

# **SCOTTISH PARLIAMENT (RECALL AND REMOVAL OF MEMBERS) BILL**

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## **FINANCIAL MEMORANDUM**

### **INTRODUCTION**

1. As required under Rule 9.3.2 of the Parliament's Standing Orders, this Financial Memorandum is published to accompany the Scottish Parliament (Recall and Removal of Members) Bill, introduced in the Scottish Parliament on 17 December 2024.
2. The following other accompanying documents are published separately:
  - Explanatory Notes (SP Bill 55–EN);
  - a Policy Memorandum (SP Bill 55–PM);
  - a Delegated Powers Memorandum (SP Bill 55–DPM);
  - statements on legislative competence made by the Presiding Officer and the Member in charge of the Bill (SP Bill 55–LCM).
3. This Financial Memorandum has been prepared by the Non-Government Bills Unit, on behalf of Graham Simpson MSP to set out the costs associated with the measures introduced by the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

### **BACKGROUND**

#### **Policy objectives of the Bill**

4. MSPs are usually elected every five years. Graham Simpson MSP believes that existing checks and balances on members' conduct and attendance during those five years are insufficient and that the circumstances where an MSP is required to vacate office are too limited. The Scottish Parliament (Recall and Removal of Members) Bill aims to improve the democratic accountability of MSPs by providing measures for removing an MSP from office, in circumstances where their conduct leads to a custodial sentence or to a sanction by Parliament, or where they fail to physically attend parliamentary proceedings for a significant period without a valid reason. The Bill revises one existing mechanism for the removal of MSPs from office and establishes two new such mechanisms.
5. MSPs are elected at Scottish Parliament elections under the Additional Member System (AMS). At elections, all voters have one constituency and one regional vote. Constituency votes

are counted first, and the candidate with the most votes in each constituency wins the constituency seat. Regional votes are counted next and MSPs are elected based on the application of a formula which determines how many seats each party (and independent candidates, where applicable) get across a region<sup>1</sup>. There are 73 constituency MSPs and 56 regional MSPs elected across eight Scottish Parliament regions<sup>2</sup>.

## **Operation of the Bill**

### ***Recall of MSPs***

6. Part One of this Bill introduces a recall system for members of the Scottish Parliament. If an MSP receives a custodial sentence of up to six months, or if they are sanctioned by Parliament to a suspension from plenary or committee business for 10 sitting days or more, (or 14 days or more if expressed otherwise), that MSP will be subject to a recall petition.

7. A recall petition will be open for four weeks across the relevant MSP's constituency or region. If during that period, more than 10% of that MSP's constituents sign the recall petition (including in at least three constituencies within a region, for regional MSPs) that MSP will be recalled.

8. When a constituency MSP is recalled, a by-election will take place (and that MSP may seek re-election through that by-election). This is the same mechanism set out for vacancies in other circumstances. When a regional MSP is recalled, and the MSP wishes to retain the seat they have been recalled from, a regional poll will take place to determine if that MSP is re-elected.

### ***Removal of a member if imprisoned or detained for period from 6 months to one year***

9. Section 15 of the Scotland Act 1998<sup>3</sup> provides that an MSP is removed from office if they receive a custodial sentence greater than one year during their time in office. Part Two, Chapter One of this Bill reduces that threshold to six months, by amending the relevant section of the Scotland Act. Any vacancy that arises as a result of the use of this mechanism will be filled in line with [Section 9 and 10 of the Scotland Act 1998](#). Namely using the regional list for the relevant party or through a by-election.

### ***Removal for failing to physically attend***

10. Part Two, Chapter Two of this Bill seeks to introduce a new mechanism that will allow for the automatic removal of any MSP who does not attend parliamentary proceedings for 180 days or more unless they have a valid reason. Again, any vacancy that arises as a result of the use of this mechanism will be filled in line with [Section 9 and 10 of the Scotland Act 1998](#).

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<sup>1</sup> [How MSPs are elected | Scottish Parliament Website](#)

<sup>2</sup> [Scottish Parliamentary Constituencies - data.gov.uk](#)

<sup>3</sup> [Scotland Act 1998 \(legislation.gov.uk\)](#)

## **COSTS OF RECALL OF MEMBERS OF THE SCOTTISH PARLIAMENT**

### **Methodology**

11. This section will cover:
- The start-up costs of establishing a recall system for members of the Scottish Parliament
  - An assessment of how many a) constituency and b) regional MSPs may be subject to a recall petition over the next ten years that may lead to the recall of an MSP
  - An estimate of the costs of delivering a recall petition a) in a Scottish Parliament constituency and b) across a Scottish Parliament region
  - An estimate of the costs for stakeholders of delivering a by-election (when a constituency MSP is recalled)
  - An estimate of the costs of delivering a regional poll across a Scottish Parliament region (when a regional MSP is recalled)
12. Throughout this memorandum, costs from past events that are relevant to this Bill have been used to inform estimates of its financial implications. To express these costs in today's prices (i.e. real terms), prices have been inflated using GDP deflators from [HM Treasury](#). The latest available data for these comes from October 2024. Calculations have been made using [a real terms calculator provided by SPICe](#).

### **Start-up costs of a recall system for the Scottish Parliament**

13. One of the roles of the Scottish Parliament Corporate Body (SPCB) is to ensure that MSPs receive appropriate information and resources to carry out their role, including the provision of induction training for new MSPs<sup>4</sup>. MSPs will need to be informed about the new mechanisms of the recall system for the Scottish Parliament, including how a recall petition is triggered, during their induction. As the induction process is already well established, and the Member is suggesting adding this information to existing discussions that take place between clerks and individual members on the standards regime, it is anticipated that there will be no additional cost adding details of the systems established in the Bill to these discussions.

### **Start-up costs for the Electoral Commission and the Scottish Government**

14. The Electoral Commission is independent of government, and is directly accountable to the Scottish, Welsh and UK parliaments<sup>5</sup>. The Scottish Parliament funds its work in Scotland, as established by the Scottish Elections (Reform) Act 2020<sup>6</sup>.

15. The Electoral Commission will be required to develop generic materials to support local authority Petitions Officers and materials to send out to explain the new recall system process to the electorate. The Financial Memorandum for the Scottish Elections (Reform and Representation)

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<sup>4</sup> [The Scottish Parliament Delivery Plan-2020.pdf](#)

<sup>5</sup> [Scotland Annual Report | Electoral Commission](#)

<sup>6</sup> Section 15, [Scottish Elections \(Reform\) Act 2020](#)

Bill states that the modifications to electoral processes within that Bill will be met by the Commission from within its existing financial settlement from Parliament, a procedure that it states should be considered as business as usual for the Commission in line with other parliamentary reforms<sup>7</sup>.

16. It is also anticipated, in relation to the standard recall petition process, that existing materials including guidance already developed at a UK level will be able to be largely relied upon, especially in relation to the process at constituency level.

17. The Recall of MPs Act 2015 includes the text of the recall petition on the face of the bill<sup>8</sup>. The specific text of the recall petition and the wording for the regional poll are not included on the face of this Bill and will be developed by the Scottish Government, under regulation making powers in Part One (section 21). It is anticipated that either the Scottish Government would lead on this work with the Electoral Commission thoroughly involved in an advisory capacity, or the Scottish Government would commission the Electoral Commission to undertake this work for it.

18. For a recall petition under this Bill, the text that will be put to the electorate in each case will need to explain the reason that the MSP has been subject to a recall petition and what will happen if they are recalled: i.e. a by-election or a regional poll. For a constituency MSP, the wording can closely mirror the wording used for MPs under the UK Recall Act. For a regional MSP, the wording will be similar to the UK Recall Act, but there may need to be some modifications made to it (e.g. to explain the regional poll that will result from it if the MSP is recalled).

19. For the regional poll, the question on the ballot paper will need to explain the consequences of that poll clearly to the voter. It will need to capture that, depending on how someone votes, either the MSP retakes their seat or the next person on the regional list takes the seat. Or, if the MSP was an independent, the text will need to make clear that a no vote would have the consequence of the seat remaining vacant for the remainder of the Parliamentary session.

20. Mr Simpson is aware of the challenge of creating clear accessible wordings that capture these scenarios, and the importance of this work to ensure an informed choice by the electorate. He believes that the work that the Scottish Government has commissioned the Electoral Commission to undertake in the past on elections and referendum questions provides a helpful format for how these tasks could be undertaken.

21. The [Referendums \(Scotland\) Act 2020](#) and the [Political Parties, Elections and Referendums Act 2000](#) bestowed a duty on the Electoral Commission to test referendum questions to ensure they are intelligible for the electorate. The Electoral Commission's previous work involving the testing of questions has taken around 12 weeks. This would include carrying out public opinion research on the text to explore the understanding of the questions across a wide range of demographic groups and levels of democratic understanding and engagement. The

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<sup>7</sup> Financial Memorandum, Scottish Elections (Reform and Representation) Bill

<sup>8</sup> Section 9, [Recall of MPs Act 2015](#)

Commission have indicated that the public opinion research that it carried out on the Scottish independence referendum question in 2012 cost £110,000<sup>9</sup>.

22. Given the potential scenarios the regional poll will need to be developed for, it is reasonable to assume that there will be more work involved in developing this set of questions than was involved in finalising the wording on the independence referendum. It is therefore estimated that the Commission's costs will be higher for this development work than for the single question on the independence referendum. The means by which the testing is undertaken will impact on the final costs of this work, for example testing using remote online means can be less expensive than face to face testing. It will be for the Scottish Government in conjunction with the Electoral Commission to establish the exact format of this work. Factoring the additional complexity of this process, it is estimated the development of questions by the Electoral Commission, or by the Scottish Government in conjunction with the Electoral Commission, will cost £165,000 (50% more than the referendum question). Factoring in inflation this figure would be £227,000.

### **How many MSPs are likely to be subject to a recall petition?**

23. The number of recall petitions required will be the key influencing factor on the cost of the implementation of the recall process. Other elements that will dictate the level of cost include a) how many recall petitions are successful, b) how many recall petitions relate to constituency MSPs and how many relate to regional MSPs, and c) how many MSPs seek reinstatement through the regional poll process. This is because the cost of the regional process for a recall petition, and the cost of the regional process for potential reinstatement of an MSP, will be significantly more expensive than the cost of a recall petition run over the smaller area of a constituency MSP and then the cost of any resulting by-election.

24. As is the case for other mechanisms for removal of an MSP from office established under this Bill, Mr Simpson considers the recall process would not be used regularly. Data, as far as it is available, on relevant sanctions and prison sentences of the length required to be subject to a recall petition bear this out. Given the likelihood of success of a recall petition<sup>10</sup>, and the examples of the numbers seeking re-election to the House of Commons under its recall system, Mr Simpson considers MSPs removed through a recall petition will rarely seek reinstatement.

25. In relation to the criminal offence trigger for a recall petition, no MSPs have received a custodial sentence of six months or less in the last ten years. However, given one MSP received a sentence below the current threshold for automatic removal, they would, had the recall process been in effect at that time, have been subject to a recall petition.

26. In relation to the parliamentary sanctions trigger, since 1999, 8 MSPs have had a sanction applied to them by the Standards, Procedures and Public Appointments Committee (SPPA Committee) or its predecessors. Of those, 6 have received a suspension from parliamentary proceedings. Of those 6, there have been three instances where a suspension from the Chamber and Committees of ten or more sitting days was received, and one of those instances involved a suspension of that length being applied to four MSPs. Therefore, six MSPs have received a

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<sup>9</sup> Information provided by the Electoral Commission

<sup>10</sup> See paragraphs 29 and 30.

sanction that would have triggered a recall petition if this bill has been in force since 1999, one of which took place in the last ten years.

27. On that basis, and all other factors remaining the same, 6 MSPs would have been subject to a recall petition in 25 years of the Parliament's existence.

28. Since the UK Recall 2015 Act came into force in March 2016<sup>11</sup>, of the 650 sitting MPs, six MPs have been subject to a recall petition<sup>12</sup>. Given there are 129 MSPs compared to 650 MPs, and the routes for receiving a suspension from the Parliament are more limited in the Scottish Parliament<sup>13</sup>, it is reasonable to assume a lower number of MSPs than MPs will be subject to recall in the same period of time.

### **How often will MSPs who are subject to a recall petition be recalled by that petition?**

29. Of the six recall petitions that have taken place since 2015, four of them have resulted in the recall of the MP; one of them (Blackpool South) was terminated early due to the resignation of the member; and one of them (North Antrim) did not reach the threshold of the number of signatures required for the removal of the member, meaning the recalled MP retained their seat<sup>14</sup>. Of the four MPs who were recalled, three did not contest the subsequent by-election, and one did, but was unsuccessful<sup>15</sup>.

30. However, it is extremely challenging to predict this based on the very small number of MPs who have been recalled and the factors influencing these specific individual recall processes will not be exactly replicated under the Scottish Parliament system. In addition, the threshold for a recall petition will be distinct under the regional system here, making direct comparisons even more challenging.

### **How much will a recall petition cost for a) a Scottish Parliament constituency and b) a Scottish Parliament region?**

31. There are established practices which would under the terms of the Bill also be used to determine when a recall petition is initiated. Courts are already required to inform the Presiding Officer when an MSP has received a custodial sentence greater than 12 months: this Bill will simply reduce that threshold to six months or more. Similarly, there is already an established process by which MSPs may be sanctioned by Parliament (following a motion from the Standards, Procedures and Public Appointments Committee) that can lead to a suspension equal to or in excess of the threshold that would lead to a recall petition. Given these processes are established, and happen very infrequently, there would be no additional cost associated with these mechanisms now acting as triggers for recall that could not be absorbed in existing budget allocations.

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<sup>11</sup> [The Recall of MPs Act 2015 \(Commencement\) Regulations 2016](#)

<sup>12</sup> [Recall elections - House of Commons Library](#)

<sup>13</sup> See the policy memorandum for more information.

<sup>14</sup> [Recall elections - House of Commons Library](#)

<sup>15</sup> [Recall elections - House of Commons Library](#) Chris Davies is the only MP who has been recalled under the UK Act to have contested the subsequent by-election. He was unsuccessful.

32. The costs of delivering a recall petition in either a constituency or region will be paid for by local authorities. The Scottish Government will reimburse local authorities for the costs of delivering them, and it is assumed that a similar approach to costs and reimbursement will be taken by it in implementing the provisions in this Bill which would be in line with established practice for by-elections and also with practice under the UK Recall Act (where the UK Government reimburses local authorities)<sup>16</sup>.

33. While local authorities will have much of their costs covered, there are likely to be additional implications for their resources, which are explored in later sections.

34. Section 12 of the Bill creates a new criminal offence of double-signing, or attempting to double-sign, a recall petition. As far as it can be determined, there have been no reported convictions for double-signing, or attempting to double-sign, a recall petition under the UK Recall Act. It is anticipated that the number of convictions that will arise as a result of this provision are very small and, therefore, any associated costs over a long period of time will be negligible.

### **Costs of a recall petition in a constituency for the Scottish Administration**

35. Information on the cost of recall petitions under the UK Recall Act have been used to inform this section. It is clear from the limited number of recall petitions under the 2015 Act that the cost of petitions for constituencies vary significantly depending on the size and demographics of the constituency. When seeking to base estimates for the cost of constituency recall processes on the UK Recall Act, the distinct geographical sizes and nature of the areas and the populations of constituencies for the Scottish Parliament, compared to UK Parliament constituencies needs to be considered. In addition, the length of time a petition is open for is another variable, with recall petitions open for a shorter period of time under the Bill (specifically for 4 weeks as opposed to for 6 weeks under the UK Recall Act).

36. The recall petition in North Antrim in 2018 cost £166,000<sup>17</sup> compared to the estimated cost of the Rutherglen and Hamilton West recall petition in 2023 of £199,919<sup>18</sup>. Adjusted for inflation these figures would be around £207,000 and £205,000 respectively. These costs are covered by the UK Government, some of which are provided as an up-front fee to local authorities, and some of which are reimbursed after the event<sup>19</sup> These costs include services and expenses incurred by the Petitions Officer while delivering their duties under the UK Recall Act.

37. Scottish Parliament constituencies vary significantly in terms of geographical size and population, there will doubtless be constituencies in particularly remote, rural and island communities in Scotland where the logistics of running a recall petition could be more challenging than running one in a central contained landlocked area in England. Constituency areas for the Scottish Parliament tend to be smaller than the UK Parliament equivalents. There are 73 constituencies in the Scottish Parliament whereas there are 59 Scottish constituencies covering the whole of Scotland in the House of Commons. Taken in isolation, that would suggest numerous

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<sup>16</sup> [Recall Petitions: DLUHC indemnity - GOV.UK](#)

<sup>17</sup> [Recall elections - House of Commons Library](#)

<sup>18</sup> Estimate provided by officials in South Lanarkshire Council- recall petition costs were settled at £199,344.29, plus petition officer expenses of £574.38

<sup>19</sup> [Recall Petitions: DLUHC indemnity - GOV.UK](#)

constituencies in the Scottish Parliament would be less expensive to hold a recall petition in than in a Scottish constituency for the House of Commons. However, the Bill assumes the same maximum number of signing places for each constituency (up to 10) so the same number of signing places could operate for a Scottish Parliament constituency recall petition as for a UK Parliament constituency recall petition. The Bill allows for fewer than 10 as long as the Petitions Officer considers a sufficient number have been provided for so there is scope for variation.

38. Assuming constituency recall petitions require fewer signing places than UK Parliament constituencies and, given they will run for 4 weeks as opposed to 6, it is reasonable to assume that, in general, running recall petitions will be less expensive for constituency recall petitions for the Scottish Parliament than for the UK Parliament. Basing estimates on the available range of costs for UK Recall petitions, and as set out in paragraph 34 above, the estimate adjusted for inflation would be around **£138,000**. This assumes the cost of the signing process would be two-thirds of the cost of the UK constituency process based on a shorter signing period. Mr Simpson appreciates it will not be as clear cut as this in establishing costs and the initial set up costs will be the same for a 4-week petition as a 6-week petition. However, these figures do not take into account any saving compared to MP recall petitions due to fewer signing stations per constituency. It may be that the extent of these lower costs in some constituencies may make the constituency cost for a Scottish Parliament recall petition even lower than the estimate in this Financial Memorandum.

#### **Costs of a recall petition across a region for the Scottish Administration**

39. Each Scottish Parliament region consists of between eight and ten constituencies. All of the eight regions operate across one or more local authorities.

40. Each regional recall petition will require signatures to be counted once at a regional level having been collated in each constituency. This will allow the Petitions Officer to determine if the 10% overall threshold has been met and whether the 10% in at least three constituencies has also been met. This is a distinct and slightly more complex process than the process to count constituency signatures and establish the percentage of the constituency this figure represents.

41. Beyond that distinction, the substantive costs (including staffing of signing places, printing, postage, provision of signing places) will produce similar types of costs for regional recall petitions as for constituency recall petitions. On that basis, it is considered reasonable to calculate the cost across a region by upscaling the range of costs set out above for a constituency recall petition by the size of a region.

42. The estimated cost for a constituency recall petition set out above is around £138,000. Multiplying this by the lowest number of constituencies in a region establishes the lower end of the range of costs. Multiplying £138,000 by the highest number of constituencies in a region establishes the higher end of the range of costs. On that basis, a reasonable range for the cost of a recall petition for a regional MSP would be **between £1,104,000** (8 times cost of constituency, £138,000) **and £1,380,000** (10 times cost of constituency, £138,000). In considering this range it must be noted that regions vary notably in geography and density.



### **Costs of campaigning in recall petition in a) constituency and b) regions for political parties/candidates**

43. When an MSP is subject to a recall petition, the MSP and their political party may wish to campaign for the petition to be rejected. Similarly, other individuals and political parties may choose to campaign for constituents to sign the petition that will remove the MSP from office.

44. The Recall of MPs Act provides that anyone spending over £500 in a recall petition under that Act must register as a registered campaigner, with an overall limit of spending at £10,000<sup>20</sup>. The Electoral Commission reported that two political parties were registered campaigners in the Rutherglen and Hamilton West recall petition: the Labour Party, which spent £8,091, and the Scottish National Party, which spent £1,065<sup>21</sup>.

45. Mr Simpson feels that a similar spending limit of £10,000 should be in place for constituency recall petitions under his Bill. While regional recall petitions will take place over a number of constituencies, Mr Simpson is aware of the need for the containment of costs for stakeholders, including political parties, that are a result of the provisions of his Bill. He therefore feels that the spending limit for a regional recall petition should also be £10,000, but it is anticipated that the exact numbers will be determined by regulation.

46. It therefore seems reasonable to assume that political parties will spend up to £10,000 for each constituency recall petition, and up to £10,000 for each regional recall petition, although most political parties will spend nothing.

### **Costs for Scottish Administration of by-election**

47. Where a recall petition is successful in relation to an MSP who held a constituency seat, a by-election will require to be held to replace them. This will happen irrespective of whether the MSP who has been recalled seeks to contest the seat or not.

48. Estimating the cost of a by-election in Scotland is also likely to be difficult, as there is a huge variation in the geographical size and makeup of the 73 constituencies<sup>22</sup>. However, the Scottish Government in the policy memorandum for the Scottish Elections (Representation and Reform) Bill have attempted to produce such an estimate. Following discussions with the Electoral Management Board (EMB), officials estimate that the range for a by-election is likely to be between £150,000 and £200,000 (on the basis of 60,000 electors across 60 polling stations in 25 polling places)<sup>23</sup>. Officials in South Lanarkshire Council have confirmed that the estimated costs of the Rutherglen and Hamilton West by-election in 2023 were £227,000: however, this was for a House of Commons constituency, which, as set out above, tend to be larger than Scottish Parliament constituencies.

49. These estimated figures include:

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<sup>20</sup> [Recall petition by numbers: Rutherglen and Hamilton West | Electoral Commission](#)

<sup>21</sup> [Recall petition by numbers: Rutherglen and Hamilton West | Electoral Commission](#)

<sup>22</sup> [Electoral Statistics for Scotland as at 1 December 2021, Report](#)

<sup>23</sup> [Financial Memorandum Accessible \(parliament.scot\)](#)

- Standard cost of the poll, postal voting and verification/count
- All printing (poll cards, postal votes, ballot papers)
- Postage (including costs for issues polling cards to all voters and postage for postal votes)
- Polling venues
- Polling staffing and training
- Count venues and staffing
- Public awareness activity.

50. For other elections, the Scottish Government provides 75% of these costs up front to local authorities, and the remainder are reimbursed by the Scottish Government at a later date<sup>24</sup>. It is anticipated that this process will be followed for costs incurred under this Bill.

51. However, as Returning Officers are local government employees, and are required to deliver the election, local authorities are expected to make their resources available to the Returning Officer. While anything directly attributable to the poll will be covered by the funding provided to the local authority by the Scottish Government, those council resources are not included. These can include, for example, staffing to support the planning, preparation and delivery of the election, Human Resources/Legal/Health and Safety advice, office accommodation and IT support and equipment.

52. The estimate of by-election cost includes freepost candidate mailings, to which all candidates are entitled<sup>25</sup>, and which is provided by the Royal Mail, who are then reimbursed by the Scottish Government<sup>26</sup>. Specifically, the Member is mirroring the processes in the UK Recall Act whereby mailings are not provided for the recall petition process but the reinstatement process (by-election or regional poll) would allow for mailings to be issued.

53. Officials in South Lanarkshire Council have provided the costs which each candidate accrued during the Rutherglen and Hamilton West by-election (for the UK Parliament) on unsolicited mailings. The total was £93,186.84 for 13 candidates. The total adjusted for inflation would be £95,000. The regional poll costs will, it is assumed, mainly relate to the individual seeking reinstatement. Individual parties may also wish to undertake mailings in particular circumstance. The variables involved from region to region and circumstance to circumstance are notable. For the purposes of providing an estimate it is assumed that the figure for mailings across a region will be similar to those for a by-election (given lower numbers of people / parties issuing mailings but larger areas with higher populations). On that basis the figure for the Rutherglen and Hamilton West by-election adjusted for inflation is also included as the figure for the mailings cost per region. Again, the population density of different regions will impact on the exact figure.

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<sup>24</sup> Policy note [The Scottish Parliament Elections \(Returning Officer Fees and Charges\) Regulations 2021 \(legislation.gov.uk\)](#)

<sup>25</sup> [Freepost | Electoral Commission](#)

<sup>26</sup> [By-elections | Institute for Government](#)

### **Costs for political parties and independent candidates for each by-election and regional poll**

54. There are limits on how much each party can spend during a by-election campaign. The current limit for spending on any candidate for Scottish Parliament by-elections is £100,000<sup>27</sup>. However, information on how much was spent by each political party/candidate for individual by-elections is not recorded centrally.

55. There appears to be a significant amount of variation between political parties and candidates in terms of their spending on by-elections.

56. For example, during the 2019 Shetland by-election campaign, party spending was reported as follows:

- Scottish National Party- £98,958<sup>28</sup>
- Scottish Labour- £4,088<sup>29</sup>
- Scottish Conservatives- £18,263<sup>30</sup>
- Scottish Liberal Democrats- £64,534<sup>31</sup>

57. Political party spending for by-elections can therefore vary considerably and will depend on factors including the location of the seat, as well as the political landscape at the point of the by-election.

58. The range of costs for each political party/candidate for each by-election will therefore be between zero and £100,000 per by-election. Similarly, it is envisaged that the same limits will be placed on regional polls (i.e. a limit of £100,000) but it is envisaged that this could be determined by regulations. It is also unclear in what circumstances all main parties would campaign, more likely the individual if unaffiliated to a party would campaign, and the relevant regional list party. It is possible other parties may have a basis to campaign on a case-by-case basis. As there will be no contest between political parties, it is likely campaigning may be minimal and therefore it is assumed spending may be somewhere in the region of £10,000 per regional poll.

### **Costs for Scottish Administration of regional poll**

59. A regional poll, which would take place after a regional MSP has been recalled by a recall petition, would take place on one day across the region. The same number of polling stations would be open across the region as would be the case for a general election and so there will be a read across between the costs for the regional element of a general election and the cost of the poll. There would also be some similarities with processes for a national referendum, for example education would be required in advance to raise awareness of the distinct polling process and the consequences of the decision taken. There would also be similarities at regional level in relation the count for a referendum as the count would be counting yes and no votes as opposed to counting

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<sup>27</sup> Scottish Parliament (Elections etc.) Order 2015 S42(3)

<sup>28</sup> [SNP spent more on Shetland byelection than EU referendum | The Herald \(heraldscotland.com\)](#)

<sup>29</sup> [Lib Dems and SNP spent £160,000 on by-election expenses | The Shetland Times Ltd](#)

<sup>30</sup> [Lib Dems and SNP spent £160,000 on by-election expenses | The Shetland Times Ltd](#)

<sup>31</sup> [Lib Dems and SNP spent £160,000 on by-election expenses | The Shetland Times Ltd](#)

votes for multiple candidates. Therefore, the comparators used to assist with estimating a cost for a regional poll are the costs of administering a Scottish Parliament election at regional level and the costs of running a referendum across a region.

### **Costs for Scottish Administration of referendum compared to election**

60. The Scottish independence referendum in September 2014 cost £15.8 million<sup>32</sup>. Adjusted for inflation, this figure would be around £21,065,000.

61. The 2021 Scottish Parliament election cost approximately £34.9 million to administer, but this included an extra £14 million compared to the 2016 election to cover additional costs due to the COVID-19 pandemic<sup>33</sup>. Without this additional funding, the election costs would have been in the region of £20.9 million; when adjusted for inflation, this figure would be around £24,327,000.

### **Regional costs: Scottish parliament election**

62. The Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations 2021 establishes regulations that set out the maximum amounts that regional returning officers and constituency returning officers may claim for services and expenses incurred in connection with Scottish Parliament elections<sup>34</sup>.

63. The Explanatory Note for the Regulations states:

*“Regional returning officers are responsible for receiving regional lists of candidates from registered political parties, receiving nominations of individual candidates to be regional members, calculating regional figures to allocate regional member seats to registered political parties and individual candidates and coordinating the functions of constituency returning officers in their region that relate to the poll to return regional members. Constituency returning officers are responsible for all other functions in connection with the elections, including the counting of votes for the return of constituency members and the counting of the regional votes”.*<sup>35</sup>

64. In addition, services that returning officers are required to carry out in fulfilling their duties include, but are not restricted to:

- Standard cost of the poll, postal voting and verification/count
- All printing (poll cards, postal votes, ballot papers)
- Postage (including costs for issues polling cards to all voters and postage for postal votes)
- Polling venues
- Polling staffing and training

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<sup>32</sup> [Written question and answer: S4W-27304 | Scottish Parliament Website](#)

<sup>33</sup> [Scottish Parliament election - gov.scot](#)

<sup>34</sup> Policy Note, [The Scottish Parliament Elections \(Returning Officer Fees and Charges\) Regulations 2021](#)

<sup>35</sup> Explanatory Note, [The Scottish Parliament Elections \(Returning Officer Fees and Charges\) Regulations 2021](#)

- Count venues and staffing
- Venue and staffing for postal vote opening
- Public awareness activity

65. A number of these functions would not be required for the regional poll, mainly those related to candidates: for example, no regional lists of candidates would be required, no candidates would need to be nominated, and no calculations would be required to allocate regional seats. There would also not be an individual count in each constituency across a region. However, the wider functions that regional returning officers would be required to carry out, especially in terms of printing and postage, costs of administering polling stations and staffing would still be required.

66. [The Scottish Parliament Elections \(Returning Officer Fees and Charges\) Regulations 2021](#) provides the total cost of running elections that are recoverable from the Scottish Government broken down by local authority area. For example, using these figures, the total recoverable amount for running their element of the general election by the City of Edinburgh Council in 2021 was £2,057,824 in 2021. By contrast, looking at a constituency made up of island communities as opposed to a highly populated city, Orkney Council costs were £71,945. Extrapolating out figures available at a local authority level to apply to a region from such a range of figures is challenging as the local authority boundaries do not align with the boundaries of regions. So, for example, calculating the cost of the Lothian region requires an estimate that includes a proportion of East Lothian Council area and a proportion of Midlothian Council area. In addition, it is very challenging to estimate the value of the functions that are required in a general election but will not be required in the regional poll and reduce the estimated cost per region accordingly. On that basis, regional figures relating to a referendum have been considered as a closer comparator.

### **Regional costs: Scottish independence referendum**

67. The Scottish Independence Referendum (Chief Counting Officer and Counting Officer Charges and Expenses) Order 2014 set out recoverable expenses for election officers during the Scottish independence referendum in 2014<sup>36</sup>.

68. The total costs for delivering the independence referendum by local authorities was £8,968,650.

69. As Scottish Parliament regions do not align with local authority boundaries, it is not possible to precisely estimate the cost of delivering a referendum across a Scottish Parliament region.

70. However, by dividing the total costs for local authorities by the eight Scottish Parliament regions, it is possible to establish a notional estimate for how much each regional poll will cost. £8,968,650 divided by 8 = £1,121,081. Adjusted for inflation, this figure would be around £1,495,000.

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<sup>36</sup> [The Scottish Independence Referendum \(Chief Counting Officer and Counting Officer Charges and Expenses\) Order 2014](#)

71. Given the process followed for the referendum involved similar processes for voting, namely running a poll for one day at polling stations, and similar processes for the count, it is reasonable to assume that the cost of a poll in a region would be similar to those for a referendum. That said, the voter turnout for a regional poll for one MSP versus the numbers that turned out to vote in the independence referendum are likely to be very small in comparison. Indeed, given people will most likely be being offered a choice between someone removed from office for conduct issues and someone else from the same political party suggests those who affiliate with other political parties may not feel the compunction to take part in the poll.

72. In addition, presumably there would not be as much urgency to know the result. For example, there would be no requirement to hold the count that evening once the polling stations close. The count could take place the following day, and beyond if necessary, meaning less late working and presumably with less pressure on local authority staff to work long hours to complete the count. On that basis it is reasonable to assume that the work involved in the count and the associated cost of the count could be at a much lower cost than the cost of counting the independence referendum for a region. On that basis the average cost for a regional count in the referendum set out above has been reduced by 15% in order to establish a range of costs for a regional poll.

73. The estimate for a regional recall poll for Scottish Government is therefore in the region of £1,271,000<sup>37</sup>.

## **COSTS OF REMOVAL OF MSPS FOR OFFENDING**

### **Introduction**

74. Under Part Two, Chapter One of the Bill, MSPs will be removed from office if they receive a custodial sentence of between six months and one year. Courts will be obliged to notify the Presiding Officer when this occurs. This will be a simple task, and one that is likely to occur around once every ten years: on that basis no costs have been estimated for it as it is assumed any additional costs will be subsumed within existing budgets for the courts.

75. When a constituency MSP is removed, a by-election will take place<sup>38</sup>. When a regional list MSP is removed from office, they are either replaced by the next person on their party's regional list, or the seat remains vacant<sup>39</sup>. In either of the scenarios that emerge when a regional MSP is removed, no by-election will take place. In both of these circumstances there is an administrative role for the Scottish Parliament in initiating the process to replace the MSP. Again, this will require limited resources so any additional cost incurred would be covered by existing Scottish Parliament budgets.

76. In addition, as this element of the Bill simply alters the existing threshold for custodial sentence (as set out in the Scotland Act<sup>40</sup>) which leads to an MSP being removed from office, there are no identifiable start-up costs.

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<sup>37</sup> 85% of £1,495,000

<sup>38</sup> Section 9, [Scotland Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>39</sup> Section 10, [Scotland Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>40</sup> Section 15, [Scotland Act 1998](https://legislation.gov.uk)

77. The main financial implication of the implementation of the Bill will be if more MSPs than at present are removed from office under this process due to the new lower threshold for removal of an MSP from office. Specifically, there would be financial implications if more constituency MSPs were removed from office (as the cost of replacing a regional MSP is minimal as there is no election involved). Estimated costs for any additional by-elections are detailed above in the section on recall.

### **Costs for Parliament for removal and replacement of an MSP**

78. MSPs who leave office after standing down at a general election, or who are not successfully re-elected to the Scottish Parliament at a general election receive a payment (known as a “resettlement grant”). However, this payment is not made if an MSP stands down during a parliamentary term, or if they are disqualified for other reasons (including if they receive a custodial sentence greater than 12 months, as set out in the [Representation of the People Act 1983](#)). MSPs disqualified under any of the provisions in this Bill will therefore not be eligible for a resettlement grant<sup>41</sup>.

79. All MSPs receive a salary as well as expenses for office costs, travel and other reasons<sup>42</sup>. As this provision will remove one MSP and replace them with another, the differential in costs to Parliament in terms of salary and expenses may often be minimal. For example, if an MSP is replaced by someone from the same political party they may move into the same constituency or regional premises and continue to employ the same staff as the previous MSP.

80. All new MSPs receive an induction from the parliament authorities upon their election. If an MSP is removed under this element of the Bill, the MSP who replaces them will need to receive an induction. This will generate a de minimis cost for the Parliament.

### **How many additional MSPs will be removed from office as a result of this change in the law?**

81. A starting point for this is consideration of custodial sentences given to MSPs since the Scottish Parliament was re-established in 1999. Three MSPs have been convicted of a criminal offence and received a custodial sentence as a result.

82. Tommy Sheridan, a former Glasgow regional list MSP, received a 14-day sentence for non-payment of fines following a protest at Faslane naval base in January 2000, and a seven-day sentence for the same offence in August 2003<sup>43</sup>. Very short sentences such as this would not lead to disqualification under existing provisions in Section 15 of the Scotland Act, or under this Bill.

83. Mike Watson was MSP for Glasgow Cathcart between 1999 and 2004<sup>44</sup>. Mr Watson was sentenced to 15 months in prison in September 2005 for wilful fire-raising<sup>45</sup>, after pleading guilty. Mr Watson resigned as the MSP for Glasgow Cathcart when he pled guilty, on 1<sup>st</sup> September

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<sup>41</sup> [FOI letter withholding some or all information or not held \(parliament.scot\)](#)

<sup>42</sup> The total cost of this expenditure for 2022 to 2023 was £23,467,953.

<sup>43</sup> [BBC NEWS | Scotland | Sheridan jailed after protest](#)

<sup>44</sup> [Mike Watson | Scottish Parliament Website](#)

<sup>45</sup> [BBC NEWS | Scotland | Fire-raising peer sent to prison](#)

2005<sup>46</sup>. Had Mr Watson not resigned before this sentence was pronounced, he would have been removed from office on receipt of his custodial sentence under the existing provisions of Section 15 of the Scotland Act, drawing on the Representation of the People Act 1983, as the sentence he received was greater than 12 months<sup>47</sup>.

84. Bill Walker, former MSP for Dunfermline, was sentenced to exactly 12 months in prison for domestic abuse offences in September 2013<sup>48</sup>. On 7<sup>th</sup> September 2013, Mr Walker resigned from his position as the MSP for Dunfermline.<sup>49</sup> If Mr Walker had not resigned, a sentence of 12 months would not have led to his automatic disqualification from office under Section 15 of the Scotland Act, but, if the provisions of this Bill had been in force, he would have been removed as a result.

85. It therefore appears that one MSP in the 25 years since the Scottish Parliament was established in 1999 has received a custodial sentence of between 6 and 12 months. All other factors remaining equal, if this element of the Bill had been in place from the establishment of the Parliament, then one MSP would have been removed as a result of it.

86. Given the very small sample of examples to base any financial assessments on in the Scottish Parliament, it is worth considering MPs receiving a sentence. The House of Commons Library produced a paper in 2019 that provided an analysis<sup>50</sup> of how many MPs had received a custodial sentence while in office, between 1945 and 2019<sup>51</sup>. In this 74-year period, 23 MPs received a custodial sentence.

87. In the last ten-year period only one sitting MP received a custodial sentence. Fiona Onasanya in 2019, received a three-month prison sentence for perverting the course of justice<sup>52</sup>. If this had been a serving MSP under these new provisions in the Bill, this sentence would be of insufficient length to cause the individual to be removed from office.

88. Based on these examples, removal based on 6 to 12 month sentences established by Mr Simpson would only have been used once in the last 25 years. It is also worth considering the likelihood of custodial sentences of 6 to 12 months being given under the current legal system.

89. The number of shorter sentences from criminal proceedings in Scotland has decreased during the last fourteen years. The Criminal Justice and Licensing (Scotland) Act 2010 introduced a presumption against short sentences of up to three months, and then the Presumption Against Short Periods of Imprisonment (Scotland) Order 2019 extended this presumption to include sentences up to 12 months<sup>53</sup>. The policy rationale for this position is that shorter sentences are less effective than community orders, with evidence cited that suggests that people who receive a

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<sup>46</sup> [BBC NEWS | Scotland | Peer pleads guilty to fire charge](#)

<sup>47</sup> [BBC NEWS | Scotland | Fire-raising peer sent to prison](#)

<sup>48</sup> [Former MSP Bill Walker jailed over violent domestic abuse | Scottish politics | The Guardian](#)

<sup>49</sup> [Bill Walker resigns from Scottish parliament after abuse convictions | Scottish politics | The Guardian](#)

<sup>50</sup> [Sitting Members imprisoned since 1979 \(parliament.uk\)](#)

<sup>51</sup> Note these figures only relate to MPs who were sitting at the time of their conviction, not those who resigned in advance of being convicted.

<sup>52</sup> [Sitting Members imprisoned since 1979 \(parliament.uk\)](#)

<sup>53</sup> [Background - Extended presumption against short sentences: monitoring information - January - December 2020 - gov.scot \(www.gov.scot\)](#)



custodial sentence of 12 months or less are nearly twice as likely to reoffend than those who receive a community payback order<sup>54</sup>.

90. Since this legislation was introduced, the number of short-term sentences that have been given out by the courts has decreased. Scottish Government figures from August 2024 show that the length of custodial sentences have increased significantly since 2012-2013<sup>55</sup>, and that the number of short sentences for criminal offences had significantly decreased<sup>56</sup>.

91. Based on this data, it could be argued that it is even less likely that an MSP will receive a custodial sentence of between six and twelve months in the future than has previously been the case.

92. For the reasons set out above, there is a high degree of uncertainty as to how many MSPs will be removed from office as a result of the changes in this element of the Bill. It is likely that the removal of additional MSPs will be very rare. In addition, it is impossible to predict whether any MSP removed under this process in the future would be a constituency MSP or a regional MSP. With the main cost of this element of the Bill being a by-election if it is a constituency MSP, and beyond that scenario low costs would be incurred.

## **COST OF REMOVAL OF MSPS FOR FAILING TO PHYSICALLY ATTEND PROCEEDINGS**

93. Under this provision of the Bill, MSPs will be removed from office if they do not attend parliamentary business in the chamber or committee in person over a 180-day period, without a valid reason. As with the provision related to removal of an MSP for offending, when a regional MSP is removed under this provision, the vacancy will be filled from the regional list of the party the MSP was originally elected from, (unless the MSP was an independent or their party's regional list has been exhausted)<sup>57</sup>. When a constituency MSP is removed under this provision, a by-election will take place.

### **Startup costs for Parliament**

94. The Bill envisages Standing Order rule changes for the development of the detail of how the process will work in practice. At present the SPPA Committee supported by internal staff, specifically clerks and legal advisers who produce all changes to the Standing Orders for consideration and agreement by Parliament. This process occurs each parliamentary session for various changes to the rules. On that basis additional staffing costs for the design and agreement of new Standing Order rules, and any associated changes to the Code of Conduct, would be met from existing resources.

95. The basis for the removal of an MSP under this provision is failure to physically attend formal parliamentary proceedings (defined as attending a chamber or committee meeting) for 180 days or more where an MSP is not found to have a valid reason for being absent.

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<sup>54</sup> [Reconviction rates - offender cohort: 2017 to 2018 - gov.scot](#)

<sup>55</sup> [Custodial sentences - Criminal Proceedings in Scotland, 2021-22 - gov.scot](#)

<sup>56</sup> [Criminal proceedings in Scotland 2021-22 \(www.gov.scot\)](#)

<sup>57</sup> Section 15 of The Scotland Act 1998

96. In order to determine if an MSP's lack of attendance meets this threshold, the Parliament may wish to ensure it has processes in place that enables Parliamentary officials to establish whether every MSP is present and also to establish when an MSP has been absent for 180 days or more<sup>58</sup>.

97. At present MSP contributions are recorded in the Official Report of proceedings. Attendance is also recorded for Committee meetings, although the distinction is not made in the minutes as to whether the MSP is attending in person or remotely. MSP participation in business in the Chamber is also recorded when an MSP votes, but again this does not currently reflect whether the MSP has voted in person or remotely. There is no record at present as to whether an MSP attends chamber proceedings as this is not recorded in the minutes.

98. Given the provisions in law relating to attendance at local authority proceedings, local authority staff keep a note of councillors' attendance at meetings. If it appears a councillor has not attended for an extended period, officials can engage with that councillor and notify them of this and also can begin proceedings for the removal of that councillor.

99. The Member envisages a monitoring system could be developed by the Scottish Parliament by beginning to keep a record of whether MSPs attend the Chamber, including whether they attend in person or remotely. He considers existing data on whether a voting card has been registered in the Chamber broadcasting system may assist in this process. In addition, where attendance is currently minuted in committee meeting minutes, this could be supplemented in the future by also highlighting whether the MSP attended in person or remotely.

100. This work could be undertaken by the clerks that currently attend these proceedings and where there are any absences of 6 months this could be highlighted by the committee and/or chamber clerks to the clerks to the SPPA Committee when the threshold is reached. Mr Simpson considers this could feed into a simple database or be achieved through effective communication between clerking teams and that clerks could add this to their existing roles. On that basis, he does not consider that there will be an associated cost of the monitoring system of any note and on that basis has not included figures in this Financial Memorandum to cover this system.

101. This Bill will require the SPPA Committee to review the reasons provided by any MSP who is absent for a period of 180 days or more, or who anticipates being absent for that period, to determine if the reason given is valid. This will include reviewing information provided by the MSP, who will have the opportunity to speak directly to the Committee. In the event that no reason is given for an absence of 180 days or more, or if the Committee decides that the reason given is not valid, the Committee will be required to table a motion proposing the removal of the MSP. This motion will be debated in Parliament and voted on by all members.

102. These new responsibilities would be similar in terms of process to the existing functions of the SPPA Committee in terms of considering sensitive and confidential material related to complaints against MSPs. It is therefore envisaged that the costs of administering these functions would be met from existing budgets.

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<sup>58</sup> Note- there are certain instances where the 180-day period is paused (e.g. when the Committee has considered and accepted the reason provided.) See paragraph 115 of the policy memorandum for more information.

### **Estimating use of the process**

103. The data required to establish how regularly an MSP has been absent for this period of time has never been formally recorded by Parliament before. While MSPs will have previously been absent for this period of time, it is not possible to determine if any MSPs who did not attend had a valid reason. It is important to emphasise that MSPs have valid reasons to be absent for this period, for example where they have a period of absence for maternity reasons or where they have a long-term illness.

104. It is therefore not possible to provide an estimate of how many MSPs would have been subject to the process since the establishment of the Parliament. It follows that it is also not possible to estimate how many of these had a valid reason and would not have required to go through the full process. Conversely it is not possible to estimate how many would have had to be the subject of a recommendation to Parliament that they be removed from office. As noted in the Policy Memorandum, Graham Simpson acknowledges that the threshold for compliance with this process is low and considers it will very rarely be used. Rather it will act as a deterrent and will sit in place for the rare circumstances where it requires to be used in full.

### **How many councillors have been removed for lack of attendance under the 1973 Local Government Act?**

105. While [Section 35 of the Local Government Act 1973](#) provides for councillors to be removed if they do not attend council business for six months or more without valid reason, this information is not held centrally or, it appears, retained by individual local authorities. The process has certainly been used in recent times, for example it was reported that two councillors from Glasgow City Council were removed due to a lack of attendance in 2021 under the Local Government Act<sup>59</sup> <sup>60</sup>. However, it is not possible to give a definitive estimate of how many times the provisions in this Act have been used since it received Royal Assent.

### **SAVINGS**

106. As set out in the Policy Memorandum, Mr Simpson believes that the Bill's provisions will lead to better value for money for the electorate due to improvements in democratic accountability. This includes those absent from Parliament for various reasons being able to be replaced under the terms of the Bill. Mr Simpson also intends that the provisions of this Bill will act to deter MSPs from extended absences from parliament. By deterring extended absences and removing and replacing any MSP who is absent for an extended period without a good reason, it seems reasonable to assume that some benefits, including savings to the public purse, will be accrued in due course as a result of the provisions of this Bill. However, it is challenging to determine the actual value of these benefits and therefore there are no direct savings estimated in this Financial Memorandum as a result of the provisions in this Bill.

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<sup>59</sup> [Second Glasgow councillor forced out for missing six months of meetings - BBC News](#)

<sup>60</sup> [Former Glasgow Tory councillor disqualified for failing to attend meetings for six months - Daily Record](#)

## CONCLUSIONS

107. In relation to recall, based on the information above, and in order to provide an estimate that factors in the cost of the full recall petition process for a regional MSP and for a constituency MSP, this Financial Memorandum assumes that **one regional MSP and one constituency MSP will be subject to the recall process every 10 years.**

108. This Financial Memorandum also assumes that **the regional MSP instance of the recall process involves the MSP seeking reinstatement through a regional poll.** This assumption may result in an overestimate of costs for every 10 years because, as highlighted in the examples of recall of MPs, where a recall petition is successful the individual recalled more often than not does not seek reinstatement to their seat.

109. In relation to removal from office due to a sentence of 6 months to one year, and removal due to failing to physically attend Parliamentary proceedings, given the information set out above it is unlikely that these processes will both be used in the next 10 years. On that basis, **it is assumed that one of these two processes will be used once in the next 10 years.** Start-up costs aside, as the processes to fill a vacant seat provided under both processes is the same, then the costs for one or the other of these processes being used, is very similar. It is assumed that this will be a constituency MSP as opposed to a regional MSP. Again, this may be an overestimate as if the MSP were regional then there would be no costs associated with a by-election.

110. The table and paragraphs below set out estimated costs to the Scottish Administration, local authorities, the Scottish Parliament and the Electoral Commission based on these conclusions.

## COSTS FOR THE SCOTTISH ADMINISTRATION

Item	Start-up costs	Running costs (over a ten-year period) <sup>61</sup>	Notes
User testing of question and associated materials for recall petition and regional poll	£227,000	NA	One off cost - requirement to work with Electoral Commission on this matter so costs could fall to the Electoral Commission and then be reimbursed.
Constituency recall petition		Around £138,000	Assuming one constituency recall petition in ten-year period.  Petition officers will accrue these expenses and then be reimbursed by the Scottish Government.

<sup>61</sup> These costs are estimated over a ten-year period. In practice, when these events occur, the actual costs will be accrued during the year that the event has taken place: eg when there is a recall petition.

*This document relates to the Scottish Parliament (Recall and Removal of Members) Bill (SP Bill 55) as introduced in the Scottish Parliament on 17 December 2024*

Regional recall petition		£1,104,000 to £1,380,000	<p>Assuming one regional recall petition in ten-year period.</p> <p>Petition officers will accrue these expenses and then be reimbursed by the Scottish Government.</p>
By-election as a result of recall process		<p>£150,000 to £200,000</p> <p>Plus cost of mailings for candidates: £95,000.</p> <p>Sub-total: £245,000-£295,000</p>	<p>Assuming one constituency recall petition in ten-year period.</p> <p>Petition officers will accrue these expenses and then be reimbursed by the Scottish Government.</p> <p>Mail costs are covered by Royal Mail which is then reimbursed by the Scottish Government.</p>
Regional poll as a result of recall process		<p>£1,271,000</p> <p>Plus cost of mailings for candidates: £95,000.</p> <p>Sub-total: £1,366,000</p>	<p>Assuming one regional MSP is recalled from office and seeks reinstatement over ten-year period.</p> <p>Petition officers will accrue these expenses and then be reimbursed by the Scottish Government.</p> <p>Mail costs are covered by Royal Mail which is then reimbursed by the Scottish Government.</p>
By-election as a result of other processes for removal from office		£150,000 - £200,000	<p>Assuming one constituency MSP removed from office due to EITHER custodial sentence of between six months and one year OR due to lack of attendance for 180 days over ten-year period.</p>

		<p>Plus cost of mailings for candidates: £95,000</p> <p>Sub-total: £245,000-£295,000</p>	<p>Petition officers will accrue these expenses and then be reimbursed by the Scottish Government.</p> <p>Mail costs are covered by Royal Mail which is then reimbursed by the Scottish Government</p>
Total	£226,926	£3,098,000-£3,474,000	

### **COSTS FOR LOCAL AUTHORITIES**

111. As set out above, Petition Officers and Returning Officers, who are local authority employees, will be required to deliver any recall petitions, by-elections, or regional polls that are required under the provisions of this Bill.

112. The Scottish Government will provide 75% of the costs for each regional or constituency recall petition, by-election or regional poll up front, and reimburse the remaining expenses accrued by each Petition Officer or Returning Officer in delivering these.

113. Therefore, the figures provided in the table above would ultimately fall on the Scottish Government, however prior to full reimbursement the costs would temporarily fall on local authorities.

### **COSTS FOR THE SCOTTISH PARLIAMENT**

114. As referred to above, the Scottish Parliament will be required to include information on the provisions of this Bill in materials it shares with MSPs as part of their induction and in induction discussions between clerks and MSPs.

115. There may be very infrequent costs for the Parliament associated with the removal and replacement of MSPs, in terms of office costs etc. As these are costs that are already absorbed within existing budgets where a member vacates a seat for an existing reason, and as there is no way of anticipating when or how frequently these additional instances will happen, or the extent to which the new member will generate costs relating to the changeover, it is assumed these infrequent costs will be absorbed in existing budgets for this existing function.

116. To ensure compliance with Part Two, Chapter Two of the Bill, which will remove MSPs from office if they do not attend parliamentary proceedings in person for 180 days or more without good reason, the Parliament's systems will need to be modified to ensure that MSPs attendance in person attendance is recorded and monitored on an ongoing basis by Parliament staff. It is anticipated that these modifications to systems will be absorbed in existing budgets, as

modification of systems to respond to the Parliament's changing demands is part of the existing functions supported by the Scottish Parliamentary Corporate Body.

#### **COSTS FOR THE ELECTORAL COMMISSION**

117. The Electoral Commission will be required to work with the Scottish Government on the development of questions for recall petitions for constituencies and regions and for the text for the regional poll. Estimated costs for this process are provided above. It is assumed the Scottish Government will provide funding for this purpose.

118. As also set out above, some provisions of the Bill may generate additional responsibilities for the Electoral Commission in terms of monitoring and reporting on recall petitions, by-elections and regional polls. This activity is in line with its existing responsibilities, and it is anticipated that any costs associated with them, including any additional costs, would be accounted for in the usual estimate process to the Scottish Parliamentary Corporate Body it undertakes for its work.

*This document relates to the Scottish Parliament (Recall and Removal of Members) Bill (SP Bill 55) as introduced in the Scottish Parliament on 17 December 2024*

# **SCOTTISH PARLIAMENT (RECALL AND REMOVAL OF MEMBERS) BILL**

## **FINANCIAL MEMORANDUM**

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