Parliamentary Bureau – Potential temporary amendments to standing orders

Introduction

1. At the end of Session 5, during the very specific public health context of the Covid-19 pandemic, the then Bureau proposed two Temporary Rules to provide for Members to take the Oath of allegiance and to elect the Presiding Officer and the Deputy Presiding Officers remotely. These Temporary Rules are set out in annexe.

2. The Bureau proposed these Temporary Rules under Rule 17.1A.3 of Standing Orders. Under that rule, the Bureau may, on a motion, recommend that Standing Orders are amended on a temporary basis. In these circumstances, the Parliamentary Bureau shall notify the SPPA Committee before prior to the motion being moved.

3. Early in the current session, the SPPA Committee conducted an inquiry into Future Parliamentary procedures and practices and recommended that hybrid meetings should continue in order to provide Members with the opportunity to participate remotely in certain circumstances. The Parliament has continued to provide for remote participation in both the Chamber and Committees this session.

4. While Standing Orders have been amended to provide for remote participation, the rules relating to the Oath of Allegiance (Rule 1.2) and the Election of the Presiding Officer and the Deputy Presiding Officers (Rule 11.9) make specific provision in relation to these items of business and there are elements of these rules that would require to be amended should the Bureau consider that new Members in Session 7 should be able to participate remotely in these items of business.

Discussion

Oath of Allegiance

5. The Oath of allegiance is the first item of business of each new session and newly elected Member cannot take part in any other proceedings of the Parliament until they have taken the oath or made a solemn affirmation. For the first five sessions of the Parliament, all Members attended this item of business in person. In Session 6, one Member participated remotely under the provisions of the Temporary Rule.

6. While Rule 2.7 allows “meetings of the Parliament” to be either partly or wholly by video-conference”, if it was anticipated that a Member wished to take the Oath of allegiance remotely, it is proposed that an additional clarification be incorporated at the end of Rule 1.2.3 to add, “Where a member has taken the oath of allegiance or made a solemn affirmation remotely by video-conference, they shall sign the register at the earliest possible opportunity after doing so.” This would reflect the language used in the Temporary Rule at the beginning of the session.

7. It is also suggested that the Bureau might wish to write to the SPPA Committee recommending that a permanent change be made to Standing Orders to this effect.

Election of the Presiding Officer and Deputy Presiding Officers

8. The election of the PO and the DPO is the only secret ballot conducted by the Parliament, reflecting the importance attached to each Member being able to participate in these elections without their vote becoming known.

9. At the end of last session, the Bureau agreed to a Temporary Rule to provide for remote participation by a Member and practical steps were taken to protect the secrecy of that Member's votes.

10. If the Bureau considered it might be necessary, and appropriate, it could propose a similar Temporary Rule by motion to the Parliament for its consideration.

11. The Bureau could also write to the SPPA Committee to suggest that a permanent change be made to this rule.

Recommendation

12. Business Managers are invited to consider whether they would like to consider Temporary Rules on the Oath of allegiance and/or the Election of the Presiding Officer and Deputy Presiding Officers at next week's meeting.

13. If the Bureau is minded to propose Temporary Rules, it is invited to agree to write to the SPPA Committee notify it of its intentions and to suggest the permanent amendment of the rules.

Parliamentary Business Team
March 2026

Annexe – Temporary Rules agreed by the Parliament at the end of Session 5 and in place until 30 June 2021

Temporary Rule 1 Election of the Presiding Officer and Deputy Presiding Officers

1. This Rule applies to the election of the Presiding Officer and any deputy Presiding Officers to be held at the beginning of Session 6 by virtue of Rules 3.2 and 3.3. It ceases to apply on 30 June 2021.

2. Any meeting of the Parliament convened for this purpose may be held in the Debating Chamber of the Parliament, Holyrood, or at any other location within Holyrood as may be determined by the Presiding Officer, and members shall be notified of that location or locations.

3. A member may, at any time during the period which is not earlier than 90 mins and not later than 30 minutes before the time appointed for the beginning of the voting period for Presiding Officer or, as the case may be, the first voting period for deputy Presiding Officer, nominate a candidate for appointment as the Presiding Officer or a deputy Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

4. 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 13 to 18.

5. 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.

6. Each candidate may appoint a member to act as a scrutineer on that candidate's 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 the Clerk considers it unreasonable.

7. Members may participate in the election of the Presiding Officer or any deputy Presiding Officer in person or remotely by video conference

hosted on such platform as may be provided by the Parliamentary corporation.

8. Any member may, at the beginning of a round of voting, obtain a ballot paper from the Clerk, either in person or, where a member is participating remotely, by electronic means.

9. Any member who obtains a ballot paper in person shall immediately mark that member's vote on that ballot paper 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.

10. Where a member is participating remotely, the Clerk shall facilitate the process and in doing so shall ensure the secrecy and confidentiality of it. The member shall use such platform as may be provided by the Parliamentary corporation for this purpose.

11. Any member participating remotely shall obtain a ballot paper from the Clerk by electronic means. Once the ballot paper has been received, the member shall immediately indicate to the Clerk the voting intention of that member. The Clerk shall mark that member's vote on a ballot paper in accordance with that member's voting intention, verify with that member that the ballot paper has been marked correctly and then put the ballot paper in the ballot box provided for that purpose. That member may not thereafter obtain another ballot paper or vote during that round of voting.

12. 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, the number of votes against the candidate and the number of votes to abstain. The candidate shall be elected if a simple majority of votes in the candidate's favour is obtained.

13. 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.

14. Where there are two candidates in a round of voting, a candidate shall be elected if a simple majority of votes in that candidate's favour is obtained.

15. Where there are more than two 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.

16. Where there are more than two candidates in a round of voting but no candidate is elected under paragraph 151, 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 paragraph 12, 14 or 15;
(b) paragraph 17 applies; or
(c) the result of any vote is invalid under this Rule.

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

18. A candidate may withdraw that candidate's candidature at any stage between the rounds of voting mentioned in paragraphs 13 to 16.

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

20. 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. The person chairing the meeting shall also announce—

> (a) after the count in a case where the provisions of paragraph 12 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.

21. 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.

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

23. Where provisions contained in this temporary rule are in conflict with other standing provisions, those in the temporary rule have precedence.

Temporary Rule 2

Oath of allegiance

1. This Rule applies to the administration of the oath of allegiance or a solemn affirmation at the beginning of Session 6. It ceases to apply on 30 June 2021.

2. Every person who is returned as a member shall take the oath of allegiance or shall make a solemn affirmation at a meeting of the Parliament before the Clerk. Taking the oath of allegiance or making a solemn affirmation can include appearing before the Clerk remotely by video-conference, hosted on such platform as may be provided by the Parliamentary corporation. A member shall not take part in any other proceedings of the Parliament until that member has done so.

3. A member may, immediately after taking the oath or making a solemn affirmation, repeat the oath or affirmation in a language other than English.

4. The member shall then sign a register kept by the Clerk for the purpose, indicating that the member has taken the oath or, as the case may be, made a solemn affirmation. Where a member has taken the oath of allegiance or made a solemn affirmation remotely, they shall sign the register at the earliest possible opportunity after doing so.

5. 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 that member 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.

6. In these Rules, "oath of allegiance" means the oath in the form provided in section 2 of the Promissory Oaths Act 1868 (c.72) and "solemn affirmation" means the affirmation in the form provided in section 6(1) of the Oaths Act 1978 (c.19).

7. Where provisions contained in the temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.