Standards, Procedures and Public Appointments Committee

Remit and membership

Remit:

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

   (a) the practice and procedures of the Parliament in relation to its business;

   (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members' interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;

   (c) the adoption, amendment and application of any Code of Conduct for members; and

   (d) matters relating to public appointments in Scotland.

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 Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

   *(Standing Orders of the Scottish Parliament, Rule 6.4)*

Membership:

Brian Adam MSP (until 25 April 2013)
George Adam (from 16 May 2013)
Cameron Buchanan (from 10 September 2013)
Helen Eadie (until 9 November 2013)
John Lamont (until 10 September 2013)
Richard Lyle
Margaret McCulloch (until 3 September 2013)
Margaret McDougall (from 3 September 2013)
Fiona McLeod
Dave Thompson (Convener) (until 7 November 2013)
Stewart Stevenson (Convener) (from 21 November 2013)

Committee Clerking Team:

Clerk to the Committee
Alison Walker
Gillian Baxendine

Senior Assistant Clerk
Alastair Macfie
Neil Stewart

Support Manager
Sam Currie
Introduction

1. The Scotland Act 2012 ("the 2012 Act") introduced more flexibility in the timing of Presiding Officer elections. It also allowed the Scottish Parliament to appoint additional Deputy Presiding Officers. This report proposes Standing Order rule changes to bring these changes into effect.

Background

2. The Parliament's founding legislation, the Scotland Act 1998 ("the 1998 Act"), provided for the election of a member as Presiding Officer and of two members as Deputy Presiding Officer ("deputies") at the first meeting of the Parliament after a general election. It made no provision for appointing any more than two deputies, regardless of the circumstances.

3. The Commission on Scottish Devolution, chaired by Sir Kenneth Calman, considered these procedures and made two recommendations in its report, Serving Scotland Better: Scotland and the United Kingdom in the 21st Century ("the Calman Report")¹.

4. The first was that the 1998 Act should be amended “so as to loosen the requirement on the Parliament to appoint a Presiding Officer and deputies at the first meeting of a new session”. The Calman report commented that the requirement to hold the elections at the first meeting had “presented practical difficulties”² at the beginning of session 3 of the Parliament because—


“...the close electoral result initially made the main parties reluctant to relinquish one of their members for the non-voting role of Presiding Officer. The statutory obstacle was, in the event, circumvented by deeming the first meeting to be adjourned and then continued on a later day – but this can hardly be regarded as a satisfactory long-term solution.”

5. The second recommendation was to allow additional deputies to be appointed if and when appropriate.

6. The background to the second recommendation was that, in session 1, the Presiding Officer was ill for several weeks during which time the two deputies were required to chair all Chamber sittings and take on all the Presiding Officer’s other duties. The 2012 Act was the first opportunity to make changes to allow the appointment of temporary deputies to cover situations like this.

Scotland Act changes


Timing of elections

8. In relation to the timing of elections, section 19 of the 1998 Act as amended provides that the Parliament must hold Presiding Officer elections “before it conducts any other proceedings, except the taking by its members of the oath of allegiance” and that the elections must happen “within the period of 14 days beginning immediately after the day of the poll at the election”.

Additional deputies

9. The provision in the amended section 19 on additional deputies specifies that “the Parliament may, at any time, elect from among its members one or more additional deputies”. Standing Orders “may make provision for additional deputies to hold office for a shorter time than provided by subsection (2)” (ie for less than the entire session).

10. The 1998 Act contained a requirement to ensure political balance in the Presiding Officer team by providing that the Presiding Officer and deputies must not all represent the same political party. This has been amended by the 2012 Act and now provides that the Standing Orders “shall include provision for ensuring that the available officers do not all represent the same political party.” The available officers consist of the Presiding Officer and the two original deputies unless any of those three is unable to act and an additional deputy or deputies have been appointed. In that case, the available officers are defined as those of the Presiding Officer and deputies (including any additional deputies) as are for the time being able to act.

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11. This provision is discussed further below in relation to the proposed Standing Order rule changes.

Committee’s inquiry

12. The Committee agreed that, as this part of the Standing Orders had not been reviewed since the Parliament was established, it would be sensible to undertake a general review of the rules to identify whether other changes were needed.

13. The Committee asked for evidence on a range of issues including:
   - the timing of Presiding Officer elections at the start of the session;
   - the requirement for there to be one nominator and one seconder;
   - whether candidates should be allowed to make speeches;
   - the voting provisions and thresholds; and
   - the political balance safeguards.

14. The Committee received only three submissions: from two former deputies, Murray Tosh and Alasdair Morgan, and from one current MSP, John Wilson. The Committee had also received views from Christine Grahame MSP at the start of this session. All of these submissions have been published. Some of the issues raised are summarised below.

Timing of Presiding Officer elections

15. Both of the former deputies emphasised that it was desirable to elect the new Presiding Officer as soon as possible so that the Parliament could begin business quickly. John Wilson and Christine Grahame both suggested that there needed to be enough time before the elections for new members to understand the election process and the Presiding Officer duties.

16. In terms of the detailed schedule for elections, Murray Tosh suggested that the timescale for electing deputies was fairly tight and that it might be desirable to allow some time for adjustment following the Presiding Officer election, particularly if an unexpected candidate was elected.

Speeches by candidates

17. Murray Tosh, John Wilson and Christine Grahame all felt that it could be helpful for candidates to make statements in the Chamber as part of the election process. However Alasdair Morgan argued that it was not clear how speeches would actually inform new members about a candidate’s ability to do the Presiding Officer job, while the argument for speeches from deputies was even weaker, as they have less freedom to initiate action.

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Political balance

18. Alasdair Morgan suggested that the convention to date of the Presiding Officer withdrawing from party membership was unnecessary and that remaining a party member, though not generally active, would be equally acceptable. Otherwise, there was a risk of confining candidates to members at the end of their career.

19. Murray Tosh felt that the current rules, formal and informal, had worked well and that there was no need to enshrine in standing orders what had worked well on a voluntary basis. He also suggested that, although to date the three officers had always been drawn from three different parties, the option of two of them coming from the same party should be maintained in case these were the best candidates for the post. (He did note, however, that in practice parties will usually be reluctant to give up more than one member to the Presiding Officer team).

20. In contrast to both of these views, John Wilson suggested that the current practice of the three officers coming from three different parties should become a standing order requirement to guarantee political balance. He also suggested that the convention of the Presiding Officer suspending party membership should become a rule and apply to deputies as well.

Temporary deputies

21. The submissions were broadly supportive of the new powers to appoint additional deputies.

22. Alasdair Morgan identified that there could be a difficulty in relation to the rules on resettlement grants on leaving office. He commented that:

“I assume that it is the intention that any additional DPO should draw the salary appropriate to that office during their tenure of it; indeed I do not think the legislation affecting salary as at present drafted would discriminate between a DPO elected at the beginning of the session for the entire length of it and one elected during the session for a shorter period.

“Therefore it appears that the effect of the Scotland Act 1998 (Transitory and Transitional Provisions) (Grants to Members and Officeholders) Order 1999 no. 1081 is that at the end of their period of office any temporary DPO is entitled to a grant of one quarter of annual salary, which depending on circumstances might actually be larger than the amount the person received when in office. There is also the possibility that such a person may become entitled to such a grant more than once during a parliamentary session. I realise that this is unlikely, but the position should be considered.”

23. The Committee agrees that the rules on resettlement grants for additional deputies should be looked at and asks the SPCB to review these provisions.

Conclusion

24. Given the small number of responses received and the fact that there was no overall consensus for change, the Committee concluded that there was no
case for going beyond the 2012 Act changes. The only exception to this was that the Committee agreed to look at the timings of elections for deputies.

Standing Order rule changes

25. The Standing Order rule changes which the Committee proposes are at annexe A of this report, along with detailed explanatory notes. In summary the rule changes achieve the following.

Elections after a general election

26. The rule changes provide for elections for Presiding Officer and deputies to take place at any time within 14 days of the general election poll. No other proceedings apart from the oath taking can take place before these elections. The timing of the elections will be determined (as now) by the Presiding Officer from the previous session (or if he or she is unable to act for any reason, by one of the previous deputies).

Election of additional deputies

27. The Committee felt that the rule changes on this should be minimal to allow for a range of possible situations in which a temporary deputy might be needed. The most likely reason for appointing an additional deputy is the illness of an existing postholder. However other situations may arise and we cannot guarantee that these could all be anticipated now.

28. The proposed new rules therefore do not specify the situations in which an additional deputy may be appointed but leave this to the discretion of the Parliamentary Bureau and the Presiding Officer team, with the safeguard that any proposed addition must be agreed by the Parliament.

29. For similar reasons, the new rules would allow - but not require - the term of office of the additional deputy to be specified in the Bureau motion. If the term of office was not specified, the Committee anticipates that additional deputies would simply resign at the point that their services were no longer needed. We find it difficult to imagine a situation in which additional deputies would seek to continue in office when their services were no longer required; but in that highly unlikely situation, the additional officer could be removed by a motion under standing order rule 3.5 which can be proposed by any member.

Political balance

30. As discussed earlier in this report, the 2012 Act provides that the available officers (as defined in paragraph 10 above) must not all be from the same political party. To date the Presiding Officer team has always represented three different parties but it cannot be assumed that this will always be the case.

31. The new rules therefore provide that:

- no member can stand for any of the Presiding Officer posts, including temporary deputies, if, that would lead to all the available officers being from the same party; and
(Session 4)

- if a situation arises other than by election (eg a resignation, illness, change of party allegiance) which results in all the available officers being from the same party, then the Parliament must take action to address this within 14 days.

32. The Committee noted that the provision in the 1998 Act as amended, if read literally, could in certain situations be virtually impossible to comply with. We concluded that it must be understood to apply only to situations which would last for more than an insignificant period of time. The 14 day rule introduced in the new rule 3.5A is there to ensure that any political imbalance could only continue for a very limited time.

Timing of elections during session
33. The Committee has taken the opportunity to make clearer the rules on the timing of elections to fill vacancies arising during the session. The rules now specify that:

- a vacancy must generally be filled within 14 days;

- recesses of more than 4 days do not count in calculating the 14 days (so a vacancy arising just before a recess can either be filled before the recess begins or, if that is not possible, shortly after the recess ends); and

- if a vacancy arises during a recess, the Presiding Officer (or a deputy, where it is the PO office which is vacant) must appoint a time for election which is not more than 14 days after the final day of that recess.

Timings and voting periods
34. The Committee looked at the timetabling of elections at the start of the session. The Committee recognises that a new Parliament will want to move quickly to business and that it is therefore desirable for the Presiding Officer election to take place as soon as possible after the oath taking. In relation to whether elections of deputies should take place on the same or on a subsequent day, we felt that there were good arguments either way. The Committee decided to seek the Bureau’s view on this point. The Committee’s letter and the Bureau’s reply are at annexe B.

35. The Bureau’s reply expresses no strong views about the timing of the elections of deputies and welcome the flexibility to hold them on a different day if necessary. The proposed Standing Orders therefore provide for the elections to take place either directly after the Presiding Officer elections, in a single long plenary day; or on a subsequent day. In either case, the same timetable would apply from the opening of nominations to the completion of voting.

36. In considering that timetable, the Committee agreed that it would be desirable to allow more time between the close of nominations and the elections, so that members could consider and discuss the nominations. At present, proceedings move very quickly from the conclusion of the Presiding Officer elections to the beginning of voting for deputies, with only 15 minutes for nominations for deputies and a further 15 minutes to print ballot papers.
37. The rule changes therefore provide for:

- a reduction in the nomination period for Presiding Officer elections from 1¾ hours to 1 hour but allowing an additional hour (rather than 15 minutes as at present) before the election for members to consider and discuss nominations (and for ballot papers to be printed); and

- an increase in the time currently allowed for nominations for deputies and printing of ballot papers from half an hour to 2 hours: 1 hour for submitting nominations and a further hour, as with the Presiding Officer elections, to consider and discuss nominations (and print ballot papers).

38. The elections have previously taken between 4 and 5½ hours from the opening of Presiding Officer nominations to the election of the second deputy. The Committee’s proposal on Presiding Officer elections would not alter the overall time needed but the proposal on elections of deputies would require an increase of 1½ hours in the overall time.

Conclusion

39. We recommend that the Parliament agree the Standing Order rule changes at annexe A.
ANNEXE A: STANDING ORDER RULE CHANGES

PRESIDING OFFICER AND DEPUTY PRESIDING OFFICERS

STANDING ORDER RULE CHANGES

CHAPTER 2

MEETINGS OF THE PARLIAMENT

Rule 2.5 Chairing of meetings

In Rule 2.5, at the beginning insert-

“A1. Rules 2.4.3(b) and (c), 2.4.4, 2.4.5 (b) and (c) and 2.4.6 to 2.4.9 apply to the chairing of any meeting of the Parliament after the first meeting at which the Presiding Officer is to be elected under Rule 3.2.1.”.

In Rule 2.5.1, after “Rule 2.4” insert “and paragraph A1”.

In Rule 2.5.2, after “Officers” insert “elected under Rule 3.3.1” and after “vacant” insert “and there is no additional deputy Presiding Officer who is able to act”.

In Rule 2.5.3, for “both” substitute “all”.

For Rule 2.5.4 substitute-

“4. Paragraphs 2 and 3 are subject to the special provisions in Rule 2.4 and paragraph A1.”.

[The first, second and fifth of these amendments acknowledge the possibility that the Presiding Officer may now be elected at a meeting of the Parliament after the first meeting but within 14 days of the relevant general election, following the new flexibility introduced by section 4 of the Scotland Act 2012. They extend the special rules for the chairing of the first meeting until a new Presiding Officer is elected to cover any such subsequent meeting. The third and fourth amendments relate to the new power to elect an additional deputy Presiding Officer under section 19(1B) of the Scotland Act 1998 (as inserted by the 2012 Act). They ensure that the oldest member is not called upon to chair a meeting where there is an additional deputy Presiding Officer who is able to act.]
CHAPTER 3

OFFICERS OF THE PARLIAMENT AND OTHER OFFICERS

Rule 3.2 Election of the Presiding Officer

In Rule 3.2.1, for “at its first meeting following a general election” substitute “within the period of 14 days beginning immediately after the day of the poll at a general election”.

In Rule 3.2.1, at the end insert “The Parliament shall do so before it conducts any other proceedings, except the taking by its members of the oath of allegiance under Rule 1.2.”.

In Rule 3.2.3, after “paragraph 1” insert “at the first meeting of the Parliament” and at the end insert “Where the election takes place at a subsequent meeting, the date and time for the voting period shall be appointed by the person who chaired the first meeting under Rule 2.4.3(b), 2.4.4 or 2.4.5(b) and notified in the Business Bulletin.”.

In Rule 3.2.4, for the final sentence substitute “Where the Parliament is in recess when the Presiding Officer ceases to hold office, the voting period shall take place on the date and at the time appointed by a deputy Presiding Officer, which shall be notified in the Business Bulletin. That date shall not be later than 14 days after the final day of that recess period.”.

In Rule 3.2.6, for “15 minutes” substitute “1 hour”.

[The first two amendments reflect the new provisions of section 19(1A) of the Scotland Act 1998, whereby the Presiding Officer (and deputy Presiding Officers) need no longer be elected at the first meeting of the Parliament following a general election, but must be elected within 14 days of the poll and before conducting any other business except oath-taking. The amendments to Rule 3.2.3 make provision for the fixing and notification of an election which takes place at such a subsequent meeting. The amendment to Rule 3.2.4 relates to the election of a new Presiding Officer during the session where the vacancy arises during recess, and clarifies who fixes the date and time of the election and by when it must be held. The final amendment alters the time limits applicable to the nomination of candidates for the post of Presiding Officer, to provide a one hour period for making nominations, followed by an interval of one hour between close of nominations and start of voting.]

Rule 3.3 Election of deputy Presiding Officers

In Rule 3.3.1, for “at its first meeting following a general election” substitute “within the period of 14 days beginning immediately after the day of the poll at a general election”.

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In Rule 3.3.1 at the end insert “The Parliament shall do so before it conducts any other proceedings, except the taking by its members of the oath of allegiance under Rule 1.2 and the election of the Presiding Officer under Rule 3.2.1.”.

In Rule 3.3.5-

(a) after “paragraph 1” insert “at the first meeting of the Parliament”;

(b) for “30 minutes” substitute “2 hours”; and

(c) after the first sentence insert “Where the election under paragraph 1 takes place at a subsequent meeting, the date and time for the first voting period shall be appointed by the person who chaired the first meeting under Rule 2.4.3(b), 2.4.4 or 2.4.5(b) and notified in the Business Bulletin.”.

For Rule 3.3.6 substitute-

“6. In any other case where there are vacancies in the offices of both deputy Presiding Officers, 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 the Parliament is in recess when both those offices become vacant, the first voting period shall take place on the date and at the time appointed by the Presiding Officer, which shall be notified in the Business Bulletin. That date shall not be later than 14 days after the final day of that recess period. The voting period for the election of the second deputy Presiding Officer shall take place immediately after the completion of the first voting period.”.

In Rule 3.3.8, for the final sentence substitute “Where the Parliament is in recess when the office becomes vacant, the voting period shall take place on the date and at the time appointed by the Presiding Officer, which shall be notified in the Business Bulletin. That date shall not be later than 14 days after the final day of that recess period.”.

After Rule 3.3.10 insert-

“10A. The Parliament may decide, at any time subsequent to the election of deputy Presiding Officers under paragraph 1 and on a motion of the Parliamentary Bureau, to elect an additional deputy Presiding Officer.

10B. A motion under paragraph 10A may set out the term of office of the proposed additional deputy Presiding Officer.

10C. In the case of the election of an additional deputy Presiding Officer, the voting period for the election of that deputy Presiding Officer shall take place on the date and at the time appointed by the Parliament on a motion of the Parliamentary Bureau.
10D. Where-

(a) all the available officers represent the same political party; or

(b) the election of a member representing a particular political party as additional deputy Presiding Officer would result in all the available officers representing the same political party,

a member representing that party is not eligible for nomination as a candidate for election as additional deputy Presiding Officer.

10E. Paragraph 2 does not apply to an additional deputy Presiding Officer elected under paragraph 10C.

In Rule 3.3.11, for “paragraphs 5, 6 and 8” substitute “paragraphs 5, 6, 8 and 10C”.

In Rule 3.3.12-

(a) for “30 minutes” substitute “2 hours”;

(b) for “15 minutes” substitute “1 hour”; and

(c) for “case mentioned in paragraph 8” substitute “cases mentioned in paragraphs 8 and 10C”.

[The amendments to Rule 3.3.1 and the first and third amendments to Rule 3.3.5 correspond to the amendments to Rules 3.2.1 and 3.2.3, and make equivalent provision for deputy Presiding Officers. The second amendment to Rule 3.3.5 and the first two amendments to Rule 3.3.12 alter the time limits applicable to nomination of candidates for deputy Presiding Officer, to provide a one hour period for making nominations and an interval of one hour between close of nominations and start of voting. The amendments to Rules 3.3.6 and 3.3.8 replace the existing Rule 3.3.6 and the final sentence of Rule 3.3.8 with clearer wording, particularly in relation to the fixing of an election where one or more deputy Presiding Officer vacancies arises after the beginning of the session and during recess. A time limit is provided for the holding of elections in this situation.

The next amendment (inserting new paragraphs 10A-E) provides for the election of an additional deputy Presiding Officer, reflecting the new power to do so introduced by section 4 of the Scotland Act 2012. Under paragraph 10B, the Parliament may specify the term of an additional deputy Presiding Officer, if it wishes to use its power under section 19(2A) of the Scotland Act 1998 (inserted by section 4(4) of the 2012 Act) to make this shorter than the standard term. Paragraph 10D reflects the requirement under Schedule 3 paragraph 5 to the 1998 Act (as amended by the 2012 Act) that Standing Orders ensure all the available officers do not represent the same party. Where an additional deputy is being elected to correct such a political imbalance, sub-paragraph (a) ensures
that a candidate from that party is ineligible. Sub-paragraph (b) provides that, where the election of a member from a particular party would create such an imbalance, such a candidate is also ineligible. Paragraph 10E ensures that, where an additional deputy ceases to hold office during the session, Parliament can decide under paragraph 10A whether to elect a new one at that point rather than being presented with a vacancy which it must fill.

The amendment to Rule 3.3.11 and the final amendment to Rule 3.3.12 contain minor adjustments which are consequential on the insertion of paragraphs 10A-E.

After Rule 3.5 insert-

“Rule 3.5A Available officers all from the same political party

1. Where all the available officers represent the same political party, the Parliament shall no later than 14 days after the date on which this situation first occurs use its powers under Rule 3.3.10A or Rule 3.5 or both to ensure that it is rectified.

2. Paragraph 1 does not apply where the Parliament is dissolved not more than 14 days after the date on which the situation referred to in that paragraph first occurs.

Rule 3.5B Calculation of days

1. In calculating the relevant period of days for the purposes of Rules 3.2.4, 3.3.6, 3.3.8 and 3.5A.1, no account shall be taken of any time during which the Parliament is in recess for more than 4 days.”.

[New Rule 3.5A reflects the requirement under Schedule 3 paragraph 5 of the Scotland Act 1998 (as amended by the 2012 Act) for Standing Orders to ensure that all available officers do not represent the same political party. Standing Orders already contain rules on eligibility for election as Presiding Officer or deputy Presiding Officer which are designed to prevent political imbalance, and these are supplemented by new Rule 3.3.10D for additional deputy Presiding Officers. However, it would be possible for this situation to arise between elections (e.g. as a result of an existing officer changing political allegiance). Rule 3.5A.1 contains a “long stop” mechanism to ensure that the Parliament acts to rectify this problem if it occurs. Under paragraph 2, this would not apply where dissolution was imminent and the rules on election of new officers after the poll could be relied on to deal with the situation.

New Rule 3.5B contains provision about calculation of time limits under various rules on election of officers, ensuring that if the standard 14 day time limit runs into recess then the recess period is discounted and the election can be held after it if necessary.]
Dear Presiding Officer,

As you are aware, the Scotland Act 2012 made some amendments to the original Scotland Act in relation to Presiding Officer and Deputy Presiding Officer elections.

The Committee consulted earlier in the year on the relevant standing order rules, since this part of the standing orders had not been reviewed since 1999. We concluded that very few changes were needed, other than those made possible by the Scotland Act amendments to:

- provide for the appointment of temporary deputy presiding officers; and
- require PO elections to take place within 14 days of the election but not necessarily at the first meeting of the Parliament.

In relation to the second issue, the Committee is considering proposing some changes to the timings for Presiding Officer elections and we agreed to write to you requesting the Bureau’s views on our proposals.

The Committee recognises that at the start of any session, some members will be new to the Parliament and will not be familiar with the candidates standing. In addition, it is possible that the outcome of the Presiding Officer election may affect members’ voting intentions in relation to the Deputy Presiding Officer elections. At present, proceedings move very quickly from the conclusion of the PO elections to the beginning of voting for DPOs, with only 15 minutes for DPO nominations and a further 15 minutes to print ballot papers.

The Committee is therefore considering proposing:

- a reduction in the nomination period for PO elections from 1¾ hours to 1 hour but allowing an additional hour (rather than 15 minutes as at present) before the election for members to consider and discuss nominations (and for ballot papers to be printed).

- an increase in the half hour currently allowed for DPO nominations and printing of ballot papers to 2 hours: 1 hour for submitting nominations and a further hour, as with the PO elections, to consider and discuss nominations (and print ballot papers).

The elections have previously taken between 4 and 5½ hours from the opening of PO nominations to the election of the second DPO. The Committee’s proposal on PO elections would not increase the overall time needed but the proposal on DPO elections would require an increase of 1½ hours in the overall time.
The new flexibilities introduced by the 2012 Act mean that the elections can take place on the same day as the oath taking; on another day within 14 days of the election; or that the PO and DPO elections can be held on separate days.

The Committee is conscious that any newly elected Parliament will want to move quickly to business and it is therefore desirable for the Presiding Officer to be elected at the first opportunity, ideally as soon as the oath taking has been completed (unless it is necessary, as at the start of Session 3, to delay the elections to allow possible candidates more time to consider their position).

However we see less of an objection to delaying the DPO elections to the following day. The Committee’s proposals would mean that the first meeting of the Parliament would be very likely to run beyond 5.30pm and possibly as late as 7.30. Alternatively, the Presiding Officer elections could be completed within a normal Parliamentary day and the DPO elections could be scheduled for the following day. The draft standing order rules which the Committee has been considering would allow either of these options and it would be possible for the acting Presiding Officer to consider at the start of each session which option was most appropriate.

We would welcome the Bureau’s views on the Committee’s proposed changes to the rules on Presiding Officer elections and also on whether there should generally be an expectation that the elections would be held at the first meeting of a new Parliament or whether the DPO elections, at least, might be held on a subsequent day.

Yours sincerely

Helen Eadie MSP
Deputy Convener
Standards, Procedures and Public Appointments Committee
27 November 2013

Dear Stewart

Thank you for the letter dated 11 October regarding the Committee’s consideration of the provisions in the Scotland Act 2012 in relation to the election of Presiding Officers and Deputy Presiding Officers.

The Parliamentary Bureau considered the proposals in your letter at its meeting on 19 November. Members of the Bureau were content with the proposals outlined in relation to—

- the reduction in the nomination period for the election of a Presiding Officer;
- and
- the increase in the time allowed for nominations and printing of ballot papers for the elections of Deputy Presiding Officers.

Members of the Bureau agreed with the sentiment in the Committee’s letter that it would be preferable to elect a Presiding Officer as soon as is practically possible after oath-taking has been completed. Members also agreed that there may be circumstances where it might not be desirable for Deputy Presiding Officer elections to take place on the same day and would welcome the flexibility that would come with the proposed revisions to Standing Orders.

Yours sincerely

TRICIA MARWICK
Presiding Officer
ANNEXE C: EXTRACT FROM MINUTES

15th Meeting, 2012 (Session 4), Thursday 22 November 2012

Decision on taking business in private: The Committee agreed to take item 4 in private.

Presiding Officer and Deputy Presiding Officer Elections (in private): The Committee agreed its approach to standing order rule changes arising from section 4 of the Scotland Act 2012

10th Meeting, 2013 (Session 4), Thursday 20 June 2013

Decision on taking business in private: The Committee agreed to take items 4, 5, 6 and 7 in private.

Presiding Officer and Deputy Presiding Officer Elections (in private): The Committee considered a note by the Clerk and agreed to consider Standing Order rule changes at a future meeting.

11th Meeting, 2013 (Session 4), Thursday 12 September 2013

Decision on taking business in private: The Committee agreed to take items 6, 7, 8 and 9 in private.

Presiding Officer and Deputy Presiding Officer Elections (in private): The Committee considered draft Standing Order Rule changes and agreed to consider them further at future meetings.

12th Meeting, 2013 (Session 4), Thursday 26 September 2013

Decision on taking business in private: The Committee agreed to take item 5 in private.

Presiding Officer and Deputy Presiding Officer Elections (in private): The Committee considered a note by the Clerk and agreed to consult the Parliamentary Bureau on the proposed changes.

14th Meeting, 2013 (Session 4), Thursday 7 November 2013

Decision on taking business in private: The Committee agreed that its consideration of a response from the Parliamentary Bureau on Presiding Officer and Deputy Presiding Officer elections and responses on its consultation on the review of Parliamentary reform should be taken in private at future meetings.
15th Meeting, 2013 (Session 4), Thursday 21 November 2013

Decision on taking business in private: The Committee agreed that its consideration of its draft report on Presiding Officer and Deputy Presiding Officer elections and a response from the Public Audit Committee on SPSO special reports should be taken in private at future meetings.

16th Meeting, 2013 (Session 4), Thursday 5 December 2013

Presiding Officer and Deputy Presiding Officer Elections (in private): The Committee agreed a draft report.
ANNEXE D: WRITTEN EVIDENCE

Submissions received

- Alasdair Morgan (126KB pdf)
- Murray Tosh (91KB pdf)
- John Wilson MSP (118KB pdf)
Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.