The Scottish Parliament
Pàrlamaid na h-Alba

12 November 2026

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Convener
Standards, Procedures and Public Appointments Committee
The Scottish Parliament
Edinburgh
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Dear Convener,

Reforming the Procedures and Practices of the Scottish Parliament

I am writing in response to the Committee's invitation to provide further views on how we conduct our business in the Chamber. I want to offer a number of suggestions which I believe would make a real difference to the effectiveness of the Scottish Parliament, particularly in relation to questions, debates, the rights of individual members and the ability of opposition parties to hold the Government to account.

I have been making the case for parliamentary reform for some time. I welcomed the changes introduced by the Presiding Officer earlier this year, particularly his efforts to make our proceedings more topical, less predictable and more responsive to the issues that matter to people across Scotland.

I think he has made a very positive start. There is now an opportunity to go further.

My starting point is a simple one. The Scottish Parliament should be a place where the Government is properly held to account, where individual MSPs can make a meaningful contribution and where debates are genuine exchanges of arguments rather than a succession of prepared speeches.

We have a Parliament with considerable powers. We ought to have parliamentary procedures that match those responsibilities.

Too often our proceedings are predictable, overly managed by the political parties and insufficiently focused on securing proper answers from ministers. We spend a great deal of time asking questions without necessarily getting answers and debating propositions without necessarily allowing Parliament to vote on the propositions that were originally brought before it.

I believe we can do better.

The rights of opposition parties and voting on their motions

I want to begin with an issue which I consider to be fundamental to the relationship between Parliament and the Government.

In June, I wrote to the Presiding Officer about the way we deal with Opposition Business motions. I remain convinced that our present arrangements are wrong and ought to be changed.

When an opposition party secures parliamentary time to debate a motion of its choosing, surely it should have the right to have that motion put to a vote in the form in which it was originally lodged.

That seems to me to be an entirely reasonable democratic principle.

Yet that is not what happens in the Scottish Parliament.

Under our present procedures, amendments are voted on before the original motion. The Government, or indeed another party, can bring forward an amendment which substantially rewrites the motion. If that amendment is carried, the original proposition is altered before Parliament has ever had the opportunity to express a view on it.

I find that extraordinary.

The whole point of Opposition Business is to give parties other than the Government an opportunity to bring matters before Parliament and require the Government to account for its position.

That right ought to include not only the right to lodge and debate a motion but also the right to have Parliament decide on the proposition that has actually been brought forward.

Otherwise, what sort of right is it?

The Government should not be able to use its majority, or secure the support of other parties, to rewrite an opposition motion and thereby avoid a direct vote on the original proposition.

At Westminster, the procedures governing allotted Opposition Days recognise the importance of protecting the opposition's opportunity to secure a decision on its own proposition.

We saw just how important that convention is in February 2024, when the Speaker of the House of Commons, Sir Lindsay Hoyle, departed from established practice during an SNP Opposition Day debate on Gaza.

The Speaker's decision to select a Labour amendment resulted in the SNP being denied a decision on its original proposition. The controversy was considerable and the Speaker subsequently apologised to the SNP and to the House.

I thought that episode was particularly instructive.

The Speaker recognised that something important had gone wrong because an opposition party had been deprived of the opportunity to secure a decision on the proposition it had chosen to bring before the House.

Yet at Holyrood we routinely allow essentially that outcome through our normal procedures.

I do not think that is acceptable.

I would therefore like the Committee to recommend a change to Standing Order Rule 11.4, establishing a specific procedure for Opposition Business that guarantees the sponsoring party a decision on its original proposition before amendments can replace or substantially alter it.

This would not take away the right of the Government or any other party to lodge amendments, debate them or have Parliament decide upon them.

The clerks would need to establish the appropriate sequence of questions, including the equivalent of deciding whether the original words should stand, so that Parliament can consider amendments without producing contradictory decisions.

That is a procedural matter which I am confident can be resolved.

The principle is what matters.

An opposition party should be entitled to bring forward its own proposition and have Parliament decide whether it agrees with it.

I consider this to be one of the most important changes the Committee could recommend. It would be a significant strengthening of the rights of opposition parties and of Parliament's ability to hold the Government to account.

Members' Business debates

The second proposal I raised with the Presiding Officer in my letter of 22 June concerns Members' Business.

I have never understood why the member who secures a Members' Business debate is allowed to open it but not close it.

The member has brought the issue before Parliament, made the case for why it matters and listened to the contributions of colleagues and the response from the minister.

Yet the minister gets the last word.

Surely that is the wrong way round.

I propose that the sponsoring member should have approximately 90 seconds to conclude the debate after the minister has responded.

That would allow the member to reflect on what has been said, respond to any points made by the minister and reinforce what he or she is asking the Government to do.

It would also give the debate a more natural conclusion and reduce the temptation to make repeated interventions during the minister's response simply because the sponsoring member knows there will be no other opportunity to reply.

This is a modest change, but I think it would make Members' Business more genuinely member-led.

Giving individual MSPs greater independence

There is a wider issue here about the role of individual members and the extent to which our proceedings are controlled by the political parties.

I think the party whips have far too much influence over who gets to speak in debates.

I understand entirely why parties should nominate their frontbench speakers. That is perfectly proper. Each party is entitled to decide who speaks on its behalf.

But I do not see why the same arrangement should apply to backbench MSPs.

A member who wishes to contribute to a debate should be able to submit their name directly to the Presiding Officer, rather than having to secure the approval of the party business managers.

The Presiding Officer should maintain the list of members who have requested to speak and decide who is called, taking account of party balance, relevant knowledge, constituency or regional interest and the range of views that ought to be heard.

Members should also be told in advance whether they are likely to be called, so that they can prepare and manage their other parliamentary commitments.

This would give the Presiding Officer greater authority over the conduct of debates and would strengthen the independence of individual MSPs.

We are elected as members of the Scottish Parliament. We are not simply delegates of our respective party whips.

There ought to be more opportunity for members to make their own contribution, pursue issues that matter to the people they represent and develop arguments that do not necessarily fit neatly into the party's prepared speaking notes.

I want to see a Chamber where members listen to one another, respond to what has actually been said and are prepared to have a proper exchange of views.

That is what parliamentary debate should be about.

Speaking times, interventions and the quality of debate

Four minutes is simply not enough time for a member to develop a serious argument, take an intervention and respond properly to a point made by another speaker.

The result is that members often feel compelled to read a prepared speech as quickly as possible. That is not much of a debate.

For substantial debates, particularly those relating to legislation, I would favour restoring speaking times of around eight minutes for backbench members.

I strongly support the changes the Presiding Officer has already made to encourage interventions. I think they have made a noticeable difference to the culture of the Chamber and improved the quality of our debates. Members are more willing to give way, challenge one another and respond to what is actually being said. That is a very welcome development, and we should build on it.

My proposal is that, for each of the first two interventions a member accepts, one minute should be added to their allotted speaking time.

The countdown clock would stop when the member gives way to take an intervention and restart when the member begins to respond.

After the first two interventions, any further interventions would have to be accommodated within the member's remaining speaking time, with the clock continuing to run.

There should be a visible countdown clock so that members know exactly how much time they have left and can make an informed decision about taking further interventions.

This would build on the progress already made. Members should be encouraged to give way, have their arguments challenged and respond to what others are saying. The first two interventions would be protected, but after that members would be responsible for managing their own time.

Where there is significant interest in a debate, the Parliamentary Bureau ought to be more willing to allocate additional time.

I want to see the Chamber become a place of even more genuine debate. Members should be listening to one another, challenging arguments and being prepared to depart from their prepared remarks to respond to the points being made.

Parliament ought to be a place for the vigorous exchange of ideas and arguments. Members should expect to be challenged and be prepared to defend their positions. That is part of the job.

The Presiding Officer's reforms have demonstrated that changing our procedures can change the culture of the Chamber for the better. We should recognise that progress and take it further.

The role of committee conveners in Chamber business

I also believe we should make much better use of the knowledge and experience of our parliamentary committee conveners.

When Parliament is debating an issue, or questioning ministers on a subject which falls within the remit of a committee, I think the convener of that committee should have a recognised right to be called.

Conveners spend a considerable amount of time hearing evidence, questioning witnesses and examining the issues which come before their committees. They will often have particular knowledge of the subject being discussed in the Chamber.

Surely Parliament should be making use of that experience.

But I want to be clear about what I mean.

I am not suggesting that conveners should be expected to deliver formal speeches on behalf of their committees or simply read out contributions prepared by the clerks.

Committees have their reports for that purpose.

A convener is also an individual elected member of Parliament, perfectly entitled to express his or her own views, challenge ministers and contribute to a debate in their own right.

Those views do not have to be the collective views of the committee.

Everyone understands the distinction between a committee's formal conclusions and the views expressed by an individual parliamentarian.

I think we should recognise that distinction and give conveners the opportunity to contribute directly to debates and questions relevant to their responsibilities, without requiring them to act as the formal voice of their committee.

This would help bring the knowledge gained through committee scrutiny into the Chamber and make better use of the work Parliament's committees already do.

A Backbench Business Committee

I would also like the Committee to consider establishing a Backbench Business Committee, drawing on the experience of the House of Commons.

Such a committee, with proportionate representation from the parties, should have an allocation of parliamentary time which it can use to schedule debates proposed by individual members.

At present, too much of our debating time is determined by the Government and the party business managers.

There ought to be another route by which members can bring worthwhile issues before Parliament.

I would not make cross-party sponsorship an absolute requirement. There are many matters of real importance to a constituency or region that may not initially attract widespread support from other members.

Sometimes it is precisely because an issue is not receiving sufficient attention that a member needs the opportunity to bring it before Parliament.

A Backbench Business Committee would give members an additional means of doing so.

It would also help ensure that parliamentary time is allocated according to the merits of the issues being raised rather than simply the preferences of the party managers.

Government and opposition debating time should, of course, give priority to matters within the competence of the Scottish Parliament, where Parliament and ministers have the power to act.

First Minister's Questions

I strongly support the changes made by the Presiding Officer to remove advance lodging of questions for FMQs and to create dedicated opportunities for backbench members.

These are important reforms, and I believe we should build on them.

My preference is for a single hour of First Minister's Questions every Thursday, bringing together the questioning currently allocated to party leaders and backbench members.

I would divide that hour into two parts.

The first half-hour would be devoted to party leaders and group representatives. The second half-hour would be reserved for backbench members.

The second half should allow members to raise constituency and regional concerns as well as matters of national importance.

I would favour an independent ballot to give members a fair opportunity to be called, while retaining discretion for the Presiding Officer to accommodate urgent matters and relevant supplementary questions.

The First Minister should have no advance notice of the questions.

I would normally allow up to 30 seconds for a question and one minute for an answer, with discretion where a fuller response is genuinely necessary.

I also think the Presiding Officer should exercise greater authority in ensuring that First Minister's Questions remains an opportunity for members to question the First Minister, rather than an opportunity for the First Minister to make speeches on whatever subject he chooses.

I am not suggesting that the Presiding Officer should dictate how the First Minister answers a question. The First Minister is perfectly entitled to answer in the way he thinks appropriate, and members must be prepared to challenge those answers politically.

But there is a difference between answering a question in a way the member may not like and abandoning the subject of the question altogether.

If the First Minister goes completely off-topic, I believe the Presiding Officer should be entitled to interrupt and bring him back to the subject of the question.

That is not interfering with the substance of the answer. It is simply ensuring that the proceedings remain relevant to the question that has been asked.

Otherwise, what is the point of First Minister's Questions?

It ceases to be an opportunity for Parliament to scrutinise the First Minister and becomes an opportunity for the First Minister to filibuster his way through the available time, talking about whatever he likes rather than addressing the matters members have raised.

That cannot be right.

A party leader's allocation of time should cover both questions and answers. It should not become an opportunity for the First Minister to use up the available time without addressing the subject of the questions.

Where a question is evaded, members should have a proper opportunity to pursue the point through a supplementary question.

The purpose is not to constrain legitimate answers, but to ensure that the available time is used for proper parliamentary scrutiny.

The First Minister should have the freedom to answer questions as he chooses, but not the freedom to turn Question Time into something that bears no relation to the questions being asked.

The Thursday timetable

I have long thought that First Minister's Questions works best when it takes place earlier in the day.

When it was held at noon on a Thursday, it was very much the centrepiece of the parliamentary day. I think there is considerable merit in returning to that arrangement, particularly if we are going to have a full hour of FMQs.

A fixed noon slot would make it easier for broadcasters to cover the proceedings and for the public to follow them. It would also give First Minister's Questions the prominence it deserves as Parliament's principal opportunity each week to hold the First Minister to account.

I recognise, however, that there are practical difficulties with the present arrangements for Thursday morning committee meetings.

I am a member of a committee myself, and I know how important it is that committees have sufficient time to take evidence and carry out their scrutiny properly.

But rather than simply accepting the existing timetable as an obstacle, I wonder whether we should look at reorganising the parliamentary day.

For example, could we arrange Thursday business so that First Minister's Questions takes place at noon, with committee meetings beginning after 2 pm in the afternoon?

In other words, could we effectively switch the parliamentary day around?

I am not wedded to any particular arrangement, and I recognise that there would be implications for other Chamber business and for committee timetables. That is precisely why I think the Committee should examine the options.

My point is that we should start by asking what arrangement would best serve Parliament and the public, rather than assuming that the present timetable cannot be changed.

I believe a full hour of First Minister's Questions at noon on a Thursday would be a significant improvement. If that requires us to rethink how we organise the rest of Thursday's business, then surely that is something worth exploring.

We should be prepared to organise our parliamentary day around the importance of scrutiny, rather than allowing the existing timetable to dictate when that scrutiny can take place.

Restoring and strengthening Topical Question Time

If the Tuesday backbench FMQs session is incorporated into Thursday's hour, I would restore a separate weekly Topical Question Time on Tuesday. Indeed, I think there is a strong case for expanding the time available for topical questions.

One of the weaknesses of our present questioning arrangements is that members often get to ask one question, receive an answer and that is effectively the end of the matter. There is very little opportunity to pursue the answer, challenge what the minister has said or get to the bottom of an issue.

That is not good enough when Parliament is supposed to be holding the Government to account.

I would like to see Topical Question Time operate on the basis that a member whose question has been selected is entitled to ask the original lodged question and two supplementary questions.

There is real value in having three questions on the same subject. The first establishes the issue, the second allows the member to pursue the minister's answer, and the third provides an opportunity to challenge further, clarify an important point or establish what the Government is actually going to do.

It allows for proper scrutiny rather than a single exchange which may tell us very little.

I would also like the Committee to consider expanding the time allocated to Topical Question Time so that more topical issues can be raised and members have sufficient opportunity to pursue the answers they receive.

This is particularly important when something significant has happened and Parliament needs to hear from the responsible minister. Members should be able to ask not simply what has happened, but why it has happened, who is responsible and what action the Government intends to take.

The same principle applies to Urgent Questions. I believe the opportunity to ask the original question followed by two supplementary questions is an important part of that procedure and one which should be reflected in Topical Question Time.

There is a considerable difference between asking a question and being able to question a minister. The latter involves listening to the answer, following it up and, where necessary, challenging the explanation being offered.

That is what effective scrutiny requires.

I want both Topical Questions and Urgent Questions to provide a genuine opportunity for members to examine Government decisions and actions as events unfold.

We need more spontaneity, more opportunities for follow-up and more scope for members to pursue a minister's answers. Otherwise, Question Time risks becoming a series of disconnected exchanges rather than a serious exercise in holding the Government to account.

Improving Portfolio Questions

I believe Portfolio Questions would benefit from a different approach.

My preference would be to allocate approximately 50 minutes to a single portfolio, with the final 15 minutes available for questions without advance notice.

This would allow members to pursue a subject in greater depth and would give the responsible ministers a proper opportunity to account for their decisions.

Portfolios might come before Parliament slightly less frequently, but when they do, the questioning should be more substantial.

Opposition spokespeople should each have an opportunity to put a question without advance notice, and there should be a greater willingness to allow supplementary questions that arise directly from a minister's answer.

I would also change the lodging deadline for scheduled questions to 5 pm two working days before the sitting.

Where several members have lodged questions on essentially the same subject, those questions should be grouped, with every member whose question is grouped being entitled to a supplementary.

I would like published questions to be called by their number, with the wording clearly available to viewers. There is little value in taking up Chamber time reading out questions which have already been published and are available to members and the public.

I would also keep the selection processes for different question times separate. A member should not lose an opportunity to participate in one session simply because they have been selected for another.

Getting proper answers from ministers

One of my greatest frustrations with our proceedings is the number of occasions on which members ask perfectly straightforward questions and receive answers which do not address what has actually been asked.

This is not confined to oral questions.

The quality of some written parliamentary answers is equally concerning.

If a member asks for a figure, a date, a decision or a clear explanation of Government policy, the minister should provide that information or explain plainly why it cannot be provided.

That should not be an unreasonable expectation.

Ministers should normally answer questions in person and should be held to a consistent standard at General Questions, Portfolio Questions, First Minister's Questions and in questioning following ministerial statements.

Where a minister does not have the information immediately available, there should be an obligation to supply it promptly in writing, with the response placed on the public record.

I would like the Committee to examine how we can improve the quality of ministerial answers and the opportunities members have to pursue matters when the information requested has not been provided.

I am not suggesting that the Presiding Officer should become the judge of whether a minister has given a politically satisfactory answer.

That is for members themselves to decide and challenge.

But there should be an expectation that ministers address the subject of the question and provide the information requested wherever possible.

We cannot compel ministers to agree with the member asking the question. Nor should we expect every answer to be satisfactory to the opposition.

But we should be able to expect a relevant and substantive response.

Parliamentary accountability cannot function properly if ministers are routinely able to avoid answering questions without any consequence.

The conduct of parliamentary business more generally

I would also encourage the Committee to look at the way we manage competing parliamentary responsibilities.

Members are expected to participate in debates, attend committees, meet constituents and stakeholders, undertake scrutiny and carry out a wide range of duties outside the Chamber.

We should organise our proceedings in a way that recognises those responsibilities.

I am not persuaded that we should routinely prevent meetings with visitors or outside organisations from taking place while the Chamber is sitting.

Members are capable of deciding where their presence is required, subject to their parliamentary duties.

For many organisations, particularly those travelling to Edinburgh from other parts of Scotland, arranging a visit to Parliament is no small undertaking.

We ought to be encouraging engagement with the Parliament, not making it unnecessarily difficult.

I would also like the Parliamentary Bureau to take a more flexible approach to the length of debates where there is genuine interest among members.

The timetable should serve the parliamentary business, rather than the parliamentary business being squeezed into an inflexible timetable.

A Parliament worthy of its responsibilities

I recognise that some of these proposals would require changes to Standing Orders, others changes in practice, and some would benefit from being trialled before permanent decisions are made.

I do not underestimate the practical considerations involved. I am also conscious of the need to preserve the proper functioning of committees and ensure that members have sufficient time to undertake their other responsibilities.

But I hope the Committee will approach this exercise with some ambition.

We have an opportunity to make the Scottish Parliament a better place in which to debate, scrutinise and hold the Government to account.

I want a Parliament where members can think for themselves, where the Presiding Officer has proper authority over proceedings, where party whips do not determine every aspect of who gets to speak, and where ministers know that they will be expected to answer the questions put to them.

I want opposition parties to have meaningful parliamentary rights, including the right to have their own propositions put to a vote before those propositions can be rewritten through amendments.

I want Members' Business to belong to the member who has brought the issue before Parliament, including the opportunity to conclude the debate.

I want us to make proper use of the knowledge and experience of our committee conveners, without expecting them to set aside their own views as elected members of Parliament.

And I want members to have sufficient time to make serious arguments, challenge one another and contribute to debates that are worth listening to.

None of this is about making life more convenient for one party or another.

Governments change. Parliamentary majorities change. The rules we establish should be fair to whoever is in government and whoever is in opposition.

These are questions about the kind of Parliament we want Scotland to have.

I believe the Scottish Parliament should be more independent of the Government, more respectful of the rights of individual members, more effective in scrutinising ministers and more relevant to the people who elect us.

The reforms introduced by the Presiding Officer have given us a welcome opportunity to reconsider procedures which have become too familiar and too restrictive.

We should take that opportunity.

I hope the Committee will give serious consideration to these proposals, particularly the changes to the voting procedures for Opposition Business, the greater independence of backbench members and the opportunity to make our debates and question times much more effective.

I would be pleased to give further evidence to the Committee or discuss any of these suggestions in greater detail.

Sincerely,



Stephen Kerr MSP
Member of the Scottish Parliament for Mid Scotland and Fife