Scottish Parliament (Recall and Removal of Members) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Recall process for regional members
1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 79, 80, 81, 82, 83

Notes on amendments in this group
Amendment 33 is pre-empted by amendment 117 in the group "Criminal offence ground for recall"
Amendment 40 is pre-empted by amendment 97 in the group "Signing of petition"

Criminal offence ground for recall
110, 111, 93, 94, 95, 96, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123

Notes on amendments in this group
Amendment 117 pre-empts amendment 33 in the group "Recall process for regional members"

Parliamentary sanction ground for recall
91, 6, 92, 7, 8

Removal for offending
9, 98, 99, 100, 101, 84

Signing of petition
17, 19, 25, 28, 29, 97, 52, 52A

Notes on amendments in this group
Amendment 97 pre-empts amendment 40 in the group "Recall process for regional members"

Minor and technical
57, 58, 78

Campaign rules
69, 75

Regulation-making powers
71, 72, 73, 74, 77

Challenge to outcome of recall process
76

Removal for non-attendance
102, 85, 103, 104, 105, 106, 107, 108, 109, 86, 87, 90

Review of removal: protection of vulnerable groups
124

Commencement
88, 89

Amendments in debating order

Recall process for regional members

Graham Simpson

1 In section 1, page 1, line 9, leave out <petition>

Graham Simpson

2 In section 1, page 1, line 16, at end insert—

<( ) The recall process—

(a) for a constituency member is the recall petition process set out in Chapter 2,

(b) for a regional member is the recall poll process set out in Chapter (*Poll to recall regional member*).>

Graham Simpson

3 In section 1, page 1, leave out lines 17 to 19

Graham Simpson

4 In section 1, page 1, line 20, leave out <petition>

Graham Simpson

5 In section 1, page 1, line 25, after <14> insert <or (*Determination and notice of poll outcome*)>

Graham Simpson

10 In section 5, page 4, line 5, leave out from <notice> to end of line 7 and insert <recall initiating notice to the returning officer.>

Graham Simpson

11 In section 5, page 4, line 11, leave out <petition>

Graham Simpson

12 In section 5, page 4, line 17, at end insert—

<(2A) Where the member is—

(a) a constituency member—

(i) a recall initiating notice is a notice instructing the returning officer to make arrangements for a recall petition in relation to the member to be made available for signing,

(ii) the returning officer is the person who is the constituency returning officer in relation to the constituency by virtue of an order under section 12(1) of the Scotland Act 1998,

(b) a regional member—

(i) a recall initiating notice is a notice instructing the returning officer to make arrangements for a recall poll in relation to the member to be held in the region,

(ii) the returning officer is the person who is the regional returning officer for the region by virtue of an order under section 12(6) of the Scotland Act 1998.>

Graham Simpson

13 In section 5, page 4, leave out lines 18 and 19 and insert <A recall initiating notice—>

Graham Simpson

14 Move section 5 to after section 1

Graham Simpson

15 In section 6, page 4, line 28, after <notice> insert <in relation to a constituency member>

Graham Simpson

16 In section 6, page 4, line 28, leave out <petition> and insert <returning>

Graham Simpson

18 In section 6, page 4, line 30, leave out <to whom the notice relates>

Graham Simpson

20 In section 6, page 4, line 32, at end insert—

<(1A) A recall petition is a petition calling for the recall of the member to whom the initiating notice relates.>

Graham Simpson

21 In section 6, page 4, line 33, leave out subsection (2) and insert—

<( ) A maximum of 10 places may be designated under subsection (1)(a).>

Graham Simpson

22 In section 6, page 5, line 1, leave out <petition> and insert <returning>

Graham Simpson

23 In section 6, page 5, line 8, leave out <petition> and insert <returning>

Graham Simpson

24 In section 6, page 5, line 12, leave out <petition> and insert <returning>

Graham Simpson

26 In section 7, page 5, line 15, leave out <petition> and insert <returning>

Graham Simpson

27 In section 8, page 5, line 19, leave out first <petition> and insert <returning>

Graham Simpson

30 In section 9, page 5, line 27, leave out <petition>

Graham Simpson

31 In section 9, page 5, line 30, leave out <petition> and insert <returning>

Graham Simpson

32 In section 9, page 5, leave out line 35 and insert—

<( ) the member's seat becomes vacant,>

Graham Simpson

33 In section 9, page 5, line 36, leave out <petition> and insert <recall>

Graham Simpson

34 In section 9, page 6, line 3, leave out <petition> and insert <returning>

Graham Simpson

35 In section 9, page 6, line 4, leave out <petition process under sections 6 to 8> and insert <process under Chapter 2 or (as the case may be) (*Poll to recall regional member*)>.

Graham Simpson

36 In section 9, page 6, line 12, leave out <petition> and insert <returning>

Graham Simpson

37 In section 9, page 6, line 13, leave out <petition>

Graham Simpson

38 Move section 9 to after section 1

Graham Simpson

39 In section 10, page 6, line 22, leave out <relevant electoral area> and insert <constituency of the member to whom the petition relates>

Graham Simpson

40 In section 10, page 6, line 27, leave out <relevant electoral area> and insert <constituency>

Graham Simpson

41 In section 10, page 6, line 30, leave out <relevant electoral area> and insert <constituency>

Graham Simpson

42 In section 10, page 6, line 35, after <the> insert <recall>

Graham Simpson

43 In section 10, page 7, leave out lines 7 to 10

Graham Simpson

44 In section 10, page 7, line 13, leave out <relevant electoral area> and insert <constituency>

Graham Simpson

45 In section 14, page 9, line 9, leave out second <petition> and insert <returning>

Graham Simpson

46 In section 14, page 9, line 11, leave out <petition> and insert <returning>

Graham Simpson

47 In section 14, page 9, line 13, leave out <recall petition was successful> and insert <outcome of the process is that the member has or has not been recalled>

Graham Simpson

48 In section 14, page 9, line 14, leave out from <that> to end of line 15 and insert <of the outcome, and>

Graham Simpson

49 In section 14, page 9, line 16, leave out <of the petition>

Graham Simpson

50 In section 14, page 9, line 18, leave out from <A> to <successful> and insert <The outcome of the process is that the member is recalled>

Graham Simpson

51 In section 14, page 9, line 20, leave out subsection (4)

Graham Simpson

53 In section 15, page 9, line 37, leave out <recall petition in relation to a member being successful> and insert <member being recalled>

Graham Simpson

54 In section 15, page 9, line 38, leave out from <, and> to end of line 2 on page 10

Graham Simpson

55 Move section 15 to after section 1

Graham Simpson

56 In the schedule, page 18, leave out lines 6 to 30

Graham Simpson

59 In the schedule, page 19, line 3, after <14> insert <or *(Determination and notice of poll outcome)*>

Graham Simpson

60 In the schedule, page 19, line 4, leave out from <a> to end of line 5 and insert <the member has been recalled.>

Graham Simpson

61 Leave out section 16

Graham Simpson

62 In section 17, page 10, line 24, leave out from <a successful> to <16> in line 25 and insert <being recalled>

Graham Simpson

63 Move section 17 to after section 1

Graham Simpson

64 After section 17, insert—

<CHAPTER

POLL TO RECALL REGIONAL MEMBER

Returning officer's duty to organise poll

(1) Having received a recall initiating notice, a returning officer must (in accordance with regulations under section 21) make arrangements for a recall poll to be held in the region of the member to whom the notice relates.

(2) A recall poll is a poll in which each person entitled to vote in it may give a vote either for or against the recall of the member to whom the initiating notice relates.>

Graham Simpson

65 After section 17, insert—

<Scottish Ministers' duty to make regulations about conduct of poll

(1) The Scottish Ministers must, in exercise of their power under section 21, make provision—

(a) about who is entitled to give a vote in a recall poll,

(b) setting out how and by whom the date of a recall poll is to be determined, which date must (when first determined) fall within the period that—

(i) begins 25 working days after the issuing of the recall initiating notice giving rise to the poll, and

(ii) ends 34 working days after the issuing of that notice,

(c) enabling the date of a recall poll to be changed to a date that is later than the one first determined provided that—

(i) the new date is not more than 8 weeks after the date first determined, and

(ii) the following persons have been consulted about the change of date—

(A) the returning officer (if the returning officer is not the person determining the new date),

(B) the Electoral Commission, and

(C) the convener of the Electoral Management Board of Scotland,

(d) requiring the returning officer to issue notice of the poll to those who will be entitled to vote in it—

(i) as soon as practicable after the date of the poll has been determined, and

(ii) not less than 20 working days before that date,

(e) enabling people to vote in the poll by post and proxy (as well as in person).

(2) The provision made pursuant to subsection (1)(a) must entitle a person to vote in a recall poll in a region if the person would be entitled to give a regional vote in the region in a general election for membership of the Parliament were one held on the day of the recall poll.>

Graham Simpson

66 After section 17, insert—

<Determination and notice of poll outcome

(1) This section applies in relation to a recall poll process unless the returning officer has received a recall termination notice in relation to it.

(2) As soon as reasonably practicable after the poll closes, the returning officer must—

(a) determine whether the outcome of the process is that the member has or has not been recalled,

(b) notify the Presiding Officer of the outcome,

(c) having done that, give a public notice of the outcome in accordance with regulations under section 21.

(3) The outcome of the process is that the member has been recalled if the majority of votes given in the poll by those entitled to do so are for the recall of the member to whom the poll relates.

(4) The Presiding Officer must lay before the Parliament any notice received under subsection (2)(b).>

Graham Simpson

67 In section 21, page 12, line 6, leave out <petition>

Graham Simpson

68 In section 21, page 12, leave out line 7

Graham Simpson

70 In section 21, page 12, line 8, leave out <or poll>

Graham Simpson

79 In section 24, page 13, leave out lines 29 and 30

Graham Simpson

80 In section 24, page 13, leave out lines 33 to 39

Graham Simpson

81 In section 24, page 14, line 2, leave out <has the meaning given by section 5(3)> and insert <is to be construed in accordance with section 5(2A)>

Graham Simpson

82 In section 24, page 14, line 3, leave out <1(2)> and insert <6(1A),

"recall poll" has the meaning given by section *(Returning officer's duty to organise poll)*(2),>

Graham Simpson

83 In section 24, page 14, leave out lines 7 to 18 and insert—

<"returning officer" is to be construed in accordance with section 5(2A),>

<u>Criminal offence ground for recall</u>

Sue Webber

110 In section 1, page 1, line 10, leave out <either—>

Sue Webber

111 In section 1, page 1, line 12, leave out from <, or> to <3)> in line 14

Sue Webber

93 In section 3, page 2, line 25, at end insert—

<( ) The criminal-offence ground applies in relation to a member if the conditions in subsections (1) or (1A) are met.>

Sue Webber

94 In section 3, page 2, leave out line 26 and insert—

<(1) The conditions are—>

Sue Webber

95 In section 3, page 2, line 29, after <member> insert <receives a community sentence, or>

Sue Webber

96 In section 3, page 2, line 33, at end insert—

<(1A) The condition is that the member is, after becoming a member, remanded in custody.>

Sue Webber

112 Leave out section 3

Sue Webber

113 Leave out section 4

Sue Webber

114 In section 5, page 4, line 2, leave out <either—>

Sue Webber

115 In section 5, page 4, line 3, leave out from <, or> to end of line 4

Sue Webber

116 In section 5, page 4, leave out lines 21 to 23

Sue Webber

117 In section 9, page 5, line 36, leave out from beginning to end of line 2 on page 6

Sue Webber

118 Leave out section 18

Sue Webber

119 Leave out section 19

Sue Webber

120 Leave out section 20

Sue Webber

121 Leave out section 23

Sue Webber

122 In section 24, page 13, leave out line 28

Sue Webber

123 In section 25, page 15, line 6, leave out <not less than 6 months and>

Parliamentary sanction ground for recall

Sue Webber

91 In section 2, page 2, line 2, after <if> insert <—

( )>

Kevin Stewart

6 In section 2, page 2, line 2, leave out from <on> to first <Parliament> in line 3 and insert <in accordance with the procedure set out in standing orders of the Parliament for sanctioning a member>

Sue Webber

92 In section 2, page 2, line 4, after <length> insert <, and

( ) the relevant committee has reported to the Parliament that it is satisfied that any complaint giving rise to the motion was made in good faith and with a legitimate basis>

Kevin Stewart

7 In section 2, page 2, leave out lines 11 and 12

Kevin Stewart

8 In section 2, page 2, line 23, leave out subsection (5)

Removal for offending

Mark Griffin

9 In section 3, page 2, line 30, leave out <for a period of less than 6 months>

Sue Webber

98 In section 25, page 14, leave out lines 34 and 35 and insert—

<"(e) the sentencing condition in subsection (3) applies in relation to the person.",>

Sue Webber

99 In section 25, page 14, line 35, at end insert—

<"(ea) the person—

(i) is remanded in custody, and

(ii) on that day, is a member of the Parliament.",>

Sue Webber

100 In section 25, page 15, line 5, at beginning insert <given a community sentence, or is>

Sue Webber

101 In section 25, page 15, leave out lines 10 to 15

Mark Griffin

84 Leave out section 25

Signing of petition

Graham Simpson

17 In section 6, page 4, line 29, after <practicable> insert <and acting in accordance with any provision made under section 21>

Graham Simpson

19 In section 6, page 4, line 32, after <signing> insert <, and

(c) the days, and times of day, during which the petition is to be made available for signing>

Graham Simpson

25 In section 6, page 5, line 13, at end insert—

<( ) The returning officer, in determining the days and times of day to designate under subsection (1)(c), must seek to ensure that the petition is reasonably available for signing throughout the signing period.>

Graham Simpson

28 In section 8, page 5, leave out line 21 and insert—

<( ) at the times and places designated under section 6(1), and>

Graham Simpson

29 After section 8, insert—

<Change to start of signing period

(1) The Presiding Officer may change (from the one designated under section 6(1)(b)) the day designated as the day from which a recall petition is to be made available for signing.

(2) But the Presiding Officer may do so only—

(a) before the day designated under section 6(1)(b), and

(b) after consulting—

(i) the returning officer in relation to the recall petition,

(ii) the Electoral Commission, and

(iii) the convener of the Electoral Management Board for Scotland.

(3) A day designated under subsection (1) must fall within the period of 8 weeks beginning with the day designated under section 6(1)(b).

(4) As soon as reasonably practicable after designating a day under subsection (1), the Presiding Officer must—

(a) notify the persons mentioned in subsection (2)(b) of the new designated day, and

(b) make publicly available a statement that—

(i) specifies the new designated day, and

(ii) explains the reasons for the change of designated day.

(5) Where a day has been designated under subsection (1), the returning officer in relation to the recall petition (in accordance with regulations under section 21)—

(a) may exercise again the functions under section 6(1)(a) and (c), and

(b) must, as soon as reasonably practicable after doing so, or deciding not to do so, send a notice of petition to persons entitled to sign the petition.>

Sue Webber

97 In section 10, page 6, line 22, leave out from <or> to end of line 28

Graham Simpson

52 After section 14, insert—

<*Interpretation*

Meaning of expressions used in Chapter 2

In this Chapter, references to the concepts below (however expressed) in relation to a recall petition are to be read as follows—

"entitled to sign" is to be construed in accordance with section 10,

"signing" is to be construed in accordance with section 11(5),

"signing period" is the period that—

(a) begins with the day from which the petition is to be made available for signing—

(i) as designated under section 6(1)(b), or

(ii) where there has been a change to the designated day under section *(Change to start of signing period)*(1), as designated under that section,

(b) ends—

(i) at the end of the day that falls 20 working days later, or

(ii) if a recall termination notice is issued, when it is received by the returning officer.>

Sue Webber

52A As an amendment to amendment 52, line 14, at end insert—

<(zi) if the recall petition has been validly signed by the required number of persons entitled to sign it for it to be successful in accordance with section 14(3), when the petition officer determines that fact,>

Minor and technical

Graham Simpson

57 In the schedule, page 18, line 33, after <"Parliament"> insert <in the second place it occurs>

Graham Simpson

58 In the schedule, page 19, line 2, at end insert—

<( ) the member ceasing to be a member by virtue of section 84(3) due to a failure to take the oath of allegiance,>

Graham Simpson

78 In section 23, page 13, line 5, leave out <of the Government of Wales Act 1998> and insert <9 of the Government of Wales Act 2006>

Campaign rules

Graeme Dey

69 In section 21, page 12, line 7, at end insert—

<(ba) campaigning to promote a particular outcome of a recall process, including expenditure incurred in relation to such campaigning ("campaign expenditure"),>

Graeme Dey

75 In section 21, page 12, line 24, at end insert—

<( ) Regulations under subsection (1)(ba) may, in particular, include provision for or about—

(a) activities which are, or are not, to be treated as campaigning to promote a particular outcome of a recall process,

(b) in relation to campaign expenditure—

(i) expenditure which is, or is not, to be treated as campaign expenditure,

(ii) persons who may authorise or incur campaign expenditure,

(iii) limits on the amount of campaign expenditure which may be incurred (including limits on the amount incurred by particular persons or in relation to particular activities),

(iv) different categories of person to whom different limits on campaign expenditure apply, including requirements to be complied with in order to fall within a particular category,

(v) periods within which limits on campaign expenditure apply,

(vi) periods within which payments for campaign expenditure are to be made,

(vii) donations towards campaign expenditure, including persons who may make or receive a donation,

(viii) amounts to be treated as campaign expenditure, or donations towards such expenditure, in respect of the use of property, services or facilities provided free of charge or at less than a commercial rate,

(ix) the keeping of records and making of returns in relation to campaign expenditure and donations towards such expenditure.>

Regulation-making powers

Graham Simpson

71 In section 21, page 12, line 8, at end insert—

<( ) But powers to make subordinate legislation cannot be conferred by regulations under subsection (1).>

Graham Simpson

72 In section 21, page 12, leave out line 12

Graeme Dey

73 In section 21, page 12, line 18, at end insert—

<( ) the Elections Act 2022,

( ) the Scottish Elections (Representation and Reform) Act 2025,>

Graham Simpson

74 In section 21, page 12, line 24, at end insert—

<( ) enable a returning officer to have other persons discharge functions on the officer's behalf,

( ) make provision about the days, and times of day, that must or must not be designated under section 6(1)(c),

( ) make provision enabling a returning officer to limit where people entitled to sign a recall petition or give a vote in a recall poll may do so in person to only one, or some, of the places at which the petition is to be made available for signing or (as the case may be) votes in the poll may be cast.>

Graeme Dey

77 After section 21, insert—

<Consultation with Electoral Commission on section 21 regulations

(1) The Political Parties, Elections and Referendums Act 2000 is modified as follows.

(2) In section 7 (Commission to be consulted on changes to electoral law), in subsection (2), after paragraph (k) insert—

"(l) regulations under section 21 of the Scottish Parliament (Recall and Removal of Members) Act 2025 (power to make further provision about processes, etc.).".>

Challenge to outcome of recall process

Graeme Dey

76 In section 21, page 12, line 24, at end insert—

<( ) The outcome of a recall petition process or a recall poll process may be questioned only under Part 3 of the Representation of the People Act 1983 as applied by regulations made under subsection (1)(c).>

Removal for non-attendance

Sue Webber

102 In section 26, page 15, line 34, leave out <physically>

Mark Griffin
Supported by: Sue Webber

85 Leave out section 26

Sue Webber

103 In section 27, page 16, line 9, leave out <physically>

Sue Webber

104 In section 27, page 16, line 12, leave out <physical>

Sue Webber

105 In section 27, page 16, line 13, leave out <physical>

Sue Webber

106 In section 27, page 16, line 18, leave out <physically>

Sue Webber

107 In section 27, page 16, line 24, leave out <physical>

Sue Webber

108 In section 27, page 16, line 30, leave out <physical>

Sue Webber

109 In section 27, page 16, line 33, at end insert—

<( ) "attend" and "attendance" includes by electronic means in accordance with any requirement set out in standing orders or guidance of the Scottish Parliament,>

Mark Griffin
Supported by: Sue Webber

86 Leave out section 27

Mark Griffin
Supported by: Sue Webber

87 Leave out section 28

Mark Griffin

90 In the long title, page 1, line 2, leave out from <and> to end of line 3

Review of removal: protection of vulnerable groups

Alex Cole-Hamilton

124 After section 28, insert—

<CHAPTER

REVIEW OF REMOVAL: PROTECTION OF VULNERABLE GROUPS

Review of removal: protection of vulnerable groups

(1) The Scottish Ministers must, before the end of the period of one year beginning with the day of Royal Assent, undertake a review on whether to introduce legislation making provision for removal of members of the Scottish Parliament where the member is—

(a) barred from regulated roles with children,

(b) barred from regulated roles with adults, or

(c) barred from both types of regulated role.

(2) As soon as reasonably practicable after completing the review, the Scottish Ministers must prepare a report on the review under subsection (1).

(3) A report under subsection (3) must be—

(a) published, and

(b) laid before the Scottish Parliament.

(4) In subsection (1), "barred from regulated roles" has the meaning given by section 92 of the Protection of Vulnerable Groups (Scotland) Act 2007.>

Commencement

Graeme Dey

88 In section 30, page 17, line 14, after <Act> insert <(other than section 31(2))>

Graeme Dey

89 In section 31, page 17, line 23, leave out from <at> to end of line 24 and insert <on such day as the Scottish Ministers may by regulations appoint.

( ) Regulations under subsection (2) may—

(a) include transitional, transitory or saving provision,

(b) make different provision for different purposes.>

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