



The Scottish
Parliament

**GUIDANCE FOR MEMBERS OF THE
PARLIAMENTARY BUREAU**

Guidance for Members of the Parliamentary Bureau

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The Parliamentary Bureau

Role

1. Chapter 5 of the Standing Orders of the Scottish Parliament deals with the Parliamentary Bureau and the management of business.
2. The main functions of the Bureau are:
 - to propose the business programme to the Parliament;
 - to propose alterations to the daily business list;
 - to propose the establishment, remit, membership and duration of any committee or sub-committee;
 - to determine any question regarding the competence of a committee to deal with a matter or to determine a lead committee; and
 - to consider other issues, such as committee travel, timetabling of legislation etc.
3. The Bureau's responsibilities are set out in the Annex to this document.

Membership

4. The Bureau is made up of the Presiding Officer and his/her two deputies, a representative of each political party represented by 5 or more members of the Parliament nominated by the leader within the Parliament of that party and a representative of any group formed by members in terms of Rule 5.2.2.
5. Under Rule 5.2.7, a party or group representative may arrange for another member to take his or her place at a meeting of the Bureau if the Presiding Officer has been notified in writing in advance of that meeting. The Business Team will inform other Business Managers of the attendees of the meeting in this instance and whether anyone other than the Presiding Officer will be chairing the meeting.
6. The meetings are also attended by Clerks from the Parliamentary Business Team who are responsible for preparing the agenda and papers and taking the minutes. Jennifer Smart and Irene Fleming currently provide clerking support to the Parliamentary Bureau.

Meetings

In private

7. In terms of Standing Orders, Rule 5.3.2, meetings of the Bureau are in private.

Frequency

8. The Bureau meets weekly during sitting time (Tuesday afternoons) and as required during recess.

Quorum

9. At least half the total number of members must be present to allow a meeting to be quorate and the Presiding Officer or one of his/her deputies must be present.

Voting

10. Any matter can be decided by vote. The Bureau will, however, normally decide matters wherever possible without resort to a vote. When voting, each business manager carries a weighted vote which relates to the number of members of their party. If an alternative member is attending on behalf of a member, they have the same voting rights.

11. The PO has a casting vote. The DPOs are not eligible to vote unless they are chairing the meeting on behalf of the PO and have to use the casting vote. It is usual for a casting vote to maintain the status quo.

Minutes and Note of Decisions

12. Formal minutes of Bureau meetings are drafted and issued with papers for agreement at the following week's meeting. These minutes are subsequently published on the Parliament's website as part of the Parliament's FOI Publication Scheme.

Bureau Responsibilities

13. Details of the matters for which the Bureau has responsibility, and their corresponding Standing Orders, are provided in the **Annex**.

Setting the Business Programme

14. The business motion is the primary means of giving notice of business and it should carry as much detailed information as possible for the forthcoming week.

15. Under the Rules, the business motion can be debated, amended and divided upon. The practice of the Bureau has been to agree a draft motion during a meeting of the Bureau and for that motion to be lodged in the name of the Minister for Parliamentary Business (on behalf of the Bureau) after that meeting. As the business motion is a collective motion of the Bureau, any business manager who intends to oppose the motion or who wishes to consider their position further, is expected to reserve his or her party's position on the motion at the relevant Bureau meeting. The Presiding Officer should be informed, through

the Parliamentary Business Team, whether the motion will be opposed in advance of it being moved. The Business Team will inform other business managers of the intended opposition.

Amending the Business Motion

16. Although the motion is open to amendment, there are a number of items that are effectively protected under the Rules. As well as set times for Decision Time, Question Times and Members' Business, the Bureau is obliged to set aside 16 half days for opposition business and 12 half days for committee business each parliamentary year. The timetabling of opposition half days is managed firstly by the Bureau agreeing a share of the 16 half days under direct proportionality and secondly by the Minister for Parliamentary Business discussing directly with opposition business managers the timetabling of individual days throughout the year. If it wishes, the Bureau can increase the number of half days available for opposition business without seeking changes to standing orders. These additional days would also be allocated under direct proportionality. In relation to committee business, the Conveners Group operates a bidding system, notifying the Minister's office of their decisions and the Bureau normally "rubber stamps" proposals.
17. The Bureau has agreed that opposition parties should notify the subject of their business no later than midday on the Friday of the week preceding the debate(s). This allows for notification in the first Business Bulletin of the week of the business in question.

Debates on Business Motions

18. In debates on business motions, only one Member may speak against the motion. In cases of competing requests, it is entirely a matter for the Presiding Officer to decide whom to call. The Presiding Officer will normally call the first Member to note an interest and may encourage parties to facilitate more than one contribution by the Member called to speak allowing another interested Member to intervene on his or her contribution. In addition, one Member may speak for any amendment to the business motion which has been supported by at least 10 members.

Notification of motions for debate

19. While the Rules state that motions to be debated should be lodged by the close of the previous day, it has long been established, following a Presiding Officer good practice announcement in session 1, that such motions should be lodged at least two days in advance of the debate¹. This allows Members and parties to consider the motions and to discuss any amendments that they may wish to lodge. Similarly, although such amendments may be lodged right up to the point at which the motion is moved, the same announcement established the practice of amendments being lodged the day before the debate in order to allow the

¹ This does not apply to Members' business motions which, following agreement by the Bureau in September 2005, require to be lodged for consideration at the Bureau meeting a week before the relevant debate.

Presiding Officer to select amendments for that debate and for notification of the selection to be carried in the Business Bulletin on the day of the debate. This practice was incorporated into the *Guidance on Motions*, endorsed by the Procedures Committee, and published by the Chamber Office.

Ministerial Statements

20. Standing order 13.2.1 allows a Government minister to intimate to the Presiding Officer that he or she wishes to make a statement to the Parliament. The Bureau is obliged to include notice of that statement in the business programme, which, in the form of the business motion, is then voted on by the Parliament as a whole. The Bureau has established the practice, based on these Rules, that Business Managers should not be able to demand that a Minister make a statement. Although the issue can be discussed in the Bureau, it is ultimately a matter for the Government to decide whether to make a statement. It follows that it is also for the Government to decide in the first instance whether a statement is more appropriate than a debate on a particular issue. (A statement can, of course, subsequently be debated). There is, however, an expectation that the Government will respond in an appropriate manner within a reasonable time to any calls on it set out in a parliamentary resolution.
21. Standing Orders allow the Presiding Officer to decide whether a request for a statement to be made that day is “sufficiently urgent” before allowing it to be made. The Presiding Officer will consider each case on its merits before making his decision. The same criterion is applied to requests for emergency questions (which, under the rules, have to be submitted by 10am on the day in which they are requested to be put for answer). The Minister for Parliamentary Business will inform Business Managers of any intimations of a Ministerial Statement as soon as the Presiding Officer has been notified. The Presiding Officer has determined that decisions will be made on a case by case basis.
22. The distribution of advance copies of ministerial statements to party spokespersons or Business Managers is a matter for the Government and not the Bureau or the Presiding Officer. The Presiding Officer will always encourage such distribution as a matter of courtesy and issuing one hour in advance of the statement appears to have become standard practice. However, its continued observance remains a matter for the Government.

Legislation

Referral of Bills

23. The Bureau reaches decisions on the referral of Bills to committees informed by the recommendations of either the clerks in the Legislation Team or the Non-Executive Bills Unit, where appropriate. Where there are any overlapping remits or doubts as to the most appropriate committee, committee conveners and clerks will, prior to making recommendations, hold discussions with the clerks in the relevant committees and the Minister for Parliamentary Business’s office and communicate those discussions to the Bureau.

Timetabling of Bills

24. The Bureau is responsible for the timetabling of Bills. In practice for Government Bills, unofficial discussions will take place between the clerks to the relevant committee and the Minister for Parliamentary Business's Office. The Business Team will monitor the progress of discussion and seek to present the Bureau with an agreed timetable for the consideration of Bills at Stages 1 and 2 for Bureau Members to consider. Where any disagreements occur, these are communicated to the Bureau and discussed at the relevant meeting. In those circumstances, the Bureau has, in the past, agreed to invite the committee convener to its next meeting in order to explore the areas of disagreement. It has become practice in those circumstances to hear the convener and then to discuss the issue and reach a decision once the convener has left the meeting.

Committees

25. In proposing the establishment of committees at the start of a Parliamentary session, the Bureau is obliged by the Rules to have regard to the balance of the parties in the Parliament when deciding membership. The share of places on each committee is worked out on the basis of direct proportionality, while the convenerships and deputy convenerships are decided by applying the d'Hondt formula. The number and remit of committees and the number of places on each are decided by informal discussions between business managers outside the Bureau and brought to the Bureau for formal agreement.

26. When establishing ad hoc or private bill committees during a session, the Bureau will return to the first allocation on the d'Hondt list for convenerships for the first committee established and work its way down the list over the four-year term. Direct proportionality remains the methodology for deciding the share of seats on each new committee established.

Other Information for Bureau members

Seating arrangements in the Chamber

27. As there are no Rules or guidance governing the allocation of seating in the Chamber, parties normally discuss this amongst themselves and keep the Bureau informed of decisions. The allocation is usually reached after informal discussions and tends to involve seeking to reach consensus on a share of the front bench seats and then each party in order of size deciding where its Members will sit in relation to that front bench share.

Calling of speakers in debate

28. The calling of speakers and the length of speeches are, under the Rules, entirely a matter for the Presiding Officer. In practice, the Presiding Officer will allocate time based on the proportional share of seats in the Parliament and will disseminate information on this approach among Business Managers at the start of a session and notify them of any significant changes during a session.

Points of Order

29. Under the Rules, points of order are a matter for the chair and are dealt with as the Presiding Officer sees fit. The Rules also provide that points of order should be a maximum of 3 minutes in length, although the Presiding Officer will often encourage brevity in order to protect the business in hand. To allow consideration, it has become practice for Members to provide advance notification of points of order where possible.

Calling of supplementary questions at FMQT and QT

30. As with other speakers, the calling of supplementary questions is entirely at the Presiding Officer's discretion. Requests can be submitted in advance to the Parliamentary Business Team, allowing the Presiding Officer to make initial decisions aimed at ensuring proportional shares across the parties. Although not obligatory, advance requests are particularly useful in relation to the slot after leaders' questions at FMQT. The Presiding Officer has indicated that such questions would be normally – but not exclusively – of an urgent constituency nature. Advance notification, again to the Business Team, allows the Presiding Officer to take decisions on the suitability of such questions for FMQT.

Conduct in the Chamber

31. Under the Rules, the issue of conduct in the chamber is a matter for the Presiding Officer. Should a serious disturbance occur, the Presiding Officer and Business Managers may consider that there requires to be a discussion as to whether to apply sanctions beyond those that can be applied by the Presiding Officer alone (exclusion from parliamentary proceedings to the end of the next sitting day after the misconduct occurs). In those circumstances, the Presiding Officer is likely to convene an extraordinary meeting of the Bureau to consider whether to seek the Parliament's agreement to a longer exclusion.

REMIT OF THE PARLIAMENTARY BUREAU

1. The main functions of the Bureau under Standing Orders are—
 - to propose the business programme of the Parliament (Rule 5.4)
 - to propose alterations to the daily business list (Rule 5.5)
 - to propose the establishment, remit, membership and duration of any committee or sub-committee (as set out in Rules 6.1-6.3 and 6.12)
 - 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 (Rules 9.6 and 10.2)
 - to approve matters for joint consideration by committees on referral of Bills, SSIs etc. (Rule 6.14)
 - to propose in respect of each committee the parties from which the convener and deputy convener should be chosen (Rule 12.1)

2. In addition, the Parliamentary Bureau has authority to decide on issues relating to—
 - committee travel to locations outside the Parliamentary campus (Rule 12.3.1)
 - an individual committee member's request to travel outwith the UK (Rule 12.10)
 - appointment of committee advisers (Rule 12.7)
 - referral of provisions in Bills conferring powers to make subordinate legislation (Rule 9.6.3)
 - lodging of Bureau motions recommending to the Parliament:
 - the holding of meetings of the Parliament elsewhere than the Debating Chamber (Rule 2.7)
 - dates and times when the Parliament will sit (i.e. when the Office of the Clerk is open) (Rule 2.1 and 2.2)
 - recess dates (Rule 2.3)
 - extension of sittings until 7.00 pm on Wednesdays (Rule 2.2.4)
 - consideration of Members' Business after normal hours (Rule 2.2.6(c))
 - timetabling and approval of SSIs, draft orders and reports (Rules 5.4.2 and 10.6)
 - timetabling of bills (Rule 5.4.2)
 - altering the time at which Decision Time takes place (Rule 11.2.4)
 - exclusion of Members from the Chamber for more than up to one complete sitting day after the day on which the Member is excluded (Rule 7.3.3)
 - publication intervals for the Journal of the Scottish Parliament, together with contents over and above those detailed in Standing Orders (Rule 16.3)
 - suspension of Standing Orders impacting on Parliamentary or committee business (Rule 17.2)

Allocating business time

The Bureau is responsible for allocating business time for the following:

Rule 5.4.2

- Any Bill or any provision of a Bill (including reconsiderations – see Rule 9.9 and committee proposals for Bills – see Rule 9.15.6)
- Any legislative consent memorandum or legislative consent motion
- Legislation or draft legislation of the European Communities or any provision of such legislation; or
- Any subordinate legislation or draft subordinate legislation.

Rule 5.6.1

- Committee business
- Non-Executive business
- Members' Business

Rule 5.7

- Programme of the Scottish Government.

Rule 5.8

- Financial business

Rule 8.2.7

- Where time has been allocated for a debate on a particular subject, the Presiding Officer considers 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 considers motions of which notice has been given and by motion proposes which of those motions are to be taken by the Parliament. A business motion is always be taken by the Parliament.

Rule 8.12

- Motions of no confidence with at least 25 supporters.

Rule 13.1.3

- Personal statements
- Ministerial statements