the committee may decide the order. Normally, a schedule shall be taken immediately after the section which introduces it. The long title shall be taken last.
5. A Bill may be amended at Stage 2. Notice of an amendment may be given by any member after the completion of Stage 1.
6. At Stage 2, amendments to any section or schedule or to the long title shall be disposed of before the committee considers whether to agree to the provision in question. Where no amendments are proposed to a section, a schedule or the long title, the committee shall proceed immediately to decide the question whether that provision is agreed to. If an amendment to leave out a section or schedule is not agreed to, that section or schedule shall be treated as agreed to.
7. In addition to the provisions of Rule 12.2.2—
- (a) a member who is not a member of a committee taking Stage 2 of a Bill, or part of it, is entitled to participate in the proceedings for the purpose of moving, debating or seeking agreement to withdraw an amendment in his or her name but he or she shall not vote;
  - (b) the member in charge of the Bill, if not a member of the committee, is entitled to attend the committee and participate in the proceedings but he or she shall not vote; and
  - (c) in the case of a Bill which is not an Executive Bill, the member of the Scottish Executive with general responsibility for the subject matter of the Bill, if not a member of the committee, is entitled to attend the committee and participate in the proceedings but he or she shall not vote.
8. At the end of Stage 2, the Clerk shall, if the Bill has been amended, arrange for the Bill as amended to be printed and published.
9. If the Bill has been amended at Stage 2 so as to insert or substantially alter provisions conferring powers to make subordinate legislation, the Bill as amended shall be referred to the Subordinate Legislation Committee to consider and report to the Parliament on those amendments.

### **Rule 9.8 Stage 3**

1. Stage 3 of a Bill shall be taken at a meeting of the Parliament.
2. At Stage 3, the Parliament shall decide the question whether the Bill is passed.
3. A Bill may be amended at Stage 3. Notice of an amendment may be given by any member after completion of Stage 2.
4. The Presiding Officer may select, as he or she sees fit, those amendments which are to be taken at Stage 3 from amongst the amendments of which notice has been given.

5. Unless the Parliament has decided, on a motion of the Parliamentary Bureau, the order in which amendments are to be disposed of, they shall be disposed of in the order in which the provisions to which they relate arise in the Bill, before the Parliament debates the question whether the Bill is passed. If the Bill is amended, the member in charge of the Bill may, immediately after the last amendment is disposed of, by motion without notice propose that the remaining proceedings at Stage 3 be adjourned to a later day. Such a motion may not be debated or amended. If the motion is agreed to, the member in charge of the Bill may give notice of amendments to the Bill to be moved at the adjourned proceedings. Such amendments may only be for the purpose of clarifying uncertainties or giving effect to commitments given at the earlier proceedings at Stage 3. If the motion is not agreed to, the Parliament shall proceed immediately to debate the question whether the Bill is passed.

6. At the beginning of the debate on the question whether the Bill is passed, the member in charge of the Bill may by motion propose that such part of the Bill as may be specified in the motion, amounting to no more than half of the total number of sections of the Bill, be referred back to committee for further Stage 2 consideration. If the motion is agreed to, the proceedings are adjourned to a time to be determined by the Parliamentary Bureau which shall refer the Bill to a committee in accordance with the Parliament's decision. When the Stage 3 proceedings resume, amendments may be made to the Bill but only to the provisions which were referred back to committee or if they are necessary in consequence of any amendment made at the further Stage 2 proceedings.

7. This Rule, apart from paragraph 6, shall apply to the resumed Stage 3 proceedings as it applies to the initial Stage 3 proceedings.

8. At Stage 3 a Bill may be referred back to committee for further Stage 2 consideration only once.

9. If there is a division at Stage 3 on the question whether the Bill is passed, the result is valid only if the number of members who voted is more than one quarter of the total number of seats for members of the Parliament. In calculating the number of members who voted for this purpose, account shall be taken not only of those voting for and against the motion but also of those voting to abstain.

10. If the result of such a division is not valid the Bill shall be treated as rejected.

#### **Rule 9.9 Reconsideration of Bills passed**

1. The member in charge of a Bill may, after the Bill is passed, by motion propose that the Parliament resolve that it wishes to reconsider the Bill if–

- (a) a question in relation to the Bill has been referred to the Judicial Committee of the Privy Council under section 33;
- (b) a reference for a preliminary ruling (within the meaning of section 34(3)) has been made by the Judicial Committee in connection with that reference; and
- (c) neither of those references has been decided or otherwise disposed of.

2. The member in charge of a Bill may by motion propose that the Parliament resolve to reconsider the Bill if–

- (a) the Judicial Committee of the Privy Council decides that the Bill or any provision of it would not be within the legislative competence of the Parliament; or
- (b) an order is made in relation to the Bill under section 35 (order prohibiting Presiding Officer from submitting Bill for Royal Assent).

3. Proceedings on reconsideration shall be taken at a meeting of the Parliament.

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4. A Bill may be amended on reconsideration of the Bill but only for the purpose of resolving the problem which is the subject of the reference for a preliminary ruling or which is the subject of the decision of the Judicial Committee or the order under section 35.

5. After amendments have been disposed of, the Parliament shall consider and decide the question whether to approve the Bill.

#### **Rule 9.10 Amendments to Bills**

1. Amendments to a Bill shall be in such form as the Presiding Officer may determine. The Clerk shall ensure that any such determinations of the Presiding Officer are notified to the Parliament.

2. Subject to paragraph 6, where a member intends to move an amendment to a Bill at any Stage, he or she shall give notice of the amendment by lodging it with the Clerk no later than 2 sitting days before the day on which that Stage is due to start. Where the Stage is being taken over more than one day, notice of amendments may be given by no later than 2 sitting days before each day of proceedings at that Stage.

3. Notice of an amendment shall set out the text of the amendment, together with the name of the member proposing it. The member in charge of the Bill (if not the member proposing the amendment) and up to 4 other members may indicate their support for an amendment by notifying the Clerk.

4. The convener or, as the case may be, the Presiding Officer shall determine whether an amendment of which notice has been given is admissible and, if it is, the notice shall be printed in the Business Bulletin.

5. An amendment is admissible unless—

- (a) it is not in proper form;
- (b) it is not relevant to the Bill or the provisions of the Bill which it would amend;
- (c) it is inconsistent with the general principles of the Bill as agreed by the Parliament;
- (d) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed; or
- (e) it would have the effect of taking the Bill or any of its provisions outwith the terms of any Financial Resolution of the Parliament in relation to the Bill or the amendment.

6. An amendment may be moved at Stage 2 with notice of less than 2 sitting days having been given but only with the agreement of the convener. The convener shall give his or her agreement to such an amendment (referred to as “a manuscript amendment”) being moved only if he or she considers that the merits of the amendment outweigh the disadvantages of lack of proper notice. A manuscript amendment may not be moved at Stage 3.

7. An amendment may be made to an amendment and this Rule shall apply accordingly.

8. Where, at any Stage, notice of amendments to a Bill has been given, the Clerk shall prepare, for each day of proceedings on the Bill at which amendments are to be considered, a marshalled list of the amendments proposed. The list shall set out the amendments so far as not disposed of in the order in which they are to be disposed of as determined by the Clerk.

9. An amendment to insert a new section or schedule shall normally specify where it is to be inserted and shall be disposed of accordingly.

10. An amendment to an amendment shall be disposed of before the amendment which it would amend.

11. An amendment at any Stage which would be inconsistent with a decision already taken at the same Stage shall not be taken.

12. The convener or, as the case may be, the Presiding Officer may group amendments for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.

13. The member moving an amendment may speak in support of it. The member in charge of the Bill and any member of the Scottish Executive or junior Scottish Minister present at the proceedings may also speak on the amendment. Other members may speak on an amendment at the discretion of the convener or, as the case may be, the Presiding Officer.

14. If a member who has given notice of an amendment does not move the amendment when that amendment comes to be disposed of, the amendment may be moved by any other member present at those proceedings.

15. An amendment may be withdrawn by the member who moved it, but only with the unanimous agreement of the committee or the Parliament, as the case may be.

#### **Rule 9.11 Crown consent**

1. Where a Bill contains provisions, or is amended so as to include provisions, which would, if the Bill were a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, the Prince and Steward of Scotland or the Duke of Cornwall, the Parliament shall not debate any question whether the Bill is passed or approved unless such consent to those provisions has been signified by a member of the Scottish Executive during proceedings on the Bill at a meeting of the Parliament.

#### **Rule 9.12 Financial Resolutions**

1. A resolution under this Rule is referred to as “a Financial Resolution”.

2. Where a Bill, or an amendment to a Bill, contains provisions which introduce new, or increase existing, expenditure charged on or payable out of the Scottish Consolidated Fund, no proceedings may be taken on the Bill or the amendment at any Stage after Stage 1 unless the Parliament has by resolution agreed to the expenditure.

3. Where a Bill, or an amendment to a Bill, contains provisions which impose or increase, or confer a power to impose or increase, any tax or charge, or otherwise requires any payment to be made, no proceedings may be taken on the Bill or the amendment at any Stage after Stage 1 unless the Parliament has by resolution agreed to the charge or tax or payment.

4. A motion for a resolution under this Rule may be moved, and notice of such a motion may be given, only by a member of the Scottish Executive or a junior Scottish Minister.

5. Any Bill which contains any provisions such as are mentioned in paragraph 2 or 3 shall be referred on introduction to the Finance Committee who shall prepare a report on the provisions.

6. Unless the Parliament passes a resolution required in relation to the provisions of a Bill (as opposed to an amendment to a Bill) by this Rule within 3 months of the Bill’s introduction, the Bill falls.

#### **Rule 9.13 Withdrawal of Bills**

1. A Bill may be withdrawn at any time by the member in charge but shall not be withdrawn after completion of Stage 1 except with the agreement of the Parliament.

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### **Rule 9.14 Member's Bills**

1. "Member's Bill" means a Public Bill, other than a Committee Bill, which is introduced by a member who is not a member of the Scottish Executive and the purpose of which is to give effect to a proposal for a Bill made by that member in accordance with this Rule.

2. Each member may introduce no more than 2 Member's Bills in the same session. For the purposes of this paragraph only, a draft proposal for a Bill submitted by a member to the Parliamentary Bureau in pursuance of Rule 9.15.4 and subsequently introduced as a Committee Bill shall be treated as if it were a Member's Bill introduced by that member.

3. A member who is not a member of the Scottish Executive may give notice of a proposal for a Bill by lodging it with the Clerk. The notice shall set out the name of the member making the proposal, the proposed short title of the Bill and a brief explanation of the purposes of the proposed Bill. The notice shall be printed in the Business Bulletin for a period of one month from the date on which it is lodged.

4. Any other member may notify the Clerk of his or her support for the proposal and the name of any member supporting the proposal shall be printed in the Business Bulletin along with the notice of the proposal.

5. A Member's Bill may be introduced by a member only if at least 11 other members have notified their support for the proposal within one month of the notice of the proposal having been given.

6. If the proposal has not by the end of that period received support from a sufficient number of members to allow a Member's Bill to be introduced, the proposal falls and a proposal in the same or similar terms may not be made by any member within 6 months of that proposal falling.

### **Rule 9.15 Committee Bills**

1. A Bill introduced in pursuance of this Rule is referred to as "a Committee Bill".

2. A committee may make a proposal for a Bill in relation to competent matters within that committee's remit in accordance with this Rule.

3. For the purposes of deciding whether to make a proposal for a Bill, or what such a proposal should contain, a committee may hold an inquiry into the need for a Bill.

4. Any member may submit to the Parliamentary Bureau a draft proposal for a Bill. The Parliamentary Bureau shall refer the draft proposal to a committee within whose remit the draft proposal falls. The committee shall consider whether it should make the proposal in accordance with this Rule.

5. A proposal for a Bill under this Rule shall be made in the form of a report setting out the committee's recommendations as to the provisions to be contained in the Bill, together with an explanation of the need for the Bill. The proposal may also contain a draft of a Bill to give effect to the proposal.

6. A time shall be appointed in the business programme for consideration of the proposal by the Parliament.

7. If the Parliament agrees to the proposal, the convener of the committee which made the proposal may, no earlier than the fifth sitting day after the date on which the Parliament agrees the proposal—

- (a) if necessary, instruct the drafting of a Bill to give effect to the proposal; and
- (b) introduce the Bill,



unless any member of the Scottish Executive or junior Scottish Minister has indicated before that day that an Executive Bill will be introduced to give effect to the proposal.

8. At Stage 1 of a Committee Bill, the Bill shall be referred immediately to the Parliament for consideration of its general principles and a decision on whether they are agreed to. A report on the Bill's general principles by a committee shall not be required.

### **Rule 9.16 Budget Bills**

1. A Budget Bill is an Executive Bill the purpose of which is to authorise sums to be paid out of the Scottish Consolidated Fund in any financial year, or to authorise sums received in any financial year to be applied without being paid into that Fund, and includes an Executive Bill to amend a Budget Act.

2. A Budget Bill may be introduced only by a member of the Scottish Executive and shall not require to be accompanied by a Financial Memorandum, Explanatory Notes or a Policy Memorandum.

3. At Stage 1 of a Budget Bill, the Bill shall be referred immediately to the Parliament for consideration of its general principles and a decision on whether they are agreed to. A report on the Bill's general principles from a committee shall not be required. Stage 2 shall be taken by the Finance Committee.

4. The requirement in Rule 9.5.3 that there be at least 2 weeks between Stages 1 and 2 and, if the Bill is amended at Stage 2, between Stages 2 and 3 shall not apply.

5. Stage 3 shall begin no earlier than 20 days after introduction of the Bill. If Stage 3 is not completed before the expiry of 30 days after introduction of the Bill, the Bill falls.

6. Amendments to a Budget Bill may be moved, and notice of amendments to such a Bill may be given, only by a member of the Scottish Executive.

7. If a Budget Bill is dependent upon the Parliament passing a tax-varying resolution which provides, in accordance with section 73, for an increase for Scottish taxpayers of the basic rate and the Parliament rejects the motion for such a resolution, the Bill falls.

8. If a Budget Bill falls or is rejected at any Stage by the Parliament, a Budget Bill in the same or similar terms may be introduced at any time thereafter.

### **Rule 9.17 Private Bills**

1. A Private Bill is a Bill introduced by an individual person, a body corporate or an unincorporated association of persons (referred to as "the promoter") for the purpose of obtaining for the promoter particular powers or benefits in excess of or in conflict with the general law, and includes a Bill relating to the estate, property, status or style, or otherwise relating to the personal affairs, of the promoter. A Bill which is not a Private Bill is referred to as "a Public Bill".

2. A Private Bill may be introduced in the Parliament only on 27th March and 27th November in each year or, if either of those days is not a sitting day, the next sitting day after it.

3. A Private Bill introduced in the Parliament shall be signed by or on behalf of the promoter.

4. At Stage 1 of a Private Bill, the lead committee shall also consider and prepare a report to the Parliament on the need for the provision sought in the Bill and the extent to which there is opposition to the provision sought. For those purposes the committee may require the promoter, at the promoter's own expense, to—

- (a) deposit such further documents concerning the Bill as the committee sees fit;

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- (b) give such notice by advertisement of the provision sought as the committee considers necessary;
- (c) make the Bill and any documents deposited available for public inspection within such areas and for such period as the committee considers appropriate;
- (d) give notice of the provision sought to each of any owners, lessees and occupiers of any property affected by the provision;
- (e) invite objections to the Bill or any of its provisions to be deposited with the Clerk by such date or dates as the Parliamentary Bureau may determine.

5. If any requirement imposed by the committee is not complied with then, unless the committee agrees to dispense with the requirement, it shall report the matter to the Parliament which may decide that the Bill should be rejected.

6. For the purposes of determining whether any of the provisions of a Private Bill are necessary or for disposing of any objections to the Bill or any of its provisions, a committee conducting Stage 2 may hold, or may arrange for a reporter appointed under Rule 12.6 or a person appointed for the purpose under Rule 12.7 to hold, an inquiry into the Bill or any of its provisions or any of the objections.

#### **Rule 9.18 Consolidation Bills**

1. A Consolidation Bill is a Bill the purpose of which is to restate the existing law, whether or not with amendments to give effect to recommendations of the Scottish Law Commission or of the Scottish Law Commission and the Law Commission jointly. Where appropriate, such a Bill may be referred to as a Codification Bill.

2. A Consolidation Bill shall not require to be accompanied by any accompanying documents but shall, where appropriate, be accompanied by tables of derivations and destinations.

3. Where a Consolidation Bill has been introduced in the Parliament, the Parliamentary Bureau shall by motion propose, in accordance with Rule 6.1, the establishment of a committee (referred to as “a Consolidation Committee”) to consider the Bill in accordance with this Rule.

4. In proposing the membership of a Consolidation Committee under Rule 6.3, the Parliamentary Bureau shall have regard to the subject matter of the Bill and shall, where possible, ensure that at least one member of the Committee is drawn from amongst the members of a committee within whose remit the subject matter of the Bill falls.

5. At Stage 1 of a Consolidation Bill, the Consolidation Committee for that Bill, instead of the lead committee, shall consider and report on the question whether the law which is restated in the Bill should be restated. Once the Consolidation Committee has reported, the Parliament shall decide that question. There shall be no debate on that question.

6. Stage 2 of a Consolidation Bill shall be taken by the Consolidation Committee for that Bill. No amendment may be made to the Bill which would cause it to cease to be a Consolidation Bill.

7. At Stage 3 of a Consolidation Bill, the Parliament shall, without any debate on that question, decide whether the Bill is passed. Amendments may be made to the Bill at Stage 3 only if they are necessary to ensure that the Bill, if passed, is an accurate restatement of the law or are necessary to give effect to any recommendations of the Scottish Law Commission or of the Scottish Law Commission and the Law Commission jointly.

#### **Rule 9.19 Statute Law Repeals Bills**

1. A Statute Law Repeals Bill is a Bill the purpose of which is to repeal, in accordance with recommendations of the Scottish Law Commission, spent enactments.

2. Rule 9.18 shall apply to a Statute Law Repeals Bill with such modifications as are appropriate. In particular, the committee referred to in that Rule shall be known as “a Statute Law Repeals Committee”.

#### **Rule 9.20 Statute Law Revision Bills**

1. A Statute Law Revision Bill is a Bill the purpose of which is to revise the statute law by repealing enactments which are no longer in force or have become unnecessary and re-enacting provisions of Acts (whether of the United Kingdom Parliament or the Scottish Parliament) which are otherwise spent.

2. Rule 9.18 shall apply to a Statute Law Revision Bill with such modifications as are appropriate. In particular, the committee referred to in that Rule shall be known as “a Statute Law Revision Committee”.

#### **Rule 9.21 Emergency Bills**

1. Any member of the Scottish Executive or a junior Scottish Minister may by motion propose that an Executive Bill introduced in the Parliament be treated as an Emergency Bill. If the Parliament agrees to such a motion, the provisions of this Rule shall apply to such a Bill.

2. At Stage 1, an Emergency Bill shall be referred immediately to the Parliament for consideration of its general principles and a decision on whether they are agreed to. A report on the Bill’s general principles from a committee shall not be required.

3. Stage 2 of an Emergency Bill shall be taken by a Committee of the Whole Parliament.

4. The requirement in Rule 9.5.3 that there be at least 2 weeks between Stages 1 and 2 and, if the Bill is amended at Stage 2, between Stages 2 and 3, shall not apply to an Emergency Bill.

5. Unless the Parliament decides otherwise on a motion of the Parliamentary Bureau, all of the Stages of an Emergency Bill shall be taken on the day on which the Parliament decides that the Bill is to be treated as an Emergency Bill. The time available for each of the Stages of an Emergency Bill, and for debates at each of those Stages, shall be decided by the Parliament on a motion of the Parliamentary Bureau. A motion under this paragraph may not be debated or amended.

## **CHAPTER 10:**

### **SUBORDINATE LEGISLATION PROCEDURE**

#### **Rule 10.1 Laying of instruments**

1. Where, by virtue of any enactment, any instrument or a draft of any instrument made in the exercise of a power to make, confirm or approve subordinate legislation is required to be laid before the Scottish Parliament, the lodging of a copy of the instrument or the draft with the Clerk at any time when the office of the Clerk is open shall be treated for all purposes as being the laying of it before the Parliament.

2. The Clerk may require the person laying the instrument or draft instrument to provide such additional copies as he or she considers necessary.

3. Where any instrument or draft instrument is laid before the Parliament, the Clerk shall give members notice of that fact in accordance with Rule 10.9 and shall refer the instrument or draft instrument to the lead committee and to the Subordinate Legislation Committee for consideration, unless the Parliament, on a motion of the Parliamentary Bureau, decides that the instrument or draft instrument is to be considered by the Parliament.

## **Rule 10.2 Lead committee**

1. The lead committee is the committee within whose remit the subject matter of the instrument falls.

2. Where the subject matter of the instrument falls within the remit of more than one committee, the Parliament may, on a motion of the Parliamentary Bureau designate one committee to be the lead committee. Copies of the instrument or draft instrument shall be sent to the other committees which may also consider the instrument or draft instrument and make any recommendations they consider necessary to the lead committee by a date specified in the business programme.

## **Rule 10.3 Subordinate Legislation Committee**

1. In considering the instrument or draft instrument, the Subordinate Legislation Committee shall determine whether the attention of the Parliament should be drawn to the instrument on the grounds—

- (a) that it imposes a charge on the Scottish Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the Scottish Administration or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;
- (b) that it is made in pursuance of any enactment containing specific provisions excluding it from challenge in the courts, on all or certain grounds, either at all times or after the expiration of a specific period or that it contains such provisions;
- (c) that it purports to have retrospective effect where the parent statute confers no express authority so to provide;
- (d) that there appears to have been unjustifiable delay in the publication or in the laying of it before the Parliament;
- (e) that there appears to be a doubt whether it is *intra vires*;
- (f) that it raises a devolution issue;
- (g) that it has been made by what appears to be an unusual or unexpected use of the powers conferred by the parent statute;
- (h) that for any special reason its form or meaning could be clearer;
- (i) that its drafting appears to be defective;

or on any other ground which does not impinge on its substance or on the policy behind it.

2. The Committee shall report its decision with its reasons in any particular case to the Parliament and to the lead committee. It shall do so no later than 20 days after the instrument or draft instrument is laid.

## **Rule 10.4 Motion for annulment**

1. In the case of any instrument which is subject to annulment in pursuance of a resolution of the Parliament, any member (whether or not a member of the lead committee) may, not later than 40 days after the instrument is laid, by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument.

2. In addition to the provisions of Rule 12.2.2, that member and the member of the Scottish Executive or junior Scottish Minister in charge of the instrument, if not members of the lead committee, are entitled to attend the committee and participate in the proceedings for the purpose of debating the motion but may not vote. The debate on the motion shall last no more than 90 minutes.

3. The lead committee shall report to the Parliament on the instrument setting out its recommendations, taking into account any recommendations made by any other committee. It shall do so no later than 40 days after the instrument is laid.

4. If the lead committee makes a recommendation as mentioned in paragraph 1, the Parliamentary Bureau shall, no later than 40 days after the instrument is laid, by motion propose that nothing further is to be done under the instrument. Only the member moving the motion and the member of the Scottish Executive or junior Scottish Minister in charge of the instrument may speak in any debate on such a motion. Each such person may speak for no more than 3 minutes.

#### **Rule 10.5 Motion that draft instrument be not made or submitted**

1. In the case of any draft instrument laid before the Parliament where the instrument may be made without the approval of the Parliament, any member (whether or not a member of the lead committee) may, no later than 40 days after the draft instrument is laid, by motion propose to the lead committee that the committee recommend that the instrument be not made (or, in the case of a draft Order in Council, be not submitted to Her Majesty in Council).

2. In addition to the provisions of Rule 12.2.2, that member and the member of the Scottish Executive or junior Scottish Minister in charge of the draft instrument, if not members of the lead committee, are entitled to attend the committee and participate in the proceedings for the purpose of debating the motion but may not vote. The debate on the motion shall last no more than 90 minutes.

3. The lead committee shall report to the Parliament on the draft instrument setting out its recommendations, taking into account any recommendations made by any other committee. It shall do so no later than 40 days after the instrument is laid.

4. If the lead committee recommends that the instrument be not made or, as the case may be, be not submitted to Her Majesty in Council, the Parliamentary Bureau shall, no later than 40 days after the draft instrument is laid, by motion propose that the instrument be not made or, as the case may be, be not submitted to Her Majesty in Council. Only the member moving the motion and the member of the Scottish Executive or junior Scottish Minister in charge of the draft instrument may speak in any debate on such a motion. Each such person may speak for no more than 3 minutes.

#### **Rule 10.6 Motion for approval**

1. In the case of any instrument or draft instrument laid before the Parliament where the instrument or draft instrument—

- (a) cannot be made;
- (b) cannot come into force; or
- (c) cannot remain in force beyond a stated period,

unless the Parliament by resolution approves the instrument or draft, the lead committee shall decide whether to recommend that the instrument or draft instrument be approved.

2. Any member of the Scottish Executive or junior Scottish Minister (whether or not a member of the lead committee) may by motion propose to the lead committee that the committee recommend that the instrument or draft instrument be approved.

3. In addition to the provisions of Rule 12.2.2, that member and the member of the Scottish Executive in charge of the instrument or draft instrument, if not members of the lead committee, are entitled to attend the committee and participate in the proceedings for the purposes of debating any such motion but may not vote. The debate on the motion shall last no more than 90 minutes.

4. The lead committee shall report to the Parliament on the draft instrument setting out its recommendations, taking into account any recommendations made by any other committee. It shall

do so no later than 40 days after the instrument is laid or, in the case of an instrument falling within paragraph 1(c), by the end of the stated period.

5. If the lead committee recommends that the draft instrument be approved, the Parliamentary Bureau shall by motion propose that the Parliament approve the instrument. Only the member moving the motion, the member of the Scottish Executive or junior Scottish Minister in charge of the draft instrument (if he or she is not the member moving the motion) and one speaker against the motion may speak in any debate on the motion. Each such person may speak for no more than 3 minutes.

#### **Rule 10.7 Instruments considered by the Parliament**

1. Where the Parliament has decided that an instrument or draft instrument laid before the Parliament be considered by the Parliament, any member may give notice of and move the relevant motion in relation to that instrument or draft instrument, as provided for in Rule 10.4.4, 10.5.4 or 10.6.5, within any relevant time limit set by that Rule. The debate on the motion shall last no more than 90 minutes.

#### **Rule 10.8 Withdrawal of instruments**

1. An instrument or draft instrument laid before the Parliament may be withdrawn at any time by the member of the Scottish Executive or junior Scottish Minister in charge of it.

#### **Rule 10.9 Notice of instruments and draft instruments**

1. The Clerk shall ensure that notice of any instrument or draft instrument laid before the Parliament is published in the Business Bulletin. The notice shall give the title of the instrument or draft instrument.

#### **Rule 10.10 Application to other documents**

1. The Rules in this Chapter shall also apply, with such modifications as are appropriate, to any report, guidance, code of practice or other document laid before the Parliament which is subject to any form of Parliamentary control having the same or equivalent effect to those mentioned in Rules 10.4.1, 10.5.1 or 10.6.1.

#### **Rule 10.11 Calculation of days**

1. In calculating for the purposes of this Chapter any period of 20 days or 40 days, no account shall be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

## **CHAPTER 11: DECISIONS AND VOTING**

#### **Rule 11.1 Decisions of the Parliament**

1. All decisions of the Parliament shall be taken by resolution.
2. A matter requiring a decision of the Parliament shall be decided by a question being put to a meeting of the Parliament by the Presiding Officer on the motion of a member. The question shall be that the motion is agreed to.

3. Where any question requires to be put to the Parliament, it shall be put in accordance with Rules 11.2 to 11.4.

### **Rule 11.2 Decision Time**

1. Except as provided in Rule 11.3, the Presiding Officer shall put any question in relation to a motion during Decision Time on the day on which the motion is moved.

2. Decision Time is the period which normally begins at 17:00 where a meeting of the Parliament is held on Monday, Tuesday, Wednesday or Thursday and at 12:00 where a meeting of the Parliament is held on Friday and which ends when every decision which is to be taken during Decision Time has been taken.

3. Normally, Decision Time shall end not later than 30 minutes after it begins but, in accordance with Rule 2.2.4(a), it may continue, in order to complete any voting which is not adjourned to a later meeting under paragraph 5.

4. The Parliament may, on a motion of the Parliamentary Bureau, decide that Decision Time on a particular day or days shall begin at a time other than that mentioned in paragraph 2.

5. The Parliament may, on a motion of any member moved without notice not more than 30 minutes after the beginning of Decision Time, decide that decisions which have not been taken by the time the motion is moved are to be taken at a later meeting of the Parliament. Members shall be notified of the day and time when such decisions are to be taken.

6. Where—

- (a) a motion is listed on the daily business list for consideration before Decision Time; but
- (b) that motion has not been moved before Decision Time begins,

the Presiding Officer may allow the motion, and any amendment to it, to be moved at the beginning of Decision Time.

### **Rule 11.3 Decisions at times other than Decision Time**

1. In the following cases the Presiding Officer shall, subject to paragraph 3, put the question immediately after he or she has closed the debate on the motion in relation to that question or, if there is no debate on the motion, immediately after the motion is moved—

- (a) a motion seeking the agreement of the Parliament to the First Minister's recommendation for the appointment of a person as Lord Advocate or Solicitor General for Scotland under Rule 4.3 or for the removal of a person as Lord Advocate or Solicitor General for Scotland under Rule 4.4;
- (b) a motion seeking the agreement of the Parliament that a person be appointed a Minister under Rule 4.6 or a junior Scottish Minister under Rule 4.7;
- (c) a business motion;
- (d) a motion for the closure of a debate;
- (e) a motion for the adjournment of a debate;
- (f) a motion under Rule 9.6.5;
- (g) a motion under Rule 9.8.5 or 9.8.6;
- (h) a motion in relation to an Emergency Bill;
- (i) a motion for the exclusion of a member;
- (j) a motion for the adjournment or closure of a meeting of the Parliament; and
- (k) a motion on Members' Business.

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2. The Presiding Officer shall put the question on an amendment to a Bill immediately after the debate on that amendment or, if there is no debate, immediately after the amendment is moved.

3. Decisions may, at the discretion of the Presiding Officer, be taken at a time other than Decision Time or the times mentioned in paragraphs 1 and 2. Members shall be notified of any such time.

#### **Rule 11.4 Order in which questions are put**

1. At Decision Time or any alternative time mentioned in Rule 11.3, questions on motions shall be put in the order in which the motions were moved.

2. Questions on amendments to a motion shall be put in the order in which those amendments were moved. The Presiding Officer shall, before putting the question under paragraph 1, put, in turn, each question that an amendment to the motion be agreed to.

3. If any member disagrees with the question put under paragraph 1 or 2, there shall immediately be a division.

4. The provisions of this Rule shall apply to amendments to amendments with such modifications as are appropriate.

#### **Rule 11.5 Right to vote**

1. Only members have a right to vote at a meeting of the Parliament. A member is not obliged to vote.

2. A member shall vote only in person and shall not vote on behalf of any other member.

3. A member may vote although he or she did not hear the question put.

4. A member shall vote only once on any question.

5. Except in the case of a vote of an election or a selection process under Rule 11.9 or 11.10 the Presiding Officer shall exercise a casting vote in the event of a tie in any vote at a meeting of the Parliament, but he or she shall not otherwise vote in the Parliament.

#### **Rule 11.6 Divisions**

1. A division shall be held where it is required by Rule 11.4.3 and shall be conducted in accordance with the following provisions.

2. The Presiding Officer shall repeat the question. The Presiding Officer shall then ask members to vote within a specified period of time.

3. Once the Presiding Officer has repeated the question, no-one except the Presiding Officer may speak until the Presiding Officer has declared that the specified period of time has ended.

4. Points of order concerning the validity of the division may be raised only after the Presiding Officer has declared that the specified period of time has ended.

5. The Presiding Officer shall establish the numerical result of the division and shall announce the numbers of votes for and against and the number of votes to abstain.

6. In the event of a tie, the Presiding Officer shall exercise his or her casting vote.

#### **Rule 11.7 Manner of voting**

1. Normally members shall vote at a meeting of the Parliament using the electronic voting system.



2. If it appears to the Presiding Officer that the electronic voting system cannot be used for any reason or that it has produced an unreliable result, a roll call vote, or a vote in accordance with such other manner of voting as the Presiding Officer may decide, shall be held.

3. In a roll call vote, the roll shall be called in alphabetical order. Voting shall be by word of mouth and shall be expressed by “Yes”, “No” or “Abstain”.

#### **Rule 11.8 Committees**

1. Subject to paragraph 2, the convener of a committee or sub-committee shall determine the time at which members shall take a decision on any item of business.

2. The convener shall put the question on an amendment to a Bill immediately after the debate on that amendment or, if there is no debate, immediately after the amendment is moved.

3. Except as provided in any direction given to a committee by the Parliament, members of a committee or sub-committee shall vote by show of hands unless, before they do so, a member of the committee or sub-committee requests a roll call vote, as described in Rule 11.7.3, and the convener agrees to that request.

4. Rule 11.5 applies where members vote in a committee or sub-committee except that—

- (a) only members of the committee or sub-committee may vote in that committee or sub-committee, as the case may be; and
- (b) the convener of a committee or sub-committee may vote and shall also exercise a casting vote in the event of a tie.

5. Rules 11.4 and 11.11 shall apply to the taking of decisions at meetings of committees and sub-committees as they apply to the taking of decisions at meetings of the Parliament, with such modifications as are appropriate.

#### **Rule 11.9 Election of Presiding Officer and deputy Presiding Officers**

1. This Rule applies to any election of the Presiding Officer or any deputy Presiding Officer to be held by virtue of Rule 3.2 or 3.3.

2. The vote at an election shall be by secret ballot and shall be held during the voting period appointed under Rule 3.2 or 3.3. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 7 to 12.

3. The result of any vote under this Rule is valid only if the number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted—

- (a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and
- (b) where there is more than one round of voting the result of each round of voting shall be treated as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election is invalid under this Rule, no candidate shall be elected at that election.

4. Each candidate may appoint a member to act as a scrutineer on his or her behalf. Each scrutineer may monitor the counting of votes by the Clerk and may request the Clerk to perform a count again. The Clerk may refuse such a request only if he or she considers it unreasonable.

5. Any member may, at the beginning of a round of voting, obtain a ballot paper from the Clerk. Any member who obtains a ballot paper shall immediately mark his or her vote on that ballot paper

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and then put the ballot paper in the ballot box provided for that purpose by the Clerk. That member may not thereafter obtain another ballot paper or vote during that round of voting.

6. Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to abstain. At the completion of that round of voting the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for the candidate, against the candidate or to abstain. The candidate shall be elected if he or she obtains a simple majority of votes in his or her favour.

7. Where there is more than one candidate in a round of voting, a member may vote for one of those candidates or to abstain. At the completion of each round of voting in which there is more than one candidate, the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for each candidate and the number of votes to abstain.

8. Where there are two candidates in a round of voting, a candidate shall be elected if he or she obtains a simple majority of votes in his or her favour.

9. Where there are more than 2 candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected.

10. Where there are more than 2 candidates in a round of voting but no candidate is elected under paragraph 9, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until—

- (a) a candidate is elected in accordance with paragraphs 6, 8 or 9;
- (b) paragraph 11 applies; or
- (c) the result of any vote is invalid under this Rule.

11. Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election.

12. A candidate may withdraw his or her candidature at any stage between the rounds of voting mentioned in paragraphs 7 to 10.

13. In counting the votes, the Clerk may disregard any ballot paper if, in his or her opinion, it does not clearly indicate the voter's choice.

14. When a candidate has been elected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected. He or she shall also announce—

- (a) after the count in a case where the provisions of paragraph 6 apply, the number of votes for and against the candidate and the number of votes to abstain; and
- (b) after the count in any other case, the number of votes for each candidate, the number of votes to abstain and the name of any candidate who has been eliminated at that round.

15. Where no candidate is elected at an election held in accordance with this Rule, the person chairing the meeting shall announce that fact and arrange for another election to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election.

16. Following a declaration that a candidate has been elected or that no candidate has been elected, the Clerk shall destroy all the ballot papers.

#### **Rule 11.10 Election of members of Parliamentary corporation and selection of First Minister**

1. This Rule applies to—

- (a) the election of members of the Parliamentary corporation to be held by virtue of Rule 3.7; and
- (b) the selection of a nominee for appointment as First Minister to be held by virtue of Rule 4.1 (“the selection process”).

Where this Rule applies, the procedure for the election or selection process shall be as follows.

2. Voting under this Rule shall be held using the electronic voting system and shall be held during the voting period appointed under Rule 3.7 or 4.1. If it appears to the Presiding Officer that the electronic voting system cannot be used for any reason or that it has produced an unreliable result, a paper ballot of members, a roll call vote, or a vote in accordance with such other manner of voting as the Presiding Officer may decide, shall be held. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 6 to 11.

3. A member may only vote once in a round of voting.

4. The result of any vote under this Rule is valid only if the number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted—

- (a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and
- (b) where there is more than one round of voting the result of each round of voting shall be treated as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election or selection process is invalid under this Rule, no candidate shall be elected at that election or selected at that selection process.

5. Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to abstain. At the completion of that round of voting, the Presiding Officer shall establish the number of votes for the candidate, against the candidate or to abstain. The candidate shall be elected or selected if he or she obtains a simple majority of votes in his or her favour.

6. Where there is more than one candidate in a round of voting, a member may vote in accordance with the following procedure—

- (a) the Presiding Officer shall read out the names of all the candidates;
- (b) he or she shall then read out the name of each candidate in turn, in alphabetical order;
- (c) after each name is read out, those members who wish to vote for that candidate shall cast their votes;
- (d) when the votes for the last candidate have been cast, members shall be given an opportunity to vote to abstain.

At the completion of each round of voting in which there is more than one candidate, the Presiding Officer shall establish the number of votes for each candidate and the number of votes to abstain.

7. Where there are 2 candidates in a round of voting, a candidate shall be elected or selected if he or she obtains a simple majority of votes in his or her favour.

8. Where there are more than 2 candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected or selected.

9. Where there are more than 2 candidates in any round of voting but no candidate is elected under paragraph 8, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until—

- (a) a candidate is elected or selected in accordance with paragraphs 5, 7 or 8;

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- (b) paragraph 10 applies; or
- (c) the result of any vote is invalid under this Rule.

**10.** Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election or selected at that selection process.

**11.** A candidate may withdraw his or her candidature at any stage between the rounds of voting mentioned in paragraphs 6 to 10.

**12.** When a candidate has been elected or selected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected or selected. He or she shall also announce—

- (a) in a case where the provisions of paragraph 5 apply, the number of votes for and against the candidate and the number of votes to abstain; and
- (b) in any other case, the number of votes for each candidate and the name of any candidate who has been eliminated at that round.

**13.** Where no candidate is elected at an election or selected at a selection process held in accordance with this Rule, the Presiding Officer shall announce that fact and arrange for another election or selection process to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election or selection process.

#### **Rule 11.11 Simple and absolute majority**

**1.** Any decision of the Parliament shall be taken by a simple majority unless otherwise expressly stated in any enactment or in these Rules.

**2.** A simple majority means that the number of members voting for a proposition is more than the number of members voting against that proposition. No account shall be taken of any members who vote to abstain.

**3.** An absolute majority means that the number of members voting for a proposition is more than half of the total number of seats for members of the Parliament or, in the case of a committee or sub-committee, more than half of the number of members of that committee or sub-committee.

## **CHAPTER 12: COMMITTEE PROCEDURES**

#### **Rule 12.1 Conveners of committees**

**1.** Each committee shall have a convener who shall convene and chair the meetings of the committee.

- 2.** The Parliament shall decide, for each committee, on a motion of the Parliamentary Bureau—
- (a) the political party whose members shall be eligible to be convener or, as the case may be, the deputy convener of the committee; or
  - (b) that the convener or, as the case may be, the deputy convener shall be chosen from the members not representing any political party.

**3.** In making a proposal under paragraph 2, the Parliamentary Bureau shall have regard to the balance of political parties in the Parliament.

**4.** At the first meeting of a committee after it is established by the Parliament, members of the committee shall choose a convener. That meeting shall be chaired until a convener is chosen by the

oldest member of the committee who is present at the meeting. Once a convener is chosen, he or she shall take the chair.

5. The convener of a committee shall be a member of that committee who shall be chosen in accordance with the decision of the Parliament under paragraph 2.

6. The convener of a committee shall hold office for the duration of the committee unless—

- (a) he or she resigns from that office by intimating his or her resignation to the Clerk;
- (b) he or she is removed from that office by a decision taken by an absolute majority of the committee; or
- (c) he or she ceases to be a member of the Parliament or of that committee otherwise than by virtue of a dissolution.

7. Where the convener of a committee ceases to hold office, the committee shall choose another member of the committee to be the convener in accordance with the decision of the Parliament under paragraph 2. If it is not possible for the committee to choose a convener in accordance with that decision, the Parliament shall, on a motion of the Parliamentary Bureau, make a further decision under paragraph 2 in relation to the committee, and the choice of a convener in accordance with paragraph 5 shall proceed accordingly.

8. Each committee shall have a deputy convener who shall be a member of that committee who is chosen by the members of that committee in accordance with the decision of the Parliament under paragraph 2. Paragraphs 6 and 7 shall apply to the deputy convener of a committee as they apply to the convener of a committee with such modifications as are appropriate.

9. Where the convener is not available for any meeting of the committee, or leaves the chair for part of any meeting, that meeting, or that part of the meeting, shall be chaired by the deputy convener.

10. Where the office of convener is vacant, a meeting of the committee shall be convened by the deputy convener and chaired by him or her until a convener is chosen. Where the offices of convener and deputy convener are both vacant, a meeting of the committee shall be convened and chaired by the oldest member of the committee present at that meeting and chaired by him or her until a convener is chosen.

11. When the deputy convener or oldest member of the committee convenes or chairs a meeting of a committee he or she shall have all the functions of a convener under these Rules for the purposes of conducting the business of that meeting.

12. This Rule is subject to any other Rule making express provision about conveners of committees.

### **Rule 12.2 Procedure in committee**

1. A committee shall not commence consideration of any business or vote if the number of committee members present (including the convener, or deputy convener if he or she is in the chair) is fewer than 3.

2. Any member of the Parliament may attend any meeting, or part of a meeting, of any committee of which he or she is not a member which is held in public but he or she may participate in the proceedings of the committee only if invited to do so by the convener and may not vote.

3. Where a committee is considering any of the business mentioned in Rule 6.2.2(b), (c) or (d), the following persons (if not members of the committee) shall be entitled to participate in the proceedings of the committee but may not vote, namely—

- (a) the member of the Scottish Executive or junior Scottish Minister who has general responsibility for the matter with which the business is concerned; and

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(b) in the case of a Member's Bill, the member in charge of the Bill.

### **Rule 12.3 Committee meetings**

1. A committee shall meet to consider such business on such days and at such times as it may from time to time decide, subject to any timetable specified in the business programme. The convener shall notify the Clerk and the Clerk shall notify members in the Business Bulletin of the agenda for each meeting.

2. A committee shall meet in Scotland at such place as it may decide, with the approval of the Parliamentary Bureau.

3. A committee meeting shall not be held at the same time as a meeting of the Parliament but may be held on any day whether a sitting day or not and whether within or outwith the normal Parliamentary week. Committee meetings shall not normally be held when the Parliament is in recess.

4. Committee meetings shall be held in public except as mentioned in paragraph 5.

5. All or part of a meeting of a committee may be held in private if the committee so decides. Any meeting at which a committee is considering any of the business mentioned in Rule 6.2.2(b), (c) or (d) shall be held in public except where, for the purpose of taking evidence, the committee decides that it is appropriate that the meeting, or part of the meeting, should be held in private.

### **Rule 12.4 Witnesses and documents**

1. A committee may, in connection with any competent matter, invite any person—

(a) to attend its proceedings for the purpose of giving evidence; or

(b) to produce documents in that person's custody or under that person's control,

and may exercise the power conferred upon the Parliament by section 23 (power to call for witnesses and documents) to require any person to do so but subject to and in accordance with the terms of sections 23 and 24 (notice provisions in relation to witnesses and documents).

2. For the purposes of section 26(1), the convener of a committee may administer an oath or solemn affirmation to any person giving evidence in its proceedings and require that person to take an oath or make a solemn affirmation.

3. The committee shall arrange for the Parliamentary corporation to pay to persons whom it requires, and may arrange for the Parliamentary corporation to pay to persons whom it invites to attend its proceedings to give evidence or to produce any documents, such allowances and expenses as may be determined by the Parliament.

### **Rule 12.5 Sub-committees**

1. A committee may establish one or more sub-committees with the approval of the Parliament on a motion of the Parliamentary Bureau.

2. The remit of any sub-committee of a committee shall be such as is approved by the Parliament, on a motion of the Parliamentary Bureau, but shall not include any matter outwith the remit of that committee.

3. The membership of any sub-committee shall be determined by the Parliament on a motion of the Parliamentary Bureau. The membership of a sub-committee of a committee shall be proposed by that committee to the Parliamentary Bureau. Normally only members of the committee may be members of a sub-committee of that committee but, if the committee so decides, members of other committees may be appointed as members of a sub-committee.

4. In considering the membership of a sub-committee, the committee shall have regard to the balance of political parties in the Parliament.

5. The convener of a sub-committee shall be a member of that sub-committee who shall be chosen by the members of the sub-committee.

6. The duration of a sub-committee shall be determined by the Parliament on a motion of the Parliamentary Bureau.

7. A sub-committee shall report to the committee which established it.

8. Rules 6.3.5, 6.3.6, 12.1.7 to 12.1.10, 12.2 to 12.4 and 12.6 shall apply in relation to the establishment, procedure and meetings of a sub-committee as they apply in relation to committees with such modifications as are appropriate.

#### **Rule 12.6 Reporters**

1. Any committee may appoint a committee member (referred to as “a reporter”) to report to it upon any competent matter within such time limit as the committee may determine. A committee may appoint different reporters to report to it upon different competent matters.

#### **Rule 12.7 Advisers**

1. A committee may, with the approval of the Parliamentary Bureau, issue directions to the Parliamentary corporation in connection with the appointment by the Parliamentary corporation of any person to inquire into and advise the committee or any sub-committee upon any competent matter. Different advisers may be appointed for different competent matters.

#### **Rule 12.8 Reports of committees**

1. Where a committee is to report any matter to the Parliament or another committee, it shall do so by lodging the report with the Clerk.

2. Where the report is addressed to the Parliament, the Clerk shall notify members that the report has been lodged. Where the report is addressed to another committee, the Clerk shall notify that committee that the report has been lodged.

3. Any committee report lodged with the Clerk shall be published by the Clerk.

#### **Rule 12.9 Annual reports**

1. Each committee shall, as soon as practicable after the end of each Parliamentary year, submit a report to the Parliament containing details of its activities during that Parliamentary year, including details of its meetings and the number of times the committee has met in private. In the case of the Parliamentary year ending on the dissolution of the Parliament before an ordinary general election, each committee shall submit such a report before the Parliament is dissolved.

#### **Rule 12.10 Travelling outwith the United Kingdom**

1. A member of a committee who wishes to travel outwith the United Kingdom in connection with any competent matter which is before that committee shall require the prior approval of the Parliamentary Bureau.

## **CHAPTER 13:**

### **STATEMENTS AND PARLIAMENTARY QUESTIONS**

#### **Rule 13.1 Personal statements**

1. Any member may, at the discretion of the Presiding Officer, make a personal statement to a meeting of the Parliament.
2. A member wishing to make a personal statement shall notify the Presiding Officer that he or she wishes to do so.
3. If the Presiding Officer decides that a personal statement may be made, he or she shall notify the Parliamentary Bureau who shall include notice of that statement in a business programme.
4. Where a personal statement is made, it may not be debated.

#### **Rule 13.2 Ministerial statements**

1. Where a member of the Scottish Executive or junior Scottish Minister wishes to make a statement to a meeting of the Parliament (“a ministerial statement”), notice shall be given to the Presiding Officer. The Presiding Officer shall then notify the Parliamentary Bureau who shall include notice of the ministerial statement in a business programme. A ministerial statement may be debated.
2. Where a ministerial statement is of an urgent nature, the member of the Scottish Executive or junior Scottish Minister wishing to make the statement may, on giving notice of the statement to the Presiding Officer, request that it be made on that day. If the statement is, in the opinion of the Presiding Officer, sufficiently urgent, he or she shall allow the statement to be made and debated and shall make any necessary alteration to the daily business list. Members shall be notified that any such statement is to be made and of any subsequent alteration to the daily business list.

#### **Rule 13.3 Questions to the Scottish Executive**

1. Any member may put a question to the Scottish Executive for answer in the Parliament.
2. Questions shall be in writing and lodged with the Clerk.
3. A question shall—
  - (a) be brief, clearly worded, and address specific points;
  - (b) relate to a matter for which the First Minister, the Scottish Ministers or the Scottish Law Officers have general responsibility;
  - (c) be in English;
  - (d) be prefaced by the name of the member asking it;
  - (e) not contain offensive language;
  - (f) not express a point of view; and
  - (g) not breach any enactment or rule of law or be contrary to the public interest.
4. A question shall specify whether it is for oral answer (“an oral question”) or for written answer (“a written question”).
5. A member may withdraw a question lodged by him or her at any time before it is answered by notifying the Clerk.



#### **Rule 13.4 Admissibility of questions**

1. A question is admissible unless—
  - (a) it does not comply with the requirements of Rule 13.3.3; or
  - (b) the information sought has been provided in response to a similar question in the 6 months before the member seeks to lodge the question.
2. Any dispute as to whether a question is admissible shall be determined by the Presiding Officer.

#### **Rule 13.5 Written questions**

1. A written question concerning a matter for which the First Minister is alone responsible may be answered only by the First Minister. A written question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland may be answered only by the Lord Advocate or the Solicitor General for Scotland. Other written questions may be answered by any member of the Scottish Executive.
2. The answer to a written question shall be lodged with the Clerk. An answer shall be lodged normally within 14 days of the question being lodged.
3. The Clerk shall publish all written questions in the Business Bulletin. An answer to a written question shall be published along with the question in the Official Report.

#### **Rule 13.6 Oral questions**

1. Oral questions may be answered at Question Time or Open Question Time.
2. Question Time shall be a period of up to 30 minutes each week (normally on Thursdays) at a meeting of the Parliament during which questions selected under paragraph 6 may be put to and answered by members of the Scottish Executive or junior Scottish Ministers.
3. Open Question Time shall be a period of up to 15 minutes each week immediately following Question Time during which questions selected under paragraph 5 may be put to and answered by members of the Scottish Executive or junior Scottish Ministers.
4. A member may lodge an oral question only on the eighth or ninth days before the Question Time at which he or she wishes the question to be answered. A question may be lodged at any time during the ninth day before Question Time but may be lodged only up to 14:00 during the eighth day before Question Time. A member may lodge only one question for answer at any Question Time.
5. At the end of the eighth day before Question Time the Presiding Officer may select, from all admissible oral questions lodged on the eighth or ninth days before Question Time, up to 3 questions (“Open Questions”) for answer at Open Question Time.
6. After any Open Questions have been selected, the Clerk shall select, from the remaining admissible oral questions lodged on the eighth or ninth days before Question Time, questions for answer at Question Time. These questions shall be selected on a random basis.
7. Notice of questions selected under paragraphs 5 and 6 shall be given to members in the Business Bulletin.

#### **Rule 13.7 Question Time and Open Question Time**

1. An oral question concerning a matter for which the First Minister is alone responsible shall normally be answered by the First Minister but may exceptionally be answered by any other member of the Scottish Executive. An oral question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland shall normally be answered by the Lord Advocate or the Solicitor General for Scotland but may exceptionally be answered by another member of the

Scottish Executive. Other oral questions may be answered by any member of the Scottish Executive or a junior Scottish Minister.

2. A question is taken at Question Time or Open Question Time when it is called by the Presiding Officer.

3. Questions shall be taken in the order in which they are printed in the Business Bulletin.

4. When a question is taken at Question Time or Open Question Time, it may be asked only by the member who lodged it.

5. At Question Time, after a question is answered, the member who asked it may ask one supplementary question and may, at the discretion of the Presiding Officer, ask further supplementary questions.

6. At Open Question Time, after a question is answered, any member may, at the discretion of the Presiding Officer, ask a supplementary question.

7. A member asking a question shall, in asking the question, not depart from the terms of the question.

8. A member may ask a supplementary question only on the same subject matter as the original question and shall, in asking the question, do so briefly.

9. A question selected for answer at Question Time or Open Question Time but which is not taken shall be treated as a written question and shall be answered in accordance with Rule 13.5.

### **Rule 13.8 Emergency Questions**

1. Where an oral question is of an urgent nature the member lodging it may, if it is lodged by 10:00 on a day on which there is a meeting of the Parliament, request that it is answered that day, whether or not there is a period set aside for Question Time that day. The Clerk shall notify the Presiding Officer of the lodging of such a question as soon as possible after it is lodged. Such a question is referred to as “an emergency question”.

2. If an emergency question is, in the opinion of the Presiding Officer, sufficiently urgent, he or she shall allow the question to be put and answered at an appropriate point during the meeting of the Parliament and shall make any necessary alteration to the daily business list. Members shall be notified that any such question is to be put and of any subsequent alteration to the daily business list.

3. An emergency question concerning a matter for which the First Minister is alone responsible shall normally be answered by the First Minister but may exceptionally be answered by any other member of the Scottish Executive. An emergency question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland shall normally be answered by the Lord Advocate or the Solicitor General for Scotland but may exceptionally be answered by another member of the Scottish Executive. Other emergency questions may be answered by any member of the Scottish Executive or a junior Scottish Minister.

4. When an emergency question is taken it may be asked only by the member who lodged it.

5. After an emergency question is answered the member who asked it may ask one supplementary question and may, at the discretion of the Presiding Officer, ask further supplementary questions.

6. A member asking an emergency question shall, in asking the question, not depart from the terms of the question. A member asking a supplementary question shall, in asking the question, do so briefly.

7. A member may ask a supplementary question only on the same subject matter as the original question and shall, in asking the question, do so briefly.

### **Rule 13.9 Questions to Presiding Officer**

1. Any member may address a question on a matter concerning the Parliamentary corporation or the staff of the Parliament to the Presiding Officer. Such a question may be answered by any member of the Parliamentary corporation.

2. A question addressed to the Presiding Officer under paragraph 1 shall normally be for written answer but may, exceptionally, be for oral answer.

3. Rules 13.3 to 13.7 shall apply to questions to the Presiding Officer under paragraph 1 as they apply to questions to the Scottish Executive with such modifications as are appropriate.

## **CHAPTER 14:**

### **LAYING AND PUBLICATION OF DOCUMENTS**

#### **Rule 14.1 Laying of reports and other documents**

1. Where, under an enactment or otherwise, a report or other document is required or authorised to be laid before the Scottish Parliament, the lodging of a copy of that report or document with the Clerk shall be treated for all purposes as being the laying of it before the Parliament.

2. The Clerk may require the person laying the report or document to provide such additional copies as he or she considers necessary.

3. A report or other document may be laid before the Parliament at any time when the office of the Clerk is open.

4. No report or other document shall be laid before the Parliament unless it is required or authorised to be laid under an enactment or otherwise or it is laid by a member of the Scottish Executive.

5. The Clerk shall ensure that notice of any report or other document laid before the Parliament is published in the Business Bulletin. The notice shall give the title of the report or document.

#### **Rule 14.2 Laying of financial reports and documents**

1. Any documents laid before the Parliament containing outline proposals for public expenditure in any financial year other than the financial year beginning 1 April 2000 shall not be considered, except with the agreement of the Parliament, unless they are laid before the Parliament no later than the preceding 20 April.

2. Any document laid before the Parliament setting out preliminary draft budgets of public expenditure in any financial year other than the financial year beginning on 1 April 2000 shall not be considered, except with the agreement of the Parliament, unless they are laid before the Parliament no later than the preceding 20 September.

#### **Rule 14.3 Publication of documents**

1. Where, under these Rules, the Clerk is required to publish any document, he or she shall arrange for publication through the Parliamentary corporation.

2. If the Parliament so decides, the Clerk shall publish any report or other document laid before the Parliament.

3. In these Rules, “document” means anything in which information is recorded in any form.

#### **Rule 14.4 Publication under the authority of the Parliament**

1. Any statement which is required or authorised to be published in pursuance of these Rules shall be published under the authority of the Parliament.
2. In these Rules, “statement” has the same meaning as in the Defamation Act 1996(6).

## **CHAPTER 15:**

### **OPENNESS AND ACCESSIBILITY**

#### **Rule 15.1 Meetings in public**

1. The meetings of the Parliament and, subject to Rule 12.3.5, of any committee or sub-committee shall be held in public.
2. Paragraph 1 is subject to the conditions which require to be complied with by any member of the public attending the proceedings of the Parliament as mentioned in Rule 15.2.

#### **Rule 15.2 Public access**

1. Members of the public shall be admitted to the public gallery during any meeting of the Parliament.
2. Members of the public admitted to the public gallery during any meeting of the Parliament shall comply with such reasonable conditions as the Presiding Officer may determine and notify to them.
3. The Presiding Officer may order that any member of the public who does not, in the opinion of the Presiding Officer, comply with any of those conditions shall leave the public gallery and may order that any such person be excluded from the proceedings of the Parliament for such period as the Presiding Officer considers appropriate.
4. This Rule shall apply to meetings of committees as it applies to meetings of the Parliament with such modifications as are appropriate.

#### **Rule 15.3 Access to chamber**

1. Subject to paragraph 2, no person other than a member may enter the chamber during a meeting of the Parliament except—
  - (a) the Lord Advocate or Solicitor General for Scotland (if not a member);
  - (b) a person authorised to do so by the Presiding Officer;
  - (c) a person addressing the Parliament in accordance with paragraph 5;
  - (d) any other person required, invited or permitted by the Parliament to attend a meeting of the Parliament; and
  - (e) the Clerk or any person authorised by him or her.
2. If the person holding the office of Presiding Officer or deputy Presiding Officer as mentioned in section 19(2) is not a member of the Parliament, he or she may enter the chamber during a meeting of the Parliament but only for the purpose of chairing proceedings for the election of a new Presiding Officer.

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(6) 1996 c. 31.

3. Any person mentioned in paragraph 1(b), (d) or (e) may be required to leave the chamber or prevented from entering the chamber by order of the Presiding Officer.

4. Only a member, or the Lord Advocate or Solicitor General for Scotland (if not a member), may sit in any seat in the chamber which is reserved for members.

5. Any person may, on the invitation of the Parliament, address the Parliament.

#### **Rule 15.4 Bringing a petition**

1. The Parliament shall consider, in accordance with the provisions of this Rule and Rules 15.5 and 15.6, any petition addressed to it. A petition may be brought by an individual person, a body corporate or an unincorporated association of persons.

2. A petition shall clearly indicate–

- (a) the name of the petitioner;
- (b) an address of the petitioner to which all communications concerning the petition should be sent; and
- (c) the name and address of any person supporting the petition.

3. All petitions shall be in English.

4. The Public Petitions Committee shall determine the proper form of petitions and shall publish its determinations in such manner as it considers appropriate.

5. A petition may be lodged with the Clerk, or sent to the Clerk by e-mail, on a sitting day. Petitions may be lodged or sent by the petitioner or by a member on behalf of the petitioner. When the Clerk receives a petition he or she shall send it as soon as practicable to the Committee.

#### **Rule 15.5 Admissibility of petitions**

1. The Public Petitions Committee shall decide whether a petition is admissible.

2. A petition is admissible unless–

- (a) it does not comply with Rule 15.4.2 or 3, or is otherwise not in proper form;
- (b) it contains language which, in the opinion of the Committee, is offensive; or
- (c) it requests the Parliament to do anything which, in the opinion of the Committee, the Parliament clearly has no power to do.

3. If a petition is inadmissible it shall be rejected by the Committee without further consideration. If the Committee decides that a petition is inadmissible it shall, as soon as practicable, notify the petitioner of its decision and of the reasons for that decision.

#### **Rule 15.6 Action on a petition**

1. If a petition is admissible, the Public Petitions Committee shall consider the petition.

2. When the Committee has considered the petition it may–

- (a) refer the petition to the Scottish Ministers, any other committee of the Parliament or any other person or body for them to take such action as they consider appropriate;
- (b) report to the Parliamentary Bureau or to the Parliament; or
- (c) take any other action which the Committee considers appropriate.

3. The petitioner shall be notified of the action taken by the Committee under paragraph 2.

## **CHAPTER 16:**

### **REPORTING OF PROCEEDINGS**

#### **Rule 16.1 Minutes of proceedings**

1. Minutes of the proceedings at each meeting of the Parliament shall be drawn up by the Clerk.
2. The minutes shall record all the items of business taken by the Parliament at that meeting and the results of any decisions taken and of any divisions and elections which took place.
3. The Clerk shall arrange for the minutes of proceedings to be printed and published as soon as possible by whatever means is considered appropriate.

#### **Rule 16.2 Scottish Parliament Official Report**

1. The Parliamentary corporation shall ensure that a substantially verbatim report of the proceedings at each meeting of the Parliament is prepared. It shall be known as the Scottish Parliament Official Report and in these Rules is referred to as the Official Report.
2. The Official Report shall also contain all written questions, together with the answers, in accordance with Rule 13.5.3.
3. The Clerk shall ensure that the Official Report is printed and published for each sitting day during a Parliamentary session.

#### **Rule 16.3 Journal of the Scottish Parliament**

1. The Parliamentary corporation shall ensure that a Journal of the Scottish Parliament (referred to as “the Journal”) is printed and published at such intervals as the Parliament may, on a motion of the Parliamentary Bureau, determine.
2. The Journal shall contain—
  - (a) minutes of proceedings;
  - (b) notice of any instrument or draft instrument or any other document laid before the Parliament in accordance with Chapter 10, which notice shall give the title of the instrument, draft instrument or other document and the date on which it was laid before Parliament;
  - (c) notice of any report of a committee, which notice shall give the title of the report and the date on which it was lodged with the Clerk; and
  - (d) any other matter which the Parliament, on a motion of the Parliamentary Bureau, considers should be included in the Journal.

#### **Rule 16.4 Broadcast of proceedings**

1. The Parliamentary corporation shall arrange for proceedings at meetings of the Parliament to be broadcast in such manner and subject to such conditions as the Parliament may determine in a Code of Conduct relating to broadcasting of proceedings of the Parliament.
2. Until such a Code of Conduct has been made by the Parliament, the Parliamentary corporation may make such arrangements for the broadcast of proceedings at meetings of the Parliament as it sees fit.

### **Rule 16.5 Committee proceedings**

1. Subject to paragraph 2, Rules 16.1 to 16.4 shall apply to proceedings at meetings of committees and sub-committees as they apply to proceedings at meetings of the Parliament with such modifications as are appropriate.

2. Unless the Parliament decides otherwise, no substantially verbatim report of any proceedings at a meeting of a committee or sub-committee held in private shall be prepared. No such proceedings shall be broadcast.

## **CHAPTER 17: MISCELLANEOUS**

### **Rule 17.1 Making and amending standing orders**

1. The Procedures Committee shall before 6th May 2000, by motion propose to the Parliament a draft set of standing orders.

2. The draft set of standing orders proposed by the Procedures Committee may be these Rules with or without modification, but any modification must be consistent with the requirements of the Act.

3. After the Parliament has made its own standing orders the Parliament may, on a motion of the Procedures Committee, amend those standing orders. Any decision of the Parliament to amend the standing orders shall require an absolute majority.

### **Rule 17.2 Suspension of standing orders**

1. The Parliament may, on the motion of any member, suspend any of these Rules for the purpose of a meeting of the Parliament or of a committee or sub-committee except any Rule which makes provision which the Act requires to be made by standing orders or which reflects a provision of the Act. Such a suspension shall apply only for the purposes of that meeting or of part of that meeting.

### **Rule 17.3 Notice to members**

1. Where these Rules impose a requirement to notify the Parliament or members of any matter, notification shall normally be given in the Business Bulletin.

2. Where the Parliament is in recess, notice shall be given in whatever form is considered by the person giving that notice to be sufficient.

3. Where notice is given in accordance with paragraph 1 or 2, that notice shall also be made public.

### **Rule 17.4 Lodging of documents**

1. Where these Rules provide for anything, other than a Bill and any instrument or other document to which Chapter 10 or 14 applies, to be lodged with, or notified to, the Clerk by a member, this may be done by its—

- (a) being lodged with, or notified in writing to, the Clerk by the member;
- (b) being lodged with, or notified in writing to, the Clerk by any other person on behalf of the member, but only if that person has been authorised to do so by the member and the Clerk has been notified of that authorisation in writing; or

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- (c) being sent by e-mail to the Clerk from the member's e-mail address, but only if the member has notified the Clerk in writing that he or she intends lodging documents by e-mail.

2. In addition, anything to be lodged with, or notified to, the Clerk by a member of the Scottish Executive or a junior Scottish Minister may be sent by e-mail to the Clerk from the e-mail address of a member of the staff of the Scottish Administration but only if that member of staff has been authorised to do so by any member of the Scottish Executive or a junior Scottish Minister and the Clerk has been notified of that authorisation in writing.

## CHAPTER 18:

### GLOSSARY

#### Rule 18.1 Interpretation

1. Any expression used in these Rules shall have the same meaning as in the Act, unless expressly provided otherwise.

#### Rule 18.2 Index of defined expressions

1. In these Rules, the expressions listed in the left hand column have the meaning given by, or are to be interpreted in accordance with, the Rules listed in the right-hand column.

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accompanying documents	9.3.5
Adviser	12.7
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Auditor General's Report	9.3.4
Budget Bill	9.16
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competent matters	6.2
Consolidation Bill	9.18.1
daily business list	5.5.1
Decision Time	11.2.2
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Emergency Bill	9.21.1
emergency question	13.8.1
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<i>Expression</i>	<i>Rule</i>
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Explanatory Notes	9.3.3
Financial Memorandum	9.3.2
Financial Resolution	9.12.1
financial year	5.8.4
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group representative	5.2.1(c)
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members	1.1.2
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sitting day	2.1.3
solemn affirmation	1.2.5
Scottish Parliament Official Report	16.2
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### **Rule 18.3 Other references**

1. Unless otherwise expressly provided, any reference in these Rules to—
  - (a) a numbered section is to the section having that number in the Scotland Act 1998;
  - (b) a numbered Rule (eg Rule 7.2) is to the Rule having that number in these Rules and, where a Rule number is followed by another number (eg Rule 7.2.1) it refers to the paragraph having that number in that Rule; and
  - (c) a numbered paragraph in a Rule is to the paragraph having that number in that Rule.

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## Witnesses and documents

## 2.6 and 12.4

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes transitory and transitional provisions by virtue of section 129(1) of the Scotland Act 1998 (“the Act”) regarding the standing orders of the Scottish Parliament and the publication of statements made under the authority of the Parliament.

Article 3 provides that the standing orders of the Scottish Parliament are contained in the rules set out in the Schedule to the Order.

Article 4 makes provision protecting a person against whom legal proceedings have been brought concerning statements published by that person where those statements are published or have been published under the authority of the Parliament. In particular, it requires the court, on production of a certificate by the Clerk of the Parliament, to make an order that no further steps are to be taken in the proceedings and the proceedings are then to be treated as concluded.

Article 5 of the Order provides that the publication of any statement in pursuance of any of the rules set out in the Schedule should be treated as a publication under the authority of the Parliament for the purposes of section 41 of the Scotland Act 1998 (defamatory statements) and article 4.

Articles 6 and 7 respectively provide that, unless earlier revoked by another order under section 129(1) of the Act,

- (a) the provisions of the Order relating to the standing orders of the Parliament (articles 3 and 5 and the Schedule) will cease to have effect on the date on which the first standing orders made by the Scottish Parliament come into force, subject to a savings provision; and
- (b) article 4 of the Order will cease to have effect on the day appointed by or under an Act of the Scottish Parliament.