Scottish Parliament (Recall and Removal of Members) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 32 Schedule
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Sue Webber

38 In section 1, page 1, line 8, after <A> insert <constituency>

Sue Webber

1 In section 1, page 1, line 9, leave out <either—>

Sue Webber

2 In section 1, page 1, line 11, leave out from <or> to <3),> in line 13

Sue Webber

39 In section 1, page 1, leave out line 18

Sue Webber

40 In section 1, page 1, line 19, after <A> insert <constituency>

Sue Webber

41 In section 1, page 1, line 23, leave out <or 17B>

After section 1

Sue Webber

42 After section 1, insert—

<How a regional member is recalled

(1) A regional member is recalled if—

(a) either—

(i) the parliamentary-sanction ground applies in relation to the member (see section 2), or

(ii) the criminal-offence ground applies in relation to the member (see section 3), and

(b) as a result, the Presiding Officer issues a notice that the member has been recalled.

(2) The Presiding Officer must issue a notice under subsection (1)(b) as soon as reasonably practicable after becoming aware that either of the grounds mentioned in subsection (1)(a) applies.

(3) But subsection (2) does not apply where it would require the Presiding Officer to issue a notice at a time when the member's seat has already been vacated.>

Sue Webber

42A As an amendment to amendment 42, line 4, leave out <either—>

Sue Webber

42B As an amendment to amendment 42, line 6, leave out from <or> to <3),> in line 7

Sue Webber

42C As an amendment to amendment 42, line 11, leave out <either of the grounds> and insert <the ground>

Section 5

Sue Webber

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

Sue Webber

4 In section 5, page 2, line 3, leave out from <or> to end of line 4

Sue Webber

43 In section 5, page 2, line 5, after first <a> insert <constituency>

Sue Webber

44 In section 5, page 2, leave out lines 17 and 18 and insert—

<( ) For the purposes of this section—>

Sue Webber

45 In section 5, page 2, leave out lines 25 to 31

Sue Webber

5 In section 5, page 2, leave out lines 35 and 36

Section 9

Sue Webber

46 In section 9, page 3, line 2, after first <a> insert <constituency>

Graham Simpson

47 In section 9, page 3, line 4, leave out <Part> and insert <Act>

Sue Webber

6 In section 9, page 3, leave out lines 11 to 14

Sue Webber

48 In section 9, page 3, line 16, leave out <or (as the case may be) 3A>

Graham Simpson

49 In section 9, page 3, line 18, leave out <Part> and insert <Act>

After section 9

Graham Simpson

7 After section 9, insert—

<Finality of process

The outcome of a recall process may be questioned only under Part 3 of the Representation of the People Act 1983 as applied by regulations under section 21(1)(c).>

Section 3

Sue Webber

8 Leave out section 3

Section 4

Graham Simpson

50 In section 4, page 5, line 29, leave out <But>

Sue Webber

9 Leave out section 4

Section 14A

Graham Simpson

51 In section 14A, page 11, line 3, after <In> insert <Chapter 2 and>

Section 17A

Graham Simpson

10 In section 17A, page 11, line 20, leave out from <, a> to end of line 22 and insert <in relation to a regional member, a returning officer must, as soon as reasonably practicable and acting in accordance with any provision made under section 21, designate—

(a) a place, or places, at which a vote in a recall poll in relation to the member may be cast,

(b) the day on which it is to be possible to vote in the poll at the place, or places, designated under paragraph (a),

(c) the times of day during which it is to be possible to vote in the poll at the place, or places, designated under paragraph (a) on polling day.>

Graham Simpson

11 In section 17A, page 11, line 24, at end insert—

<( ) The returning officer, in determining which place or places to designate under subsection (1)(a), must seek to ensure—

(a) that all persons entitled to vote in the poll have such reasonable facilities for doing so as are practicable in the circumstances, and

(b) that, so far as is reasonable and practicable, every place designated is accessible to disabled persons.

( ) The day designated under subsection (1)(b) is to fall within the period that—

(a) begins 25 working days after the day on which the recall initiating notice was issued, and

(b) ends 34 working days after that day.

( ) Before designating a day under subsection (1)(b), the returning officer must consult the constituency returning officer (appointed to that office by an order under section 12(1) of the Scotland Act 1998) for each constituency comprising the region of the member to whom the poll relates.

( ) The returning officer, in determining the times of day to designate under subsection (1)(c), must seek to ensure that those entitled to vote in the poll have a reasonable opportunity to do so.>

Sue Webber

52 Leave out section 17A

After section 17A

Graham Simpson

12 After section 17A, insert—

<Notice of poll to be sent to registered electors

(1) As soon as reasonably practicable after complying with section 17A, the returning officer must (in accordance with regulations under section 21) send a notice of poll to persons entitled to vote in the recall poll.

(2) The notice of poll under subsection (1) must be issued at least 20 working days before polling day.>

Graham Simpson

13 After section 17A, insert—

<Duty to ensure opportunity to vote in poll

The returning officer must ensure that the opportunity to vote in the recall poll is (in accordance with regulations under section 21) available—

(a) on polling day, at the times and places designated under section 17A(1), and

(b) by post before the cut-off date for postal votes specified by regulations under section 21.>

Graham Simpson

14 After section 17A, insert—

<Change of polling day

(1) The Presiding Officer may change (from the one designated under section 17A(1)(b)) the day designated as the day on which it is to be possible to vote in the recall poll at the place, or places, designated under section 17A(1)(a).

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

(a) before the day designated under section 17A(1)(b),

(b) after consulting—

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

(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 17A(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 poll (in accordance with regulations under section 21)—

(a) may exercise again the functions under section 17A(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 poll to persons entitled to cast a vote in the recall poll.>

Graham Simpson

15 After section 17A, insert—

<Persons entitled to vote in poll

(1) A person is entitled to vote in a recall poll if, on polling day, the person would be entitled to vote at an election for membership of the Parliament held in any constituency comprising the region of the member to whom the poll relates.

(2) In determining, for the purposes of subsection (1), whether a person would be entitled to vote at an election for membership of the Parliament held in a constituency, no account is to be taken of an alteration to the electoral register if—

(a) the alteration—

(i) takes effect on or before the cut-off day, and

(ii) results from an application for registration made after the day on which the recall initiating notice that began the recall poll process was issued, or

(b) the alteration—

(i) takes effect after the cut-off day, and

(ii) is not an alteration which, by virtue of regulations under section 21, is to be taken into account for the purposes of this section despite taking effect after the cut-off day.

(3) In this section—

"cut-off day" means the third working day before polling day,

"relevant electoral register" means the register of electors in which a person needs to be registered in order to be entitled to vote as an elector at an election for membership of the Parliament held in the constituency.>

Graham Simpson

16 After section 17A, insert—

<How entitlement to vote is to be exercised

(1) A person who is entitled to vote in a recall poll may vote by any of the methods mentioned in subsection (2) (subject to meeting the requirements of regulations under section 21 about voting by that method).

(2) The methods of voting referred to in subsection (1) are—

(a) in person,

(b) by post,

(c) by proxy.

(3) A person who is entitled to vote in a recall poll may vote only once.

(4) Once a vote has been given in a recall poll, it cannot be withdrawn.

(5) Unless stated otherwise, references in this Act to voting in a recall poll by a person are to the person voting by any of the methods mentioned in subsection (2) otherwise than as a proxy for another person.>

Section 17B

Graham Simpson

17 In section 17B, page 11, line 35, leave out <do so> and insert <vote>

Sue Webber

53 Leave out section 17B

After section 17B

Graham Simpson

18 After section 17B, insert—

<*Interpretation*

Meaning of expressions used in Chapter 3A

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

"entitled to vote" is to be construed in accordance with section *(Persons entitled to vote in poll)*,

"polling day" means the day on which it is to be possible to vote in the poll at the place, or places, designated under section 17A(1)(a)—

(a) as designated under section 17A(1)(b), or

(b) where there has been a change to the designated day under section *(Change of polling day)*, as designated under that section.>

Graeme Dey

19* After section 17B, insert—

<CHAPTER

REPORTING ON AND OBSERVING RECALL PROCESSES

Reporting on recall processes

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

(2) In section 5 (reports on elections, referendums etc.), after subsection (4) insert—

"(5) After the end of a recall process for a member of the Scottish Parliament under the Scottish Parliament (Recall and Removal of Members) Act 2025, the Commission must prepare and publish (in such manner as the Commission may determine) a report in accordance with subsection (6).

(6) A report under subsection (5)—

(a) must—

(i) report on the actions taken, or not taken, under or by virtue of that Act in relation to the recall process in question, and

(ii) describe the steps taken by the returning officer (within the meaning of that Act) to assist disabled persons (within the meaning of section 6(2) of the Equality Act 2010) to sign the recall petition or (as the case may be) to vote in the recall poll, but

(b) must not examine how the member became subject to the recall process under section 1 of that Act.".

(3) In section 6 (reviews of electoral and political matters)—

(a) in subsection (1), after paragraph (ba) insert—

"(bb) such matters relating to recall processes (within the meaning of the Scottish Parliament (Recall and Removal of Members) Act 2025) as the Commission may so determine;",

(b) in subsection (3)—

(i) after paragraph (ba) insert—

"(bb) how a member of the Scottish Parliament becomes subject to a recall process under section 1 of the Scottish Parliament (Recall and Removal of Members) Act 2025;",

(ii) in paragraph (c), for "(ba)" substitute "(bb)".

(4) In section 6ZA (reviews of electoral and political matters: devolved Scottish elections)—

(a) in the title, after "elections" insert "and recall processes",

(b) in subsection (1)—

(i) for "or local government elections in Scotland" substitute ", local government elections in Scotland or recall processes",

(ii) in paragraph (a)(i), after "(a)" insert "or (bb)",

(c) in subsection (2), after "subsection (3)" insert "or recall processes",

(d) after subsection (3), insert—

"(4) In this section, "recall processes" means the recall processes under the Scottish Parliament (Recall and Removal of Members) Act 2025.".>

Graeme Dey

20* After section 17B, insert—

<Observation of recall processes

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

(2) In section 6A(1) (attendance of representatives of Commission at elections etc.), after paragraph (c) insert—

"(d) proceedings relating to a recall process under the Scottish Parliament (Recall and Removal of Members) Act 2025 which are the responsibility of the returning officer for that process.".

(3) In section 6C (accredited observers: individuals)—

(a) after subsection (1) insert—

"(1A) A person who is aged 16 or over may apply to the Commission to be an accredited observer at proceedings in a recall process under the Scottish Parliament (Recall and Removal of Members) Act 2025 for the counting of signatures after the end of the signing period or (as the case may be) the counting of votes after the closure of the recall poll.",

(b) after subsection (3) insert—

"(3A) An application under subsection (1A) must be made in the manner specified in the code of practice issued under section 6G.",

(c) in subsection (4), after "(1)" insert "or (1A)",

(d) in subsection (5)(a), after "(1)" insert "or (1A)".

(4) In section 6E(4) (attendance and conduct of observers)—

(a) after paragraph (c) insert—

"(ca) in the case of proceedings at a recall process under the Scottish Parliament (Recall and Removal of Members) Act 2025, the returning officer;",

(b) in paragraph (d), for "or (c)" substitute ", (c) or (ca)".

(5) In section 6G (code of practice on attendance of observers at Scottish Parliamentary elections and local government elections in Scotland)—

(a) in the title, after "elections" in the second place it occurs insert "and recall processes",

(b) in subsection (1), for "and local government elections in Scotland" substitute ", local government elections in Scotland and recall processes under the Scottish Parliament (Recall and Removal of Members) Act 2025",

(c) in subsection (2)(a), after "6C(1)" insert ", 6C(1A)".>

Section 18

Graeme Dey

21 In section 18, page 12, line 7, after <court> insert <in Scotland>

Sue Webber

22 Leave out section 18

Section 19

Graeme Dey

23 In section 19, page 12, line 22, after <brought> insert <before a court in Scotland>

Graeme Dey

24 In section 19, page 12, line 23, leave out <before which the appeal is brought>

Sue Webber

25 Leave out section 19

Section 20

Graeme Dey

26 In section 20, page 12, line 33, after <court> insert <in Scotland>

Sue Webber

27 Leave out section 20

Section 21

Graham Simpson

28 In section 21, page 14, line 4, at end insert—

<( ) make provision about the times of day that must or must not be designated under section 17A(1)(c),>

Graham Simpson

29 In section 21, page 14, line 6, leave out <give a>

Graham Simpson

30 In section 21, page 14, line 30, leave out subsection (5)

Graham Simpson

54 Move section 21 to before section 29

Section 21A

Graham Simpson

31 In section 21A, page 14, line 38, leave out <and Removal>

Graham Simpson

55 Move section 21A to before section 29

Section 22

Graham Simpson

56 In section 22, page 15, line 2, leave out <Part> and insert <Act>

Graham Simpson

57 Move section 22 to before section 29

Section 23

Graham Simpson

58 In section 23, page 15, line 7, leave out <Part> and insert <Act>

Sue Webber

32 Leave out section 23

Graham Simpson

59 Move section 23 to after section 30

Section 24

Graham Simpson

60 In section 24, page 16, line 2, leave out <Part> and insert <Act>

Sue Webber

33 In section 24, page 16, leave out line 6

Sue Webber

61 In section 24, page 16, leave out line 12

Graham Simpson

62 In section 24, page 16, line 23, leave out <Part> and insert <Act>

Graham Simpson

63 Move section 24 to after section 30

After section 24

Sue Webber

34 After section 24, insert—

<PART

REMOVAL OF MEMBERS OF THE SCOTTISH PARLIAMENT

Removal for offending

(1) The Scotland Act 1998 is modified as follows.

(2) In section 15 (disqualification from membership of the Parliament)—

(a) in subsection (1), after paragraph (d) insert—

"(e) the sentencing condition in subsection (2A) applies in relation to the person.",

(b) after subsection (2) insert—

"(2A) The sentencing condition applies in relation to a person if the person—

(a) is—

(i) convicted of an offence (whether in the United Kingdom or elsewhere), and

(ii) given a community sentence, or is sentenced or ordered to be imprisoned or detained for a period of not more than one year, in respect of that offence, and

(b) is, on either the day of conviction or the day of sentencing (or on both of those days), a member of the Parliament.

(2B) The reference in subsection (2A)(a)(i) to a person being convicted is a reference to a conviction on or after the day on which section (*Removal for offending*) of the Scottish Parliament (Recall and Removal of Members) Act 2025 comes into force.

(2C) The reference in subsection (2A)(a)(ii) to a person being sentenced or ordered to be imprisoned or detained does not include reference to the person being authorised to be detained under mental health legislation if there is no sentence or order for imprisonment or detention other than under that legislation.

(2D) In subsection (2C), "mental health legislation" means—

(a) Part 6 of the Criminal Procedure (Scotland) Act 1995,

(b) the Mental Health Act 1983,

(c) the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595).".

(3) In section 16(3) (exceptions and relief from disqualification), for "or (bc)" substitute ", (bc) or (e)".>

Sue Webber

64 After section 24, insert—

<PART

REMOVAL OF MEMBERS OF THE SCOTTISH PARLIAMENT

Removal for non-attendance

(1) The Scotland Act 1998 is modified as follows.

(2) In section 15 (disqualification from membership of the Parliament)—

(a) after subsection (1)(d) insert—

"(e) unless due to some reason approved by the Presiding Officer, the person fails to attend any proceedings as a member over a period of 180 days, ignoring any time during which—

(i) the Parliament is in recess,

(ii) the member is excluded from all proceedings in accordance with standing orders.",

(b) after subsection (2) insert—

"(2A) A person disqualified under subsection (1)(e) is disqualified until the person has, as a result of that disqualification, ceased to be a member of the Parliament by operation of section 17(2).

(2B) The Presiding Officer may approve a reason under subsection (1)(e) only if satisfied that the reason falls within one or more of the following categories—

(a) attending to a person who is near the end of life,

(b) bereavement,

(c) complications arising from pregnancy,

(d) maternity leave, paternity leave, parental leave, adoption leave, or shared parental leave,

(e) serious long-term illness or injury.

(2C) The Presiding Officer—

(a) must notify the Parliament in any case where a reason has been approved under subsection (1)(e),

(b) in so notifying the Parliament, need not disclose the reason which has been approved.",

(c) in subsection (4), before the definition of "councillor" insert—

""attend" includes by electronic means in accordance with any requirement set out in standing orders or guidance of the Scottish Parliament,".

(3) In section 16(3) (exceptions and relief from disqualification), for "or (bc)" substitute ", (bc) or (e)".>

Sue Webber

65 After section 24, insert—

<PART

REMOVAL OF MEMBERS OF THE SCOTTISH PARLIAMENT

Removal for non-attendance

(1) The Scotland Act 1998 is modified as follows.

(2) In section 15 (disqualification from membership of the Parliament)—

(a) after subsection (1)(d) insert—

"(e) unless due to some reason approved by the Presiding Officer, the person fails to attend any proceedings as a member over a period of 180 days, ignoring any time during which—

(i) the Parliament is in recess,

(ii) the member is excluded from all proceedings in accordance with standing orders.",

(b) after subsection (2) insert—

"(2A) A person disqualified under subsection (1)(e) is disqualified until the person has, as a result of that disqualification, ceased to be a member of the Parliament by operation of section 17(2).

(2B) The Presiding Officer—

(a) must notify the Parliament in any case where a reason has been approved under subsection (1)(e),

(b) in so notifying the Parliament, need not disclose the reason which has been approved.",

(c) in subsection (4), before the definition of "councillor" insert—

""attend" includes by electronic means in accordance with any requirement set out in standing orders or guidance of the Scottish Parliament,".

(3) In section 16(3) (exceptions and relief from disqualification), for "or (bc)" substitute ", (bc) or (e)".>

Sue Webber

66 After section 24, insert—

<PART

REMOVAL OF MEMBERS OF THE SCOTTISH PARLIAMENT

Removal for non-attendance

(1) The Scotland Act 1998 is modified as follows.

(2) In section 15 (disqualification from membership of the Parliament)—

(a) after subsection (1)(d) insert—

"(e) unless due to some reason approved in accordance with standing orders made by virtue of section (*Standing orders to set process for seeking approval of reasons for non-attendance)* of the Scottish Parliament (Recall and Removal of Members) Act 2025, the person fails to attend any proceedings as a member over a period of 180 days, ignoring any time during which—

(i) the Parliament is in recess,

(ii) the member is excluded from all proceedings in accordance with standing orders.",

(b) after subsection (2) insert—

"(2A) A person disqualified under subsection (1)(e) is disqualified until the person has, as a result of that disqualification, ceased to be a member of the Parliament by operation of section 17(2).",

(c) in subsection (4), before the definition of "councillor" insert—

""attend" includes by electronic means in accordance with any requirement set out in standing orders or guidance of the Scottish Parliament,".

(3) In section 16(3) (exceptions and relief from disqualification), for "or (bc)" substitute ", (bc) or (e)".>

Sue Webber

67 After section 24, insert—

<Standing orders to set process for seeking approval of reasons for non-attendance

(1) Standing orders of the Scottish Parliament are to provide for a process by which a member of the Parliament may seek approval of the member's reasons for not attending proceedings over a period of 180 days or more, so as not to be disqualified from being a member under section 15(1)(e) of the Scotland Act 1998.

(2) The process is to have the following features—

(a) the member seeking approval must, in suitable time before the member has failed to attend proceedings over a period of 180 days, notify the Presiding Officer of—

(i) the request for approval of the member's reasons for not attending proceedings,

(ii) the reasons for the member's non-attendance,

(b) a committee which, in accordance with a requirement in standing orders, considers whether the member's reasons for not attending proceedings are reasonable, must—

(i) decide whether to approve the member's reasons,

(ii) report its decision to the Parliament,

(c) the committee may not decide whether to approve the member's reasons unless it has given the member in question an opportunity to make representations,

(d) in reporting its decision to the Parliament under paragraph (b)(ii), the committee must not disclose any personal information relating to the member in question,

(e) the committee may consider a request for approval, including any representations made by the member in question, in private,

(f) the member's reasons for not attending proceedings are approved only where the committee decides to approve them.

(3) In this section—

(a) "proceedings" has the same meaning as in section 126(1) of the Scotland Act 1998,

(b) references to members of the Parliament include references to the Lord Advocate and the Solicitor General for Scotland, if they are such members, in their capacity as such.>

Sue Webber

67A As an amendment to amendment 67, line 7, leave out <is to> and insert <may>

Alex Cole-Hamilton

35 After section 24, insert—

<PART

REVIEW OF MEMBERSHIP OF THE SCOTTISH PARLIAMENT: PROTECTION OF VULNERABLE GROUPS

Review of membership of the Scottish Parliament: protection of vulnerable groups

(1) The Scottish Ministers must, before the end of the period of 18 months beginning with the day of Royal Assent, undertake a review on whether to introduce legislation making provision for the removal of members of the Scottish Parliament, whether through a recall process or by way of disqualification, 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 (2) 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.>

Section 32

Graham Simpson

36 In section 32, page 17, line 13, leave out <and Removal>

Schedule

Sue Webber

68 In the schedule, page 18, line 19, after <given> insert <—

(i)>

Sue Webber

69 In the schedule, page 18, line 19, leave out <or 17B>

Graham Simpson

37 In the schedule, page 18, line 20, leave out <and Removal>

Sue Webber

70 In the schedule, page 18, line 20, after <2025> insert <, or

(ii) by the Presiding Officer under section (*How a regional member is recalled*) of that Act,>

Long Title

Sue Webber
Supported by: Alex Cole-Hamilton

71 In the long title, page 1, line 1, after <recall> insert <and removal>

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