

# **PE2093/A: Review and update the Scottish Ministerial Code**

## **Scottish Government written submission, 18 April 2024**

I am writing to provide the initial view of the Scottish Government on Petition PE2093, which calls on the Scottish Parliament to urge the Scottish Government to review and update the Scottish Ministerial Code to:

- put the Code under statute
- enable the independent advisers (IAs) to initiate investigations, and if the First Minister decides to go against the IAs advice a statement should be provided to Parliament
- set out the sanctions for breaches other than misleading Parliament
- allow IAs to make recommendations for changes to the Code
- rename the IA position to make it clear there is no judicial involvement
- require Ministers to make a public oath or commitment to abide by the Code.

As the Committee will be aware, ownership of the Scottish Ministerial Code, its content and when it is revised are ultimately matters for the First Minister.

The First Minister published a new edition of the Ministerial Code to further strengthen transparency and propriety on 20 July 2023. A new edition of the Code is typically published after each Scottish Parliament election or after the appointment of a new First Minister. Given a new edition of the Code was published last summer, the Scottish Government does not currently have any plans to update it during the remainder of this Parliament.

When a new Scottish Government is appointed following the next Scottish Parliament election in 2026, it will be for that Government's First Minister to consider whether he or she wishes to update the Code. The Scottish Government would be happy to consider the suggestions made in this petition, as part of any wider review of the Code at that time.

**Cabinet Secretariat  
Scottish Government**