



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Standards, Procedures and Public Appointments Committee**

**Letter from Convener to Presiding Officer, Parliamentary Bureau and all  
Political Parties consulting on draft Standing Order rule changes**

**22 January 2025**

### **Consultation on Standing Order rule changes relating to Gender Sensitive Audit**

#### **Request**

The Standards, Procedures and Public Appointments Committee is seeking the Parliamentary Bureau's views on Standing Order rule changes the Committee wishes to propose regarding Parliamentary Bureau Membership, Election of Presiding Officer/Deputy Presiding Officer and SPCB Membership following detailed consideration of the recommendations in [The Parliament's Gender Sensitive Audit](#) (the Audit).

Given the nature of the proposed changes and your role we have also written to you separately to offer you an opportunity to respond individually, if you wish, to this request. The Committee is also consulting the political parties represented in the Parliament via the party leaders and, where applicable, business managers.

#### **Background**

As a Committee we recognise the importance of having a 'gender sensitive parliament' where equality exists between men and women in relation to both representation and participation in the Parliament. We are keen to ensure that progress is made towards its delivery.

Our role as a committee has been to consider the Audit's recommendations within the context of potential rule changes to Standing Orders, their practical application and operation and also to give consideration to whether there are any potential unforeseen consequences. We wrote to you in [November 2024](#) detailing our response to each of the recommendations.

The Audit sets out a suite of proposals relating to quotas for committee membership. As a Committee we have agreed that as a minimum, there should be no single sex committees. We intend to propose this change take effect from the start of the next parliamentary session. We will bring forward this proposal for Parliament's consideration following conclusion of our current inquiry on [Committee Effectiveness](#) as this inquiry will enable us to consider the Audit's other proposals for quotas for

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Contact: Standards, Procedures and Public Appointments Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email [SPPA@parliament.scot](mailto:SPPA@parliament.scot). We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

committee membership and convenerships further. We will consult with you and other interested parties on these proposals in due course.

## **Proposals**

This letter is seeking your views on specific changes relating to Standing Orders we wish to propose relating to:

- Parliamentary Bureau Membership
- Election of Presiding Officer/Deputy Presiding Officer
- SPCB Membership

## **Parliamentary Bureau Membership**

### ***Audit recommendation***

The Audit recommended that the Committee propose an amendment to Standing Orders to specify there should be a minimum of 40% membership for women for the Parliamentary Bureau.

### ***Current rule – Nominations for Parliamentary Bureau Membership***

Standing Orders Rule 5.2 sets out the current requirement in relation to a gender quota for Parliamentary Bureau membership. Paragraph 2A currently states—

“2A. Prior to nominations being made to the Presiding Officer under paragraph 3, the leaders of each party as described in paragraph 1(b) and also any groups formed under paragraph 2 must consult each other and have regard to gender balance in the membership of the Parliamentary Bureau in making those nominations.”

### ***Proposed rule change – Nominations for Parliamentary Bureau Membership***

The Committee has agreed to propose changes to the rules to strengthen the current requirements to increase the prospect of gender balance on the Bureau from the start of the next parliamentary session. The Committee is seeking to strengthen the wording in Rule 5.2 [Committee’s proposed addition to the rules highlighted in bold]—

“2A. “Prior to making nominations to the Presiding Officer under paragraph 3, the leaders of each party as described in paragraph 1(b) and also any groups formed under paragraph 2 must consult each other **to ensure that due regard is given to achieving gender balance** in the membership of the Parliamentary Bureau.”

### ***Current rule – Nomination for new Member of Parliamentary Bureau***

The Standing Orders for Membership of the Parliamentary Bureau also sets out under paragraph 6 the process for nomination of a new member when a current member ceases to hold office. The current rule states—

“6. Where a party or group representative ceases to hold office as a member of the Parliamentary Bureau in any circumstances other than those mentioned in paragraph 5, the leader of the party or the group which nominated that representative shall nominate another representative to it in place of that representative.”

### ***Proposed rule change - Nomination for new Member of Parliamentary Bureau***

The Committee believes that gender balance should also be considered in these circumstances and is proposing the following wording consistent with the proposed wording change in paragraph 2A [Committee’s proposed addition to the rules highlighted in bold].

6 “In nominating another representative to the Parliamentary Bureau under paragraph 6, the leader of the party or the group which nominated the representative ceasing to hold office as a member of it must have **due** regard to **achieving/retaining** gender balance in the membership of the Parliamentary Bureau.”

### **Election Presiding Officer/Deputy Presiding Officer**

#### ***Audit recommendation***

The Audit recommended that the SPPA Committee propose the introduction of a formal quota for Presiding Officer/Deputy Presiding Officer – at least one man and one woman. The Audit stated that this recognised existing experience, and by formalising an existing Scottish Parliament norm, protects and further legitimises this for the future.

The Committee has agreed to give effect to the Audit’s proposals and for this to take effect from the start of the next Parliamentary Session. We have considered this change in relation to Standing Orders Chapter 3 Officers of the Parliament and Other Officers as they relate to:

- The process for election of Deputy Presiding Officers
- When there is a vacancy in the office of one of the Deputy Presiding Officers
- Additional Deputy Presiding Officers
- Available officers all from the same political party

#### ***Current rule – Process for election of Deputy Presiding Officers***

Rule 3.3 sets out the process for election of Deputy Presiding Officers—

“7. In the case of an election under paragraph 5 or 6, the candidates in the election for the second deputy Presiding Officer shall be the candidates not elected in the election for the first deputy Presiding Officer, except that, where the Presiding Officer and the first deputy Presiding Officer represent the same political party, any candidate representing that party shall not be a candidate for election as the second deputy Presiding Officer.”

#### ***Proposed rule change – Process for election of Deputy Presiding Officers***

We have agreed that the proposed rule changes will use the rules currently in place in relation to party balance as a model for a rule change in relation to gender balance. This is reflected in the proposal below [Committee's proposed addition to the rules highlighted in bold]—

“7. In the case of an election under paragraph 5 or 6, the candidates in the election for the second deputy Presiding Officer shall be the candidates not elected in the election for the first deputy Presiding Officer, except that:

(a) Where the Presiding Officer and the first deputy Presiding Officer represent the same political party, any candidate representing that party shall not be a candidate for election as the second deputy Presiding Officer; and

**(b) Where the Presiding Officer and the first deputy Presiding Officer are the same gender, any candidate of that same gender shall not be a candidate for election as the second deputy Presiding Officer.”**

***Current rule – When there is a vacancy in the office of one of the Deputy Presiding Officers***

Rule 3.3 also sets out the rules for a vacancy in the office of one of the Deputy Presiding Officers. The current rule states—

“9. In the case of an election under paragraph 8, where the elected Presiding Officer and a deputy Presiding Officer represent the same political party and there is a vacancy in the office of the other deputy Presiding Officer, a member representing that party is not eligible for nomination as a candidate for election as that other deputy Presiding Officer.”

***Proposed rule change – When there is a vacancy in the office of one of the Deputy Presiding Officers***

The Committee is proposing the following addition to the rule to deliver this change in the election process for where there is a vacancy in the office of one of the Deputy Presiding officers [Committee's proposed addition to the rules highlighted in bold]—

9. "In the case of an election under paragraph 8,-

(a) where the elected Presiding Officer and a deputy Presiding Officer represent the same political party and there is a vacancy in the office of the other deputy Presiding Officer, a member representing that party is not eligible for nomination as a candidate for election as that other deputy Presiding Officer; and

**(b) where the elected Presiding Officer and a deputy Presiding Officer are the same gender and there is a vacancy in the office of the other deputy Presiding Officer, a member of that same gender is not eligible for nomination as a candidate for election as that other deputy Presiding Officer.”**

***Current rule - Additional Deputy Presiding Officers***

Standing Orders also includes provision for election of additional Deputy Presiding Officers. No specific conditions in which the appointment of an additional deputy Presiding Officer might be required are set out in the Standing Orders. When the current Rules were proposed, [9th Report, 2013 \(Session 4\): Presiding Officer & Deputy Presiding Officer Elections](#) the then SPPA Committee explained that it—

“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.”

The current Standing Orders refer in some places to “available” officers. In proposing these Rules in 2013, the Session 4 SPPA Committee defined “available” officers as follows:

“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.”

### ***Proposed rule change- Additional Deputy Presiding Officers***

The Committee believes that any new additional Presiding Officer should take account of gender balance in relation to who are the ‘available officers’. This would mean in a scenario where the Presiding Officer is a woman and the two Deputy Presiding Officers are men if the Presiding Officer was to go off long term sick, whilst it would be permissible for the two existing Deputy Presiding Officers to continue without any change if the decision was taken to appoint an additional deputy this individual would need to be a woman.

A proposed amended rule is set out below [the addition to the rules highlighted in bold]— Chapter 3.3 Election of deputy Presiding Officers

“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.”

**(c) If all the available officers are of the same gender, a member of that gender is not eligible for nomination as a candidate for election as additional deputy Presiding Officer; or**

**(d) If the election of a member of a particular gender as additional deputy Presiding Officer would result in all the available officers being of the same gender, a member of that gender is not eligible for nomination as a candidate for election as additional deputy Presiding Officer.”**

### ***Current rule- Available officers all from the same political party***

There is currently a rule regarding rectifying a situation where all the available Presiding Officer and Deputy Presiding Officers are from the same political party.

The current rule states—

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.

### ***Proposed rule change – Available officers all from the same political party***

The Committee is proposing a rule change that extends this to when available officers are of the same gender—

Rule 3.5A Available officers all from the same political party **or are the same gender**

1.Where all the available officers represent the same political **party or are the same gender**, 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.

### **Scottish Parliamentary Corporate Body**

The Audit recommended that the Committee propose an amendment to Standing Orders to specify there should be a minimum of 40% membership for women for the Scottish Parliamentary Corporate Body.

The Audit also recommended that Standing Orders should be changed to allow for an ‘acting’ SPCB member along similar lines to the rule change that allowed for acting Conveners.

The Scotland Act 1998 does not provide for acting SPCB members and therefore implementing this recommendation would require changes to the Scotland Act 1998. The Committee does not wish to pursue this recommendation any further at present.

However, the Committee does wish to propose changes to wording in Standing Orders to strengthen gender balance as an issue for consideration at the nomination stage for SPCB members.

### ***Current rule- Election of members of the Parliamentary Corporation***

The current rules state that any member can make a nomination for appointment to the SPCB and Standing Orders require that they have regard to gender balance in doing so. Standing Orders do not make provision for consultation with others prior to a nomination being submitted. The current rule states—

Rule 3.7 Election of members of the Parliamentary corporation

A1. Prior to nominations being made for elections held under paragraphs 1 to 4, members intending to make such a nomination must have regard to gender balance in the nominations of individuals for elections for membership of the Parliamentary corporation.

The Committee wishes to seek to strengthen the wording here to mirror the proposed rule change in nomination for Parliamentary Bureau membership to state—

Rule 3.7 Election of members of the Parliamentary corporation

A1. Prior to nominations being made for elections held under paragraphs 1 to 4, members intending to make such a nomination must **ensure that due regard is given to achieving gender balance** in the nominations of individuals for elections for membership of the Parliamentary corporation.

### **Action**

The SPPA Committee is inviting your views on the Standing Order changes detailed above.

It would be much appreciated if a response could be received by **Wednesday 19 February 2025**.

Yours sincerely,



**Martin Whitfield MSP**  
**Convener**