



The Scottish Parliament  
Pàrlamaid na h-Alba

# Guidance on Chamber Business

Stiùireadh air  
Gnothaichean  
an t-Seòmair



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## Foreword

The purpose of this Guidance is to explain how the Parliament conducts its plenary business. The Guidance is aimed at MSPs and their staff, Parliament staff and anyone with an interest in how the Parliament works.

The first edition of this Guidance was published in the later part of Session 6. This new edition has been updated for Session 7.

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## Part 1: The Parliament and its plenary business

1.1 The Scottish Parliament consists of 129 elected representatives (MSPs), whose role is to pass laws, hold the Scottish Government to account and debate matters of importance to the people of Scotland.

1.2 Meetings of the Parliament are chaired by the Presiding Officer or by one of the Deputy Presiding Officers (DPOs). The Presiding Officer and DPOs are MSPs, elected to these positions by the Chamber as a whole at the beginning of each session. In chairing meetings of the Parliament, they are responsible for ensuring that the Parliament's agreed programme of business is delivered in compliance with the Parliament's Standing Orders and other rules and conventions of procedure. The Presiding Officer also chairs meetings of the Scottish Parliamentary Corporate Body (SPCB) and the Parliamentary Bureau and is the final arbiter on matters of Parliamentary procedure – and, together with the DPOs, represents the Parliament both at home and abroad. In carrying out these functions, the Presiding Officers act impartially, taking account of the interests of all Members equally.

1.3 The Presiding Officer's role during meetings of the Parliament is explained in more detail later in this Guidance.

### Sessions of the Parliament

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1.4 The lifetime of the Parliament is divided into sessions. Each session begins when the Parliament first meets after a Scottish Parliament general election and ends when the Parliament is dissolved prior to the next election. Scottish Parliament elections are normally held on the first Thursday in May, and there is normally a period of around six weeks between the completion of business in late March and the first meeting of the new session (which must take place within seven days of the election).<sup>1</sup> During that dissolution period (which normally coincides with the election period, set aside for campaigning), there are no MSPs and no Parliamentary business can be conducted,

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<sup>1</sup> [Scotland Act 1998, section 2\(3\)](#). The date of dissolution is normally 20 days before the day of the poll ([Scottish Parliament \(Elections etc.\) Order 2015, article 84](#)). In Sessions 1 to 4, the Parliament was dissolved as soon as business for the session was completed. In Sessions 5 and 6, however, there was a period of pre-election recess prior to dissolution.

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although the Presiding Officer and DPOs, members of the Scottish Government and members of the Scottish Parliamentary Corporate Body continue in office.

1.5 The Scotland Act 1998 originally provided for four-year sessions, but has since been amended to provide for five-year sessions, partly to avoid Scottish Parliament elections coinciding with UK Parliament elections. Session 7 began in May 2026 and is expected to end in March 2031.<sup>2</sup>

1.6 The 1998 Act provides for the Parliament to be dissolved early in specific circumstances – either if the Parliament resolves (passes a motion) that it should be dissolved, which it can do only if two-thirds of MSPs vote in favour, or if it fails to nominate an MSP to be First Minister within the period provided for by the Act. The effect, in either case, is to require the Parliament to be dissolved and an “extraordinary general election” held. The extra session that then begins only lasts for the remaining duration of the session that was cut short, unless that remaining duration is less than 6 months – in which case the extra months are added to the beginning of the next five-year session. For example, had there been a dissolution (say) three years into Session 4, then the extra session beginning a few weeks later would have run for only two years, ending when Session 4 would otherwise have ended. As a result, an extraordinary general election doesn’t have a long-term impact on the 5-yearly sequence of elections.

## Parliamentary years

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1.7 Each session is divided into Parliamentary years. One Parliamentary year ends, and the next one begins, on each anniversary of the Parliament’s first meeting in the session, except that the final Parliamentary year of a session ends on dissolution (and so is slightly shorter than the others).

1.8 In practice, the division of a session into Parliamentary years has virtually no impact on Chamber business. The ending of a Parliamentary year,

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<sup>2</sup> The completed sessions so far have been: Session 1 (1999-2003), Session 2 (2003-2007), Session 3 (2007-2011), Session 4 (2011-2016), Session 5 (2016-2021) and Session 6 (2021-2026).

in particular, doesn't affect the Parliamentary timetable, or cause any items of business to fall.

## Recesses

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1.9 Periods during a session when the Parliament doesn't meet are known as recesses. Dates of recess are decided in advance by the Parliament on a motion of the Parliamentary Bureau (Rule 2.3.1) and are advertised on the Parliament's website.<sup>3</sup>

1.10 In a typical year, there is a one-week February recess, a two-week Easter recess, a two-month summer recess (usually covering all of July and August), a two-week October recess and a two-week Christmas recess (lasting into the new year). As a result, the Parliament sits for around 36 weeks each year. There is no formal name for the sitting periods between recesses, but they are sometimes referred to as "terms".

## Days when the Office of the Clerk is open, and sitting days

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1.11 The Standing Orders define a sitting day as "any day when the Office of the Clerk is open but not when the Parliament is in recess or dissolved" (Rule 2.1.3). The "Office of the Clerk" is not a specific location or group of staff, but a shorthand term for the availability of staff to support MSPs with items of business. It is for the Parliament (on a motion of the Parliamentary Bureau) to decide the days on which the Office of the Clerk is to be open. This is usually all weekdays other than public or other staff holidays.

1.12 Accordingly, in non-recess periods, "sitting days" and "days when the Office of the Clerk is open" amount to the same thing. During recess, there are no sitting days, but most weekdays are days when the Office of the Clerk is open.

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<sup>3</sup> Under About / [Recess dates](#). Recess dates coincide as far as possible with school holiday dates, although these vary according to local authority area.

## The Parliamentary week

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1.13 Meetings of the Parliament generally take place during what the Standing Orders define as the “normal Parliamentary week” (Rule 2.2.3). This consists of:

- Mondays from 2.30 to 5.30 pm
- Tuesdays, Wednesdays and Thursdays from 9.15 am to 5.30 pm
- Fridays from 9.30 am to 12.30 pm.

1.14 The Parliament may, however, decide (in advance) that a meeting on Wednesday may continue until as late as 7 pm (Rule 2.2.4) or that a meeting on any day may include, after the normal end-time for that day, a Member’s Business debate (lasting up to 45 minutes) (Rule 2.2.6(c)).

1.15 It is possible for the Parliament to depart from the normal Parliamentary week by suspending or varying the relevant Rules (under Rule 17.2).<sup>4</sup> In an emergency, a meeting can be held on any day or at any time (for example, on a Saturday or Sunday, or during recess) if the Presiding Officer considers that necessary (Rule 2.2.10).<sup>5</sup>

1.16 Once a meeting is under way, there is some flexibility to allow business to be completed beyond the applicable end-time for that day (i.e. 12.30 pm, 5.30 pm or 7 pm) in certain limited circumstances:

- to complete any process of voting, or a process for electing the Presiding Officer or deputies, SPCB members, or the Parliament’s nominee as First Minister
- to allow an item of business already under way to be completed (if the Parliament agrees to a motion, which may be moved without notice, by

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<sup>4</sup> An example was a variation of the Rules on 11 March 2026 to allow the Parliament to meet beyond 12.30 pm on Friday 13 March 2026 to complete consideration of Stage 3 amendments on the Assisted Dying for Terminally Ill Adults (Scotland) Bill.

<sup>5</sup> Examples were the meetings of the Parliament held on 30 December 2020 (to debate post-Brexit UK legislation and consider a statement on Covid-19) and 4 January 2021 (to consider a statement on Covid-19).

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a member of the Scottish Government or the member whose business it is).<sup>6</sup>

1.17 In practice, a typical week might involve the Chamber meeting:

- on Tuesday and Wednesday from 2 pm to 5 pm (Decision Time) followed by a Member's Business debate
- on Thursday from 11.40 am to 12.45 pm, followed by a Member's Business debate, and then from 2 or 2.30 pm to 5 pm (Decision Time).

1.18 This keeps Monday and Friday clear for MSPs to attend to business in their constituencies or regions, and allows committees to meet in the morning on Tuesday, Wednesday and Thursday.

1.19 Numerous variations to this typical week are possible, depending on the nature and urgency of business to be conducted – for example, by scheduling later Decision Times when lengthier debates have to be accommodated.

1.20 Normally, all the business conducted in the Chamber on a particular day counts as a single “meeting of the Parliament”. However, it is possible for a meeting to be adjourned in one day and completed on a later day, or for a second meeting to be held later on the same day as a meeting that has already been closed (Rule 2.2.8).<sup>7</sup>

1.21 Occasionally, the business conducted in the Chamber on a particular day will include proceedings of a “Committee of the Whole Parliament”. This is a committee of which all MSPs are members and of which the Presiding Officer is convener, and is a means of allowing Stage 2 of a Bill to be taken in the Chamber but under committee (rather than Chamber) procedure. In

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<sup>6</sup> Such a motion may be debated for up to 10 minutes, with each speaker speaking for up to 3 minutes; it may be amended only to increase or decrease the length of extra time it allows (Rule 2.2.6(d) and 7).

<sup>7</sup> The first meeting in Session 3 began on 9 May 2007 but was adjourned after oaths and affirmations until 14 May for the election of a Presiding Officer. This allowed more time for MSPs to decide whether or not to stand for that office, while complying with what was (at the time) a statutory requirement that the Parliament elect a Presiding Officer “at its first meeting” after an election. This requirement has since been replaced with a requirement to elect a Presiding Officer no later than 14 days after an election.

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procedural terms, the proceedings of a Committee of the Whole Parliament don't constitute part of that day's "meeting of the Parliament", which is suspended for the duration. But MSPs remain in their seats, and the transitions from plenary business to committee business and back again are, to anyone observing, seamless.

## **Where meetings of the Parliament take place**

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1.22 The Parliament almost invariably meets in the Debating Chamber at the Holyrood building in Edinburgh.

1.23 Before the Holyrood building opened in 2004, the Parliament's Chamber was in the Church of Scotland Assembly Hall on the Mound in Edinburgh. On two occasions, the Parliament met elsewhere – in Glasgow in May 2000 and Aberdeen in May 2002 – to allow the Church to use the Hall for its annual General Assembly.

1.24 During the Covid-19 pandemic, technology was introduced to allow the Parliament to meet remotely or on a hybrid basis (with some MSPs in the Chamber and others participating remotely). The temporary changes to the Rules that initially made this possible have since been made permanent. As a result, a meeting of the Parliament can take place in the Holyrood Chamber, either wholly in person or on a hybrid basis, or it can take place wholly remotely on a platform provided by the SPCB (Rule 2.7.1). All these are covered by references elsewhere in the Rules to meetings held "in the Chamber".

1.25 The Parliament can decide (on a motion of the Parliamentary Bureau) to meet at a location in Scotland other than the Chamber (Rule 2.7.2). If it is not possible for the Parliament to make such a decision, for example because the Chamber has been rendered unusable without warning, the Presiding Officer may choose an alternative location for the Parliament to meet in (Rule 2.7.3).

## Part 2: First meetings in a new session

2.1 The first meetings in each new session are very different from those that follow later, as normal business cannot begin until all newly-elected MSPs have taken the oath or made a solemn affirmation and a new Presiding Officer and two deputies have been elected.<sup>8</sup> Those proceedings are usually followed (at the same meeting, or the next few meetings) by the selection of a First Minister, the appointment of other ministers, and the election of MSPs to serve on the Scottish Parliamentary Corporate Body (SPCB).

2.2 The Presiding Officer from the previous session remains in office until a new Presiding Officer is elected.<sup>9</sup> One of his or her final responsibilities is to determine the date and time of the first meeting of the new session (which must be held within seven days of the election itself) (Rule 2.4.2).

### Chairing of first meeting

2.3 If the Presiding Officer has not been re-elected as an MSP, he or she opens the meeting and remains in the chair while all the new MSPs take the oath (or make solemn affirmations) and while a new Presiding Officer is elected (Rule 2.4.4).<sup>10</sup>

2.4 If the Presiding Officer has been re-elected as an MSP, then he or she can only take the chair after taking the oath (or making an affirmation) (Rule 2.4.6). In addition, if he or she intends to stand for re-election as Presiding Officer, he or she cannot chair those election proceedings (Rule 2.4.9).

2.5 Accordingly, if the Presiding Officer does not intend to stand for re-election, the Clerk of the Parliament chairs the meeting while the Presiding Officer takes the oath (or makes an affirmation), and the Presiding Officer then

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<sup>8</sup> [Scotland Act 1998, section 19](#).

<sup>9</sup> [Scotland Act 1998, section 19\(2\)](#).

<sup>10</sup> This is what happened at the beginning of Sessions 2, 3, 5, 6 and 7, when the Presiding Officer from the previous session (Sir David Steel, George Reid, Tricia Marwick, Ken Macintosh and Alison Johnstone respectively) was not re-elected but returned to open the first meeting of the new session.

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takes the chair for the remainder of the oaths and affirmations, and for the election of a new Presiding Officer (Rule 2.4.3).<sup>11</sup>

2.6 But if the Presiding Officer does intend to stand for re-election, another MSP must be found to take the first oath (or make the first affirmation) and then to chair the remaining oath and affirmation proceedings and the election of a new Presiding Officer. That MSP is either:

- someone who was a deputy Presiding Officer (DPO) at the end of the previous session, and who does not intend to stand for election as Presiding Officer, or (if there is no such person)
- the oldest MSP present who is not the leader of a party that won five or more seats at the election and who does not intend to stand for election as Presiding Officer or as First Minister (Rules 2.4.5 and 9).

## Oaths and affirmations

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2.7 Every MSP is required to take the oath, or make a solemn affirmation, at the beginning of each session, before participating in any business.<sup>12</sup>

2.8 The oath is in the following terms:

“I, [name], do swear that I will be faithful and bear true allegiance to His Majesty King Charles<sup>13</sup>, his heirs and successors, according to law. So help me God.”<sup>14</sup>

2.9 The affirmation is in the following terms:

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<sup>11</sup> This is what happened at the beginning of Session 4, when the Session 3 Presiding Officer (Alex Fergusson) was re-elected as an MSP but did not seek a second term as Presiding Officer.

<sup>12</sup> [Scotland Act 1998, section 84](#). Although this refers only to oaths, [section 5 of the Oaths Act 1978](#) allows any person who is required to swear an oath, but objects to being sworn, to make a solemn affirmation instead.

<sup>13</sup> The wording of the oath (or affirmation) includes the name of the monarch for the time being. Accordingly, all MSPs in Sessions 1-5, and at the beginning of Session 6, swore allegiance to Her Majesty Queen Elizabeth. The validity of an oath or affirmation is not affected by a change of monarch during the session (as the allegiance sworn is both to the current monarch and to his or her heirs and successors).

<sup>14</sup> [Section 2 of the Promissory Oaths Act 1868](#).

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“I [name] do solemnly, sincerely and truly declare and affirm that I will bear true allegiance to His Majesty King Charles, his heirs and successors, according to law.”<sup>15</sup>

2.10 Members are called to take the oath, or to affirm, in alphabetical order, except that party leaders are normally taken first. When called, each MSP stands, with hand raised, and repeats the words of the oath or affirmation as it is read out by the Clerk (or another member of Parliament staff). The oath or affirmation must be made in English, but members may, if they wish, say it again in any other language.

2.11 Some MSPs have prefaced their oath or affirmation with a brief statement expressing their objection to having to swear allegiance to the monarch. Such a statement does not, by itself, undermine the validity of the oath or affirmation. Should any MSP refuse to take the oath or to affirm, or fail to do so in the first 2 months after becoming an MSP (or by the end of any longer period agreed by the Parliament), that MSP would lose his or her seat.

## **Election of Presiding Officer and deputies**

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2.12 As already noted, the first business that needs to be conducted after oaths and affirmation is the election of a Presiding Officer and two deputies.

### **Election of Presiding Officer**

2.13 The person chairing the meeting sets a time for the election of a Presiding Officer, and this is notified to MSPs (Rule 3.2.3). Nominations may then be made, in writing, but only during a one-hour period starting two hours before the appointed time (Rule 3.2.6). A nomination is valid only if seconded by another MSP.

2.14 The election process is by secret ballot. MSPs complete paper forms and put them in ballot boxes for counting by clerks; the numerical outcome is announced, but no record is kept of who votes for whom. This helps avoid any perception that decisions made by the Presiding Officer in relation to an

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<sup>15</sup> [Section 6 of the Oaths Act 1978](#).

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individual member could have been influenced by how that member voted in the ballot.

2.15 The number of candidates determines how many rounds of voting are required. If there is a single candidate, there is a single round of voting in which each MSP votes for or against the candidate (or to abstain), and the candidate is elected if there is a simple majority in his or her favour (that is, more votes for than against).

2.16 If there are two or more candidates, the first round consists of MSPs voting for their preferred candidate (or to abstain). If one candidate gets more votes than the others put together, that candidate is elected<sup>16</sup>; otherwise, the candidate (or candidates) with the fewest votes is eliminated and a further round of voting is held, with the final round usually being a choice between the final two candidates (unless one of the candidates has withdrawn between rounds, in which case the final round consists of MSPs voting for or against the remaining candidate).

2.17 If there is a tied vote in any round (with all candidates receiving the same number of votes), or if all the candidates are eliminated or withdraw, the election process ends with no candidate elected, and a further election must be held. In addition, no-one can be elected as Presiding Officer unless the number of members voting in the relevant round (including to abstain) is more than a quarter of the total number of seats (i.e. at least 33).

### **Election of deputy Presiding Officers**

2.18 The election of two deputy Presiding Officers (DPOs) is the next item of business after the election of a Presiding Officer. The Presiding Officer appoints a time for the first election to take place, and written nominations (for either position) may be made during a one-hour period starting two hours before the appointed time. A nomination is valid only if seconded by another MSP.

2.19 The procedure for electing DPOs is the same as for electing the Presiding Officer, and is also by secret ballot. After the first DPO has been

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<sup>16</sup> This includes the situation where there are only two candidates, and one gets more votes than the other (Rule 11.9.8).

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elected, the remaining candidates automatically become candidates in the second election, except where the first DPO elected is from the same political party, or is the same gender, as the Presiding Officer, in which case any remaining candidates from that party or of that gender are disqualified.<sup>17</sup> In respect of political party, this reflects the statutory rule that prevents the Presiding Officer and deputies all being members of the same party.<sup>18</sup> In respect of gender, it reflects a recommendation of a “gender-sensitive audit” carried out in Session 6.<sup>19</sup>

2.20 Although two DPOs must be elected at the beginning of a session, the Parliament may (on a motion of the Parliamentary Bureau) decide to elect one or more additional DPOs at any time after the first two have been elected (Rule 3.3.10A). Unlike the original two DPOs, whose term of office lasts until a new Presiding Officer is elected in the next session, an additional DPO may be given a shorter term (for example, to cover a period of absence by the Presiding Officer or one of the first two DPOs). The process for electing an additional DPO is identical to that for other DPOs.

## **Selection of nominee as First Minister**

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2.21 The First Minister is formally appointed by the King, but an MSP is eligible for appointment only if first nominated by the Parliament.<sup>20</sup> The Parliament decides whom to nominate by means of a selection process, which (at the beginning of a new session) must take place within 14 days of the general election (Rule 4.1.2). It is usually the next item of business following the election of DPOs.

2.22 Once the date and time for the selection process has been decided (by the Presiding Officer), MSPs may be nominated as candidates, in writing, until 30 minutes before the time appointed, but their candidacy is valid only if

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<sup>17</sup> Similar restrictions apply where a new Presiding Officer or DPO is elected mid-session (Rules 3.3.7, 9, 10D and 10DA).

<sup>18</sup> [Scotland Act 1998, Schedule 3](#), paragraph 5.

<sup>19</sup> Standards, Procedures and Public Appointments Committee, [4<sup>th</sup> Report, 2026 \(Session 6\)](#), *Standing Order Rule changes related to Gender Sensitive Audit recommendations on Parliamentary Bureau Membership, Election of Presiding Officer/Deputy Presiding Officers and SPCB Membership*.

<sup>20</sup> [Scotland Act 1998, sections 45](#) and 46

seconded by another MSP. Before voting begins, candidates may be given an opportunity to make a short speech in support of their candidacy.

2.23 The selection of a nominee is done by a process of voting (under Rule 11.10). Unlike with the election of the Presiding Officer and DPOs, this is not a secret ballot and the digital voting system is normally used.

2.24 If there is a single candidate, members vote for or against that candidate (or to abstain) and the candidate is selected if he or she obtains a simple majority (that is, more members vote for than against).

2.25 If there are two or more candidates, multiple rounds of voting may be required. In each round, the Presiding Officer reads out each candidate's name in turn, and MSPs who support that candidate vote "Yes" (while other MSPs do not vote); at the end of the round, there is an opportunity for MSPs who have not voted for any of the candidates to vote to abstain. If one candidate gets more votes than all the others put together, that candidate is selected; otherwise, the candidate (or candidates) with the fewest votes is eliminated and a further round of voting is held.

2.26 In most circumstances, the outcome of the selection process is never in doubt, with the leader of the largest party likely to be successful. Nevertheless, in most sessions so far, other party leaders have put themselves forward, and the selection process has been contested.<sup>21</sup>

## **Appointment of Ministers, junior Ministers and Law Officers**

2.27 It is for the First Minister, once appointed, to appoint other MSPs as either Ministers (under [section 47 of the Scotland Act 1998](#)) or junior Scottish Ministers (under [section 49](#)), and to recommend two persons for appointment as Lord Advocate and as Solicitor General for Scotland (the Scottish Law Officers) (under [section 48](#)). In formal terms, the Law Officers are appointed by the King, on the recommendation of the First Minister, while Ministers and junior Scottish Ministers are appointed by the First Minister with the approval of the King.

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<sup>21</sup> The exception was in Session 4, when there was only one candidate (Alex Salmond). The largest number of candidates was in Session 2, when there were seven.

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2.28 In all these cases, the First Minister can make or recommend the appointment only with the agreement of the Parliament. This is achieved by the First Minister lodging motions proposing that named persons be appointed (or, in the case of the Law Officers, that named persons be recommended to His Majesty for appointment), and the Parliament deciding whether to agree to the motions.

2.29 Ministers and junior Scottish Ministers (known in practice as Cabinet Secretaries and Ministers, respectively)<sup>22</sup> remain in office during dissolution periods, so that the business of government can continue uninterrupted. It is only when an election results in a change in the governing party that a First Minister is likely to appoint an entirely new ministerial team. Where the governing party remains unchanged, it is likely that only a limited number of ministerial appointments will be required at the beginning of the new session (for example, to replace as ministers people who have not been re-elected as MSPs). During the course of the session, some new ministerial appointments are likely to be needed as a result of re-shuffles, retirements etc.

2.30 The Scottish Law Officers count as members of the Scottish Government, along with the First Minister and Ministers (Cabinet Secretaries) appointed under section 47 of the Act – but junior Scottish Ministers (Ministers) appointed under section 49 do not. Like ministers, the Law Officers remain in office during dissolution periods, so that their role at the head of the Crown Office and Procurator Fiscal Service can continue uninterrupted. As their role is less party-political, change in the governing party or parties at an election does not necessarily result in the Law Officers being replaced.<sup>23</sup>

## Appointment of SPCB members

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2.31 The Scottish Parliamentary Corporate Body (SPCB) is the body responsible for providing the Parliament, or ensuring it is provided, with the property, staff and services that it needs to carry out its purposes. The SPCB

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<sup>22</sup> Since 2007, Scottish Government practice has been to use the titles “Cabinet Secretary” and “Minister”, but the formal terms under the Scotland Act remain “Minister” and “junior Scottish Minister”. In this Guidance, “minister” is used as a general term for both.

<sup>23</sup> When the SNP first formed an administration in 2007, the new First Minister (Alex Salmond) kept on the Lord Advocate (Elish Angiolini) appointed by his Labour predecessor (Jack McConnell).

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is also the Parliament's legal personality. It consists of the Presiding Officer and at least four other MSPs.<sup>24</sup> In formal terms, these MSPs are appointed by the Presiding Officer, but this normally follows an election process (under Rule 11.10A).

2.32 SPCB members remain in office during a dissolution period, whether or not they are standing for re-election as MSPs. This ensures that any essential SPCB business can still be carried out up to the point at which new SPCB members are appointed early in the new session.

2.33 At the beginning of a new session, the Parliament may, on a motion of the Parliamentary Bureau, increase the number of appointed SPCB members to any number above four (Rule 3.6.2). If this is done, the number cannot be varied again for the remainder of the session (Rule 3.6.3).

2.34 The facility to vary the size of the SPCB in this way was introduced in 2012 to create greater flexibility. Although there is no formal requirement for cross-party balance on the SPCB, it had become the Parliament's practice to elect one SPCB member from each of the four largest parties, but this didn't always ensure there was a place on the SPCB for every party represented on the Parliamentary Bureau (i.e. each party with five or more MSPs). In Session 5, the first session when the power to vary the number of appointed members was available at the beginning of the session, the number was increased to five. In Session 6, the number returned to four, matching the reduced number of parties represented at the beginning of the session on the Parliamentary Bureau.<sup>25</sup>

2.35 The appointment of SPCB members is normally the next item of business after the appointment of ministers. The process is very similar to that used for electing DPOs, except that it is not a secret ballot and the digital voting system is used.

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<sup>24</sup> [Scotland Act 1998, section 21](#). Information about the SPCB is available on the Parliament's website under About / How the Parliament works / Parliament organisations, groups and people / [Scottish Parliamentary Corporate Body](#)

<sup>25</sup> In Session 5, there were five parties represented in the Bureau (SNP, Conservatives, Labour, Liberal Democrats and Greens); in the 2021 election, only four Liberal Democrats MSPs were elected, and the number of Bureau parties reduced from five to four.

## Guidance on Chamber Business

### Part 2: First meetings in a new session

2.36 MSPs may be nominated, in writing, until 30 minutes before the time appointed for the election. Nominations are valid only if seconded by another MSP (Rules 3.7.7 and 8). Those intending to nominate an MSP must ensure that due regard is given to achieving gender balance (Rule 3.7.A1).

2.37 If there are more candidates than there are vacancies, a number of rounds is required. In each round, the names of the candidates are read out in turn and MSPs vote for their preferred candidate (when that person's name is called) or to abstain. A candidate is elected in that round if the number voting for that candidate exceeds the number voting for all the others put together; otherwise, the candidate (or candidates) with the fewest votes is eliminated and another round is held.

2.38 If the number of candidates matches the number of vacancies – either from the outset, or after a number of rounds of voting – the Presiding Officer may (with the unanimous agreement of the Parliament) propose a simplified process. Under that process, MSPs vote either for or against all the candidates as a set (or to abstain). If there is a simple majority in favour of the set of candidates (with more voting for the candidates than against), all are elected; otherwise, all are eliminated.

2.39 If an election ends with some places not filled, the Presiding Officer decides (under Rule 11.10A.19) whether a further election should take place or whether to appoint a member to fill the place (under Rule 3.8.1).

## Part 3: The Parliamentary Bureau and its role

3.1 Once a Presiding Officer and deputies have been elected and a First Minister, ministers and SPCB members have been appointed at the beginning of a session (see Part 2), it is possible for Parliamentary business to settle into a more regular pattern.

3.2 Key to this is the operation of the Parliamentary Bureau. Under Rule 5.2, the Bureau consists of:

- the Presiding Officer
- one MSP representing each political party that has five or more MSPs, and
- one MSP nominated by any “group” consisting of five or more MSPs who either represent smaller parties (with fewer than five MSPs) or who are independents (not representing any party) and who come together for the purpose of gaining a seat on the Bureau.<sup>26</sup>

3.3 It is for the leader of each party to decide who represents it in the Bureau. The main governing party is normally represented by the Minister for Parliamentary Business. Other parties are normally represented by their “business managers”. No Chamber proceedings are required to approve the membership of the Bureau at the beginning of the session or to approve a change of Bureau membership mid-session.

3.4 The parties (and groups) entitled to Bureau membership must first consult each other and then, when nominating MSPs to sit on the Bureau, ensure that due regard is given to achieving gender balance in its membership (Rule 5.2.2A).

3.5 The Bureau’s main functions (Rule 5.1.2) are to propose to the Parliament a programme of business (“the business programme”); to propose the establishment of committees, and to refer (or recommend that the

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<sup>26</sup> So far, such a group has been formed only in Session 2. The Bureau member was Margo Macdonald (Independent) representing a group consisting of other independent MSPs plus one MSP who was the sole representative of his party.

## Guidance on Chamber Business

### Part 3: The Parliamentary Bureau and its role

Parliament refer) business to committees. Where its role involves proposing things to the Parliament, it does this by means of a motion (a “Parliamentary Bureau motion”) lodged on its behalf by one of its members (usually the Minister for Parliamentary Business).

3.6 The Bureau meets in private, normally at noon each Tuesday (except in recess). Meetings are chaired by the Presiding Officer and attended by the Clerk of the Parliament and other members of Parliament staff. The Head of the Parliamentary Business Team is the clerk to the Bureau.

3.7 Where the Bureau cannot reach a decision by consensus, and a vote is required, each Bureau member has a “weighted” vote equal to the number of MSPs in his or her party or group at the time. If there is a tied vote, the Presiding Officer (who otherwise does not vote) has a casting vote. Bureau agendas, papers and minutes are available on the Scottish Parliament website.<sup>27</sup>

## **The business programme**

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3.8 The business programme is, in effect, an outline agenda for meetings of the Parliament. It lists all the various items that the Parliament is due to consider at forthcoming meetings, and sets times for when at least some of these items are due to begin. It may also include a timetable for the Parliament’s consideration of items of legislative business (such as Bills, statutory instruments and legislative consent memorandums).

3.9 Typically, the business programme covers a period of around two sitting weeks. It is updated on a rolling basis with a new business programme agreed each Wednesday, covering the next two sitting weeks. So a business programme agreed on Week 1 will set out the business for Week 2 (in detail) and for Week 3 (in outline); the next business programme, agreed on Week 2, will set out the business for Week 3 (in detail) and for Week 4 (in outline); and so on.

3.10 The outline version normally only specifies the general category of each debate (for example, that it is to be a Scottish Government debate, or a debate

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<sup>27</sup> Under About / How the Parliament works / [Parliament organisations, groups and people](#)

## Guidance on Chamber Business

### Part 3: The Parliamentary Bureau and its role

led by a specified opposition party or a specified committee). The more detailed version normally adds the subject-matter of each debate and may include additional items (e.g. ministerial statements) the need for which was not anticipated at the time the outline version was agreed.

3.11 A typical week's business is as follows. The text on the left is what might be included in the business programme (in outline), while the information on the right explains likely actual timings (those asterisked being time-limits set in the Standing Orders):

#### Tuesday

<b>2.00 pm</b> Time for Reflection	[4 minutes]
<b>followed by</b> Parliamentary Bureau Motions	[very short]
<b>followed by</b> Topical Questions (if selected)	[15 minutes*]
<b>followed by</b> Ministerial Statement	
<b>followed by</b> Scottish Government Debate	
<b>followed by</b> Committee announcements	[3 minutes each]
<b>followed by</b> Business Motions	[very short]
<b>followed by</b> Parliamentary Bureau Motions	[very short]
<b>5.00 pm</b> Decision Time	
<b>followed by</b> Members' Business	[45 minutes, extendable*]

#### Wednesday

<b>2.00 pm</b> Parliamentary Bureau Motions	[very short]
<b>2.00 pm</b> Portfolio Questions	[40 minutes*]
<b>followed by</b> Scottish Government Debate	
<b>followed by</b> Business Motions	[very short]
<b>followed by</b> Parliamentary Bureau Motions	[very short]
<b>followed by</b> Approval of SSIs (if required)	[very short]
<b>5.00 pm</b> Decision Time	
<b>followed by</b> Members' Business	[45 minutes, extendable*]

#### Thursday

<b>11.40 am</b> Parliamentary Bureau Motions	[very short]
<b>11.40 am</b> General Questions	[20 minutes*]

## Guidance on Chamber Business

### Part 3: The Parliamentary Bureau and its role

<b>12.00 pm</b> First Minister's Questions	[45 minutes*]
<b>followed by</b> Members' Business	[45 minutes, extendable*]
<b>2.30 pm</b> Parliamentary Bureau Motions	[very short]
<b>2.30 pm</b> Portfolio Questions	[20 minutes*]
<b>followed by</b> Opposition Party/Committee Debate	
<b>followed by</b> Business Motions	[very short]
<b>followed by</b> Parliamentary Bureau Motions	[very short]
<b>5.00 pm</b> Decision Time	

3.12 There are a few points worth noting about how a week's Chamber business is set out in the business programme:

- It is standard practice to include opportunities each sitting day for business motions or Parliamentary Bureau motions to be moved, although these are not always needed. Where such motions are moved, they are sometimes moved "formally" (with no speech or debate).
- On Thursdays, the practice is to schedule the main business of the afternoon to commence at a fixed time (normally 2.30 pm). The result is that business may be suspended after the completion of the Member's Business debate.
- The main "slot" each afternoon is available for statements and debates, with the debates either being led by the Scottish Government, one of the opposition parties or a committee (see also Part 6).

### **Deciding on the business programme**

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3.13 It is for the Parliament to agree its business programme on a motion of the Parliamentary Bureau (Rule 5.4.1). In doing so, the Bureau must ensure its proposed programme complies with relevant Rules, in particular:

- Rule 2.2, which defines the normal Parliamentary week, setting limits on the days on which and times at which meetings of the Parliament may take place (see paragraph 1.13)

## Guidance on Chamber Business

### Part 3: The Parliamentary Bureau and its role

- Rule 13.7, requiring time to be set aside each week, normally on specified days, for oral questions to the Scottish Government (see Part 3)
- Rule 5.6, which requires the Bureau, in each Parliamentary year, to give priority on 12 half-sitting days to committee business; to set aside 16 half-sitting days for business chosen by opposition parties (or by groups of smaller-party or independent MSPs); to give priority on 2 half-sitting days to debate reports by People's Panels<sup>28</sup>; to set aside a period of up to 45 minutes at each meeting of the Parliament for Members' Business; and to provide time for committee announcements
- Rule 5.8, which requires the Bureau to set aside sufficient time for debates on committee pre-budget reports and on Budget Bills.

3.14 A motion setting out the Bureau's proposals for the business programme is known as a business motion, and can be lodged and moved only by a member of the Bureau (Rule 8.11).

3.15 Some business motions consist entirely of a proposed business programme for the next two weeks (as described above). Some consist of or include timetables for Bills or other items of legislation – for example, specifying a date by which Stage 1 or Stage 2 consideration of a particular Bill is to be completed – or variations of Standing Orders (under Rule 17.2) that are relevant to business proposed in the main part of the motion.

3.16 The normal process is for a draft business motion to be prepared by officials working for the Minister for Parliamentary Business and considered at the regular Bureau meeting on a Tuesday lunchtime. The motion is then lodged (usually by the Minister for Parliamentary Business) later that day so it can be taken in the Chamber towards the end of Wednesday's meeting of the Parliament.

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<sup>28</sup> A People's Panel is a small group of people, broadly representative of the Scottish population, recruited to deliberate on an issue of public policy. A blueprint recommended by the Session 6 Citizen Participation and Public Petitions Committee ([1st Report, 2025 \(Session 6\)](#)) would involve establishing four such panels during Session 7.

## Guidance on Chamber Business

### Part 3: The Parliamentary Bureau and its role

3.17 It is open to any MSP to indicate a wish to speak when the business motion is taken in the Chamber – in which case, up to 30 minutes can be set aside for a debate on the motion. This is likely to require an update to the daily business list (the agenda for that day’s meeting of the Parliament).

3.18 It is also possible for MSPs to lodge amendments to a business motion – for example, to add a new item of business (such as a statement or debate) into the business programme, remove an item, or alter the time available for an item. If an amendment is supported, at the time it is lodged, by at least 10 other MSPs, it must be taken by the Parliament (Rule 8.11.4).

3.19 If the business motion includes details of business for future weeks – as is the case for the normal business motion moved each Wednesday – there are no limits on how many members may be called to speak in the debate, so long as the total length of the debate does not exceed 30 minutes.

3.20 However, with other business motions (such as amending motions making specific changes to the current week’s business), there is a limit of one speaker for and one against the motion, plus one speaker for and one against any amendment; and each speaker may speak for no more than five minutes (Rule 8.11.3 and 3A). It would normally be the Minister for Parliamentary Business who would speak for the motion and against any amendments. Accordingly, if there were (say) two amendments to the motion, lodged by different parties, the debate would in practice be limited to 15 minutes.

3.21 Decisions on business motions are taken immediately; they are not held back until Decision Time (Rule 11.3.1(c)). Where no-one has asked to speak on a motion, it is moved formally and would normally be agreed to without a division (i.e. without voting). Where a motion is opposed, including where amendments to the motion have been lodged, it is likely that at least one division will be required, either on an amendment to the motion or on the motion itself (or both).

## **Changes to the business programme**

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3.22 The purpose of agreeing a business programme in advance is to give all parties (MSPs, officials, interested stakeholders and members of the public) reasonable notice and to allow those directly involved adequate preparation time. But it is sometimes necessary to make changes, including at short

## Guidance on Chamber Business

### Part 3: The Parliamentary Bureau and its role

notice, either because of changed political priorities or in response to unexpected events.

3.23 The process for changing the business programme depends on how far in advance the change is proposed:

- For changes to be made at least a week in advance, it may be possible to secure agreement to the change at the Bureau meeting in the week beforehand – in other words, incorporating the change into the normal rolling process (outlined in paragraph 3.9) in which the outline programme already agreed for a later week becomes a more detailed programme for the week ahead.
- If there isn't time to wait for the next Bureau meeting, a separate amending motion will be needed – that is, a business motion to amend the existing business programme by (for example) replacing an existing item with a new item.
- For changes to be made the same day, an additional step is required. The Bureau member seeking to amend the business programme still needs an amending motion to achieve this, but must first get the Presiding Officer's agreement to move this amending motion without notice (under Rule 8.1.2).

### **The daily business list**

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3.24 The purpose of the business programme is to give advance notice of the likely Chamber business for each sitting day. For a full picture of the day's business, however, it is necessary to consult the "daily business list" that is set out in the Business Bulletin and on the website at the beginning of the day.

3.25 The daily business list is prepared by the clerks in the Parliamentary Business Team. It is based on the business programme, together with any other decisions of the Parliament (including recent changes to the business programme agreed by business motion) or of the Presiding Officer (Rule 5.5).

3.26 For example, if a business motion is lodged on a Tuesday to add a ministerial statement into Wednesday's business, the motion can be included in Wednesday's daily business list (in one of the slots routinely provided for

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### Part 3: The Parliamentary Bureau and its role

business motions or Parliamentary Bureau motions). The list would also then include the ministerial statement, in the place proposed for it by the motion, but with the list prefaced by an appropriate qualifier (e.g. “Subject to the Parliament’s agreement to motion [number], today’s business will be as follows:”).

3.27 The daily business list can also take account of decisions made by the Presiding Officer, for example to take an Urgent Question (under Rule 13.8). In such circumstances, the Presiding Officer has the power to make consequential changes to the daily business list, for example by pushing back the time of Decision Time so that the time taken for the Urgent Question does not reduce the time available for other items.

3.28 The daily business list also expands on the information included in the business programme, in particular by including:

- the full text of any motion lodged for a debate, plus the text of any amendments to the motion selected by the Presiding Officer
- for each Question Time, the list of questions to be asked.

3.29 If the daily business list is altered during the day, a revised Bulletin is issued and the website is updated. MSPs are also alerted directly.

## Part 4: How a meeting of the Parliament works

4.1 This Part outlines how an individual meeting of the Parliament works, in general terms, and explains the roles of all the main participants.

### The Presiding Officers

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4.2 Meetings of the Parliament are chaired by the Presiding Officer, supported by the Deputy Presiding Officers (DPOs), of whom there are normally two. In carrying out their functions, the Presiding Officer and the DPOs are required to act impartially, taking account of the interests of all members equally (Rule 3.1.3).

4.3 The Presiding Officer never participates in Chamber business in the way that other MSPs do – for example, by speaking in debates, asking questions or voting (other than when exercising a casting vote – see also paragraph 7.23). All those who have held the position have given up their party affiliation for the duration of their time in office.

4.4 The same does not apply to the DPOs who, when not acting in that capacity, can and do participate in Chamber business on behalf of their constituency or region, or as a representative of their parties, and routinely vote alongside other members.

### Chairing of meetings of the Parliament

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4.5 A rota is prepared each week for chairing meetings of the Parliament. The Presiding Officer normally chairs Time for Reflection, First Minister's Questions and Decision Time, while the DPOs share the chairing of most other proceedings (other Question Times, debates and statements). It is routine for the occupant of the chair to change mid-way through longer debates.

4.6 In the context of chairing Chamber proceedings, the Presiding Officer has a range of important powers and functions in relation to:

- the management of proceedings
- the maintenance of order in the Chamber

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

- ruling on points of procedure.

4.7 The Rules that outline these powers and functions refer to “the Presiding Officer” but apply equally to a DPO who is chairing proceedings at the time. The same applies in this Guidance except where otherwise stated.

#### Management of proceedings

4.8 It is for the Presiding Officer to open and close any meeting of the Parliament and to suspend a meeting for a meal or other break (Rule 7.1.4(e)). During a meeting, it is for the Presiding Officer to announce each new item of business and then (under Rule 7.2) to call members in turn to speak. The Presiding Officer may also set limits on how long members may speak for (within whatever time-limits have been agreed for the item in question).

4.9 If members go on speaking beyond the allocated time, depart from the subject or repeat themselves, the Presiding Officer may order them to stop speaking.

4.10 If the item following a debate is scheduled for a fixed time and the debate ends early, the Presiding Officer may suspend the meeting until that next item is scheduled to begin (Rule 7.4.1(d)).

#### Maintaining order in the Chamber

4.11 All members are expected to conduct themselves in a courteous and respectful manner and to respect the authority of the Presiding Officer (Rule 7.3.1). They are also expected to conduct themselves in an orderly manner and, in particular, not to behave in ways that would constitute a criminal offence or a contempt of court (Rule 7.3.2). It is for the Presiding Officer (under Rule 7.3.3) to ensure that these standards are upheld. Where necessary, this can involve ordering a member to stop speaking or even excluding the member from the Chamber for a period up to the end of the next sitting day. (A member may be excluded for a longer period if the Parliament so decides, on a motion of the Parliamentary Bureau.)

4.12 The Presiding Officer has the power to suspend or close a meeting of the Parliament in the event of an emergency or a disruption of proceedings, or if the digital voting system or other electronic equipment cannot be used (Rule 7.4.1(a) to (c)).

## **Ruling on points of procedure**

4.13 In any case of dispute about the interpretation or application of the Parliament's procedures, the Presiding Officer has the final say (Rule 3.1.1(c)).

4.14 Where members have an immediate concern that proper procedures have not been, or are not being, followed during Chamber proceedings, they can raise that as a "point of order" at any point (except that points of order about the validity of a division may not be raised until the voting period is over) (Rules 8.17.1 and 11.6.4). It is for the Presiding Officer to respond to any point of order raised. (There is further information about points of order in Part 4.)

## **Clerks and other Parliament staff**

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4.15 In their role chairing Chamber proceedings, the Presiding Officers are supported by clerks (impartial Parliament officials). Normally, two clerks sit beside the Presiding Officer on the podium to offer procedural advice and to assist with the management of proceedings. (During Members' Business debates, there is usually only one clerk on the podium.) These clerks, together with the clerks who manage the voting system, are organised on a rota basis.

4.16 Broadcasting and Official Report staff are present in the Chamber during every meeting. Broadcasting staff operate the cameras and microphones and generate the live feed for Scottish Parliament TV; they are also responsible for the video-platform that enables members to participate remotely. Official Report staff log proceedings as a basis for generating the substantially-verbatim transcript of what is said.

4.17 Access and control staff from the Parliament's Security Office are present at various locations in the Chamber. They provide practical assistance to members and officials as required. This can include passing messages to MSPs from the podium, Official Report staff, or officials sitting at the back of the Chamber (or vice versa).

## **Preparation for meetings of the Parliament**

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4.18 Prior to each day's business, the Parliamentary Business team prepares a brief for the Presiding Officers that lists the various items of

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

business, gives reminders of procedure to be followed, and sets out suggested timings and other relevant information (for example, the names of MSPs who have indicated a wish to speak in debates or ask supplementary questions). It is for the Presiding Officers to use this information as they see fit, including by adjusting lists of speakers and departing from suggested timings according to how proceedings unfold.

## Participation in Chamber business

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4.19 There are three main categories of person entitled to participate in a meeting of the Parliament.

4.20 The first and most obvious category is the 129 elected members of the Parliament (MSPs). Of these, 73 are elected to represent individual constituencies and 56 to represent 8 regions. In most elections, all or nearly all have been elected as candidates for a registered political party, but a few have been elected as independents (and some elected for a party become independents during the session).

4.21 Some MSPs are also members of the Scottish Government. The Scottish Government comprises the First Minister, Cabinet Secretaries (i.e. Ministers appointed under section 47 of the Scotland Act 1998) and the Scottish Law Officers (the Lord Advocate and the Solicitor General for Scotland). Ministers (junior Scottish Ministers appointed under section 49 of the Act), although not formally “members of the Scottish Government”, routinely speak for and represent the Scottish Government in Chamber proceedings on a similar basis to Cabinet Secretaries.

4.22 Cabinet Secretaries and Ministers are normally members of the party that won the most seats in the last general election to the Parliament, but this need not always be the case. In Sessions 1 and 2, the Scottish Executive (as it was then called) was a coalition of the Labour and Liberal Democrat parties and included ministers of both parties. For part of Session 6, an agreement between the Scottish National Party and the Scottish Green Party resulted in the Greens’ two co-leaders becoming (junior) Ministers.

4.23 The second category of persons entitled to participate in proceedings is the Scottish Law Officers (the Lord Advocate and Solicitor General for Scotland). Where, as is normally the case, they are not MSPs, the Law

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### Part 4: How a meeting of the Parliament works

Officers are prohibited from voting (by section 27(1) of the Scotland Act), but otherwise have the same rights to participate in Chamber business as MSPs (Rule 4.5). In practice, they attend only rarely, to speak on behalf of the Government on legal issues or to answer questions in their role in relation to the system of criminal prosecutions and the investigation of deaths in Scotland.

4.24 Other non-MSPs may speak in the Chamber only on the invitation of the Parliament (Rule 15.3.5). This happens every week when an outside speaker is invited to give Time for Reflection. The King addressed the Parliament in September 2022, following the death of his mother, Queen Elizabeth II.<sup>29</sup> Invited speakers address the Parliament from the podium rather than from the floor of the Chamber.

4.25 The only other persons entitled to participate in Chamber proceedings are the Presiding Officer (or a DPO) when the holder of that office is no longer an MSP, or the Clerk of the Parliament, at the very beginning of a new session (see paragraphs 2.3 and 2.5).

### **In-person and hybrid meetings**

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4.26 Before the Covid-19 pandemic, all meetings of the Parliament were held in person. During the pandemic, most meetings were held entirely virtually or on a hybrid basis (with some members in the Chamber and others participating by video-link). A digital app was also developed to provide a voting system capable of being used by members participating remotely, via the video-platform provided, as well as by those physically present in the Chamber.

4.27 Post-pandemic, the Parliament has continued to offer members the option of participating remotely in Chamber business. In practice, only a small proportion of members in any given meeting use this option to speak in debates or other proceedings (although a larger proportion use it to vote remotely).

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<sup>29</sup> Queen Elizabeth II also addressed MSPs in the Chamber early in each of sessions 1 to 6, but these did not constitute meetings of the Parliament.

4.28 Members are expected not to participate remotely from elsewhere in the Parliament building; if they are in the building and wish to participate, including by voting, they should attend the Chamber in person, other than in exceptional circumstances agreed in advance with the Presiding Officer. Members participating remotely should be in a secure location where they cannot be disturbed. They should use a corporate background and keep their cameras on when speaking (including when making an intervention or a point of order) or voting.<sup>31</sup>

## Declarations of interests

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4.29 Each MSP must make a declaration of interests in the Chamber wherever the requirements of [section 13 of the Interests of Members of the Scottish Parliament Act 2006](#) apply.<sup>32</sup> A “declarable interest” is a registrable financial interest included in the [Register of Members’ Interests \(section 12\)](#). If a member is uncertain as to whether a declaration is required, he or she can consult the standards clerks<sup>33</sup>. Responsibility for complying with the rules on declarations of interest, however, lies with the individual member.

4.30 Where proceedings relate to a matter in which a member has a declarable interest, the member should declare the interest before taking part in those proceedings (for example, by asking an oral question or by speaking in a debate, including by intervening on another member). An oral declaration is not required where the member’s participation is limited to attending and voting.<sup>34</sup>

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<sup>31</sup> Presiding Officer’s Guidance on Conduct in the Chamber, available on the Parliament’s website under MSPs / [Code of conduct](#).

<sup>32</sup> Further information on declarations of interests is set out in [Section 3 of the Parliament’s Code of Conduct for MSPs](#), available on the Parliament’s website.

<sup>33</sup> That is, the clerking team that supports the Standards, Procedures and Public Appointments Committee, whose role also includes advising all MSPs on their obligations under the Code of Conduct and in relation to matters of conduct.

<sup>34</sup> Where participation is limited to attending and voting only, a written declaration is required, although this can be met through prior registration of the interest in the Register of Members’ Interests.

## Conduct during meetings<sup>35</sup>

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4.31 Each meeting of the Parliament is opened by the Presiding Officer (or a DPO) taking the chair (Rule 2.2.9). Members are expected to arrive in the Chamber ahead of time, and a clerk on the podium bangs a gavel as a signal for members to stand when the Presiding Officer arrives. Once the Presiding Officer is seated, the meeting is open.

4.32 It is for the Presiding Officer to call each item of business and then to invite members to speak. Occasionally, the Presiding Officer will make some preliminary remarks to the Chamber before business begins or between items – for example, to give a ruling on matters of procedure or practice, or to make an important announcement.

4.33 Members should normally stand when speaking (Rule 7.2.1) unless they are unable to do so. Members should not speak or stand when the Presiding Officer is speaking (Rule 7.3.1).

4.34 Other members should normally be referred to by name (Rule 7.6.1). This should be their preferred name (usually first name and surname, or with a title)<sup>36</sup>. The Presiding Officer or a DPO should, when in the chair, be referred to as “Presiding Officer”. The First Minister, other Ministers and Law Officers are normally referred to by their job-title or (in the case of ministers) just as “the Cabinet Secretary” or “the Minister”. The convener (or deputy convener) of a committee, when speaking in the Chamber on behalf of the committee, is normally referred to as “the convener” (or “deputy convener”) of the committee in question. It is not the practice in the Scottish Parliament to refer to “(right) honourable members” or to refer to members by their constituencies (as is standard practice in the House of Commons).

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<sup>35</sup> The authoritative source of guidance for Members on conduct in the Chamber is set out in paragraph 14 of Section 7 of the Guidance on the Code of Conduct, available on the Parliament website under MSPs / [Code of Conduct](#). See also the Presiding Officer’s Guidance on Conduct in the Chamber (available from the same web-page).

<sup>36</sup> In Session 1, for example, two MSPs were also members of the House of Lords (Lord Steel of Aikwood, Lord Watson of Invergowrie), but chose to be referred to in the Scottish Parliament as Sir David Steel and Mike Watson respectively.

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

4.35 Members should address their remarks through the chair, both by facing the podium while speaking and by their choice of words. For example, a member taking issue with what a minister has said should say (for example) “Presiding Officer, the minister said that X, but I disagree”, rather than (for example) “Minister, you said that X, but I disagree”. This convention both acknowledges the authority of the chair and helps prevent disagreement becoming personal.

4.36 Members are required to conduct themselves in a courteous and respectful manner and to respect the authority of the Presiding Officer (Rule 7.3.1). Members should, in particular, refrain from using any threatening, abusive or offensive language or accusing any other member of lying. This helps to ensure that debates remain civilised and focused on issues rather than personalities. More generally, members are expected to ensure their choice of language is appropriate and meets the high standards expected by the public.

4.37 Members should generally remain silent while others are speaking, and in particular not interrupt the member speaking or make audible remarks from their seats. If members wish to make an intervention, they should (if able to do so) stand to request that the member speaking give way, and resume their seats if that member refuses the intervention. (Interventions are considered in more detail in Part 6.)

4.38 If members wish to have private conversations during proceedings, they should ensure this is done quietly and discreetly, and should move to the back of the Chamber if the conversation is to be more than very brief. Members should not turn their backs on the chair to speak to other members.

4.39 Members may use digital devices (phones, tablets) in the Chamber, including to comment on the proceedings via social media, but such devices may not be used to take photos, record proceedings or to make or receive calls, and must be kept on silent.

4.40 Members should not read newspapers or magazines except where they wish to quote from them in proceedings.

4.41 Members may show their support for another member by brief applause at the end of the member’s speech.

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

4.42 It is good practice for members to wait for a gap in proceedings before entering or leaving the Chamber, particularly if their seat is close to the member speaking or in a prominent position. Members should never walk across the well in the centre of the Chamber or move between the chair and the member speaking.

4.43 Members participating in an item of business are expected to arrive in good time<sup>38</sup> and should normally remain in the Chamber for the duration of the item, as a courtesy to the chair and other contributors. Should they need to leave for longer than a brief period (for a comfort break, for example), they should send a note of explanation to the Presiding Officer, in advance if possible or during the proceedings. Members are expected to pay attention to the impact of their entry to or exit from the Chamber, and to noise levels in general. (Further conventions apply during debates – see Part 6.)

4.44 A member who arrives late for any business in which they are expected to participate (or who is late returning for the closing speeches in a debate) should promptly send a note of apology to the Presiding Officer.

4.45 A meeting ends when the Presiding Officer declares it closed after the final item of business has been concluded.

## Languages

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4.46 Chamber business is normally conducted in English, but members may speak in Scots Gaelic or another language with the agreement of the Presiding Officer (Rule 7.1.1).

4.47 Members wishing to include a few words or phrases in another language in a speech are expected to give advance notice to the Presiding Officer, and to provide a translation. For longer passages or whole speeches

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<sup>38</sup> Where two items are scheduled to follow on from each other (that is, if the daily business list shows the first “followed by” the second), members due to speak in the second item should allow for the possibility of the first taking less time than expected. It remains those members’ responsibility to get to the Chamber for the start of the second item, even if that is earlier than anticipated.

in another language, two weeks' notice is expected, where possible, so that interpreting services can (if required) be arranged.

4.48 The Official Report normally reports speeches in English only. Speeches or remarks in Scots are reported as spoken, while those in Scots Gaelic are reported in that language alongside the interpretation in English. For speeches or remarks in other languages, the Official Report normally includes only the English interpretation, but with a note to indicate that it was not the original language used.<sup>39</sup>

## Sub judice

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4.49 Under Rule 7.5, an MSP may not make reference in proceedings of the Parliament to any matter in which legal proceedings are active (as defined in [section 2 of the Contempt of Court Act 1981](#)), except to the extent permitted by the Presiding Officer. This rule seeks to mitigate the risk of contempt of court and protect the reputation of the Parliament. If a member raises an issue which, in the view of the Presiding Officer, is or may be sub judice, the Presiding Officer may order the member to stop. In some contexts, the application of this power may have the effect of bringing the discussion to an end. However, if the Parliament is considering legislation (e.g. debating a Bill at Stage 1 or 3), the Presiding Officer must ensure that application of the sub judice rule does not prevent that business being completed.

## Parliamentary privilege

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4.50 Parliamentary privilege is the idea that a parliament should be able to conduct its own affairs freely without undue interference. The Scottish Parliament, having been created by the Scotland Act 1998, has the “privileges” set out in that Act, the relevant ones for Chamber business being those in sections 41 and 42.<sup>40</sup>

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<sup>39</sup> For further information, see the Parliament's [language policy](#), available on the Parliament's website under About / How the Parliament Works / Parliament policies.

<sup>40</sup> The Presiding Officer issued [guidance on privilege](#) in August 1999, which is accessible via the Scottish Parliament website.

4.51 [Section 41 of the Scotland Act 1998](#) provides that, for the purposes of the law of defamation, any statement made in proceedings of the Parliament, and the publication under the authority of the Parliament of any statement, is absolutely privileged. This means that such statements cannot form the basis of an action for defamation. “Statement” in this context means “words, pictures, visual images, gestures or any other method of signifying meaning”.

4.52 In a Chamber context, this protection applies to any statements made by anyone participating in the meeting of the Parliament.<sup>41</sup> Privilege does not attach to statements made in other forums, including on social media (even if posted by an MSP who is in the Chamber at the time, participating in proceedings).

4.53 [Section 42 of the Scotland Act 1998](#) concerns the “strict liability rule”, according to which a person’s conduct can be held to be in contempt of court (that is, as tending to interfere with the course of justice in particular legal proceedings), regardless of the person’s intent to do so.<sup>42</sup> Under section 42, this rule does not apply in relation to any “publication” that is made in proceedings of the Parliament in relation to a Bill or subordinate legislation, or to the extent that it consists of a fair and accurate report of such proceedings made in good faith. “Publication” includes any speech, as well as writing or other forms of communication addressed to the public. The effect is to give MSPs speaking in Chamber proceedings some additional latitude to refer to matters that are the subject of legal proceedings without the risk of being held to be in contempt of court; it also gives equivalent protection to the written reporting of those proceedings (for example in the Official Report).

## Points of order

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4.54 A point of order is a type of intervention that a member may use, during any Chamber proceedings, to question whether proper procedure has been or is being followed (Rule 8.17.1).

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<sup>41</sup> The “proceedings of the Parliament” also covers meetings of committees. For privilege in a committee context, see the Guidance on Committees, available on the Parliament website under About / [Rules and guidance](#).

<sup>42</sup> [Contempt of Court Act 1981, section 1](#).

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

4.55 To make a point of order, a member should stand (if able to do so) and say “On a point of order ...”; they should also press the “point of order” button on their desk console, which signals their wish to raise a point of order on the large screens in the Chamber.

4.56 Points of order generally take precedence over the business being considered at the time (Rule 8.17.2). This means, for example, that a member who raises a point of order during a debate takes priority over the member who is speaking or who would otherwise be next to speak in the debate (and the debate is, in effect, put on hold until the point of order has been dealt with). This does not, however, override the principle that all members may speak only at the invitation of the Presiding Officer. Members raising a point of order should ensure that they continue to observe the requirement to respect the authority of the Presiding Officer (Rule 7.3.1).

4.57 A point of order concerning the validity of a division may be raised only after the voting period has ended (Rule 11.6.4). It is also established practice for the Presiding Officer to hold over any points of order that members seek to raise during First Minister’s Question Time until those proceedings are concluded.

4.58 In raising a point of order, a member may speak for up to three minutes. The Presiding Officer may, however, require the member to explain the nature of the point of order from the outset, so that proceedings are interrupted by the full three minutes only if there is a genuine point of order to be addressed. This helps to prevent members misusing the point-of-order procedure to make debating points (that is, points that should properly be made as part of the debate, in a speech or an intervention).

4.59 The Presiding Officer usually gives at least a preliminary response to each point of order immediately after it is raised, but may defer a full response until later if the issue is complex. Wherever possible, members should give advance notice (to the Presiding Officer’s office, or to the Parliamentary Business team) of any points of order they intend to raise, to enable the issues to be considered before a ruling is given.

4.60 In many instances, responses to points of order are simple explanations of established procedure or practice. Occasionally, however, a point of order may raise a new or significant issue, and the response might set

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

a new precedent or necessitate a change of approach. In that case, the response constitutes a “Presiding Officer’s ruling” and can generally be treated as a precedent for the future (unless or until it is clarified or superseded by a further ruling). To ensure that they are brought to the attention of all members, Presiding Officer’s rulings are sometimes explained more fully in a written announcement (published in the Business Bulletin).

4.61 A point of order should be about whether proper procedures have been or are being followed. “Procedures” does not just refer to the Standing Orders, but also covers other conventions and practices that have been developed or put in place (which may originate in, for example, Presiding Officer rulings, decisions by the Parliamentary Bureau or advice from officials).

4.62 It is within the scope of points of order to question specific decisions of the Presiding Officer, such as decisions to select certain Stage 3 amendments to a Bill and not others, or to call certain members to speak in a debate and not others. But members considering raising points of order in this category should consider carefully whether doing so may be seen as an inappropriate challenge to the Presiding Officer’s authority. It is also a well-established convention that the Presiding Officer does not give explanations for individual decisions of this sort, not least because to do so on one occasion would encourage demands for such explanations on a routine basis, thus undermining the authority of the chair.

4.63 Members should generally refrain from making points of order in order to correct something they said earlier, or to challenge the accuracy of statements made by other members, to avoid drawing the chair into matters of political controversy.<sup>43</sup>

## Information about meetings of the Parliament

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4.64 Information about meetings of the Parliament is available from a range of sources before, during and after meetings take place.

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<sup>43</sup> There is a process for making [corrections to the Official Report](#). There is also a procedure for personal statements (Rule 13.1) – see paragraph 5.42 below.

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

4.65 An outline of business is usually available just over two weeks in advance, when a business programme is first agreed (see paragraph 3.9). Further details may be included in the revised business programme a week later. The business programme is published in every edition of the Business Bulletin (in the “Future business” section); the information it contains is also available through the Parliament’s website<sup>44</sup>. Information about Chamber business is also provided through the Parliament’s social media channels.

4.66 On the day, the daily business list (see paragraph 3.24) gives a full agenda, including the names of members due to ask questions and the text of motions and amendments to be moved. The daily business list is included in the Business Bulletin (in the “Today’s business” section) and on the Parliament’s website (“What’s On”). If the day’s Chamber business includes Stage 3 proceedings on a Bill (or Stage 2 proceedings to be taken by a Committee of the Whole Parliament), the relevant Marshalled List and Groupings documents are available on the Bill page on the Parliament website.

4.67 While a meeting is in progress, proceedings can be viewed live from the public gallery or online through Scottish Parliament TV on the Parliament’s website<sup>45</sup>. A draft version of the Official Report is published in stages over the course of the day.

4.68 The “Minutes of Proceedings”, the formal record of business taken and decisions made, are normally published within 24 hours on the Parliament’s website.<sup>46</sup> The minutes include the full text of all motions (and amendments to motions) moved and – if any motion is amended before it is agreed to – the full text of the resulting resolution. The minutes also record the outcome of every decision taken, and the numerical result of any division (that is, the number of votes for, against and to abstain).

4.69 The same procedural information is included, alongside the substantially-verbatim transcript of all speeches, in the Official Report. The draft version is available (in full) the next day on the Parliament’s website<sup>47</sup>; a

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<sup>44</sup> Under Chamber and committees / [What’s On](#) – search for the relevant date.

<sup>45</sup> Under Chamber and committees / [Parliament TV](#).

<sup>46</sup> Under Chamber and committees / [Minutes of Chamber meetings](#).

<sup>47</sup> Under Chamber and committees / [Official Report](#).

## Guidance on Chamber Business

### Part 4: How a meeting of the Parliament works

finalised version (including any corrections to the accuracy of the transcript) is published a few weeks later.<sup>48</sup>

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<sup>48</sup> Information about how to suggest [corrections to the Official Report](#), and how these are handled, is available on the Parliament's website.

## Part 5: Types of Chamber business

5.1 This Part describes all of the main types of business that are conducted during meetings of the Parliament (other than at the first meetings in a new session – for which, see Part 2). These include:

- Time for Reflection
- oral questions (to the Scottish Government or the SPCB)
- ministerial statements (and personal statements)
- debates (considered in more detail in Part 6)
- legislative business (proceedings on Bills, statutory instruments and UK Parliament Bills under the Sewel Convention)
- committee announcements
- formal procedural business.

### Time for Reflection

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5.2 The week's business usually begins with a short address (of up to four minutes) by an invited speaker. These include representatives of Scotland's main faith communities, as well as speakers with no religious affiliation.<sup>49</sup> Members may nominate prospective speakers to the Presiding Officer's office for consideration.

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<sup>49</sup> Full lists of Time for Reflection contributors in each session are available on the Parliament's website under Chamber and committees / Research by SPICe / [Fact sheets](#).

## Oral questions to the Scottish Government

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5.3 A number of opportunities are provided each week for MSPs to ask questions of the Scottish Government, as a key part of the Parliament's role in holding the administration to account.<sup>50</sup> These are:

- First Minister's Question Time
- Portfolio Question Time
- General Question Time
- Topical Question Time (if questions are selected).

5.4 Time is also sometimes made available for Urgent Questions to be answered.

### First Minister's Question Time

5.5 First Minister's Question Time (FMQT) is usually the most high-profile item in the Parliamentary week. Under Rule 13.7.A1, it normally takes place each Thursday and lasts for up to 45 minutes. It is almost always scheduled for 12 noon.

5.6 Under Rule 13.6.2, any member may lodge a question to the First Minister, and the Presiding Officer may select, in advance, up to eight such questions to be answered each week.<sup>51</sup>

5.7 Under Rule 13.6.3, the Presiding Officer may also call any member who is the leader of a party that has five or more MSPs (or who represents a group

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<sup>50</sup> The current structure of oral questions to the Scottish Government has evolved over the lifetime of the Parliament. Initially, there was only a Question Time and an Open Question Time. First Minister's Question Time replaced the latter in 2000. In Session 2, Question Time was replaced by Themed and General Question Time. In Session 4, the time available for oral questions was increased as part of a restructuring of the Parliamentary week, and Themed Question Time was re-named as Portfolio Question Time; Topical Question Time was also added.

<sup>51</sup> The criteria used by the Presiding Officer in selecting First Minister's questions are set out in the Guidance on Parliamentary Questions published on the Parliament's website (under About / How the Parliament works / [Rules and guidance](#)).

established in accordance with Rule 5.2.2<sup>52</sup>) to ask a question at FMQT. Members called in this way do not need to give advance notice of their questions, and in the daily business list their names are accompanied by the text: “Question to be taken in Chamber”.

5.8 In practice, the Presiding Officer routinely calls (under Rule 13.6.3) the leaders of the largest opposition parties to ask the initial questions, and also selects (under Rule 13.6.2) further questions from among those lodged in advance. Periodically, the Presiding Officer selects questions lodged by the leaders of smaller opposition parties, so as to include such smaller parties in FMQT roughly in proportion to their numerical strength. These questions may (but need not) be “diary” questions – that is, very general questions that allow more-or-less any question to be asked as a supplementary, thus retaining an element of surprise.<sup>53</sup>

5.9 The names of the MSPs who will be called to ask First Minister’s questions (together with the questions, when these have been lodged in advance) are published as a numbered list in the Business Bulletin, usually on the Tuesday of the week in which the questions are to be asked.

5.10 During the proceedings, the Presiding Officer calls each of these (usually six) members to ask their questions in turn. As a reflection of proportionality, the leader of the largest opposition party is usually allowed to ask three supplementary questions, the leader of the second largest opposition party is usually allowed two supplementary questions, and the other members (that is, the four asking questions selected in advance) are usually allowed only a single supplementary. The Presiding Officer may also invite other MSPs to ask supplementary questions to any of the questions that were lodged in advance where they are on the same topic.

5.11 After all the questions in the numbered list have been answered, the Presiding Officer routinely calls other MSPs to ask questions, sometimes

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<sup>52</sup> This is a group of smaller-party MSPs and independents formed in order to gain representation in the Parliamentary Bureau (see paragraph 3.2).

<sup>53</sup> An example of a diary question is: “To ask the First Minister when the Cabinet will next meet”. Before 2019, diary questions were routinely asked by all leaders of opposition parties at First Minister’s Question Time before the rules were changed to allow members to be called to ask questions that had not been lodged in advance.

referred to as “constituency and general supplementary questions”. These questions can be on any topic (within the First Minister’s general responsibilities), but cannot be the same as any of the questions selected in advance (Rule 13.6.4).

5.12 Members seeking to be called in this way should notify the Chamber Desk in advance, indicating the subject-matter of the question they wish to ask. This information assists the Presiding Officer in selecting members on a proportional basis and in ensuring that a range of topical issues is covered.

5.13 At each First Minister’s Question Time, a number of these constituency and general supplementary questions are asked and answered. Further supplementary questions on the topics raised are not normally permitted, either by the members called to ask the questions or by other members.

5.14 First Minister’s Questions are almost invariably answered by the First Minister, but if the First Minister cannot attend, may be answered by the Deputy First Minister or another member of the Scottish Government (Rule 13.7.1). Similarly, an opposition party leader who is going to be unavailable may nominate another party representative and the Presiding Officer would normally select that person to ask questions in place of the party leader (Rule 13.6.3(a)).

### **Portfolio Question Time and General Question Time**

5.15 The business programme must include, each week, opportunities for MSPs to ask Portfolio Questions (normally on Wednesday, for up to 40 minutes) and General Questions (normally on Thursday, for up to 20 minutes) (Rule 13.7.A1).

5.16 The purpose of Portfolio Question Time is to structure oral questions according to the remits of the various Cabinet Secretaries, using a rota to ensure that every portfolio is open to scrutiny on a regular basis.<sup>54</sup> Until 2019, the practice was to cover two portfolios each week; since the Covid-19

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<sup>54</sup> For the purpose of the rota, the remit of the Cabinet Secretary for Justice and that of the Lord Advocate are treated as a single portfolio (Justice and Law Officers); in practice, the large majority of questions asked fall to be answered by Justice ministers, but the Scottish Law Officers do sometimes attend to answer portfolio questions.

pandemic, this has been expanded to three, meaning that all the portfolios are covered within a period of three weeks, with 25 minutes allowed for each portfolio. The purpose of General Question Time is to ensure there is still an opportunity, each week, to ask questions on topics not related to that week's portfolios.

5.17 Members wishing to ask questions at Portfolio or General Question Time must first submit their names by noon on Monday of the previous week (Rule 13.6A). Members should only submit their names if confident they can attend the relevant Question Time. Names are randomly selected by the clerks: normally eight names for each portfolio and for General Question Time. Members may enter their names for more than one portfolio and also for General Questions, but once a name is selected, it must be disregarded in any subsequent selection that week. Selected names are published in the Bulletin on the Tuesday and questions should be lodged by noon on the Wednesday. Members whose names are selected but who don't lodge a question by the deadline are expected to provide an explanation to the Presiding Officer. The questions are published in Thursday's Business Bulletin (and again on the day the questions are to be asked).

### **Topical Question Time**

5.18 A slot for Topical Question Time is set aside each week, normally on Tuesday. Members may lodge Topical Questions up to noon on the Monday (that is, normally, the previous day). The Presiding Officer may select one or more questions from any that are lodged (Rule 13.6B).<sup>55</sup>

5.19 If questions are selected, Topical Question Time may last for up to 15 minutes (Rule 13.7.A1).

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<sup>55</sup> The criteria used by the Presiding Officer in selecting topical questions are set out in the Guidance on Parliamentary Questions published on the Parliament's website (under About / How the Parliament works / [Rules and guidance](#)).

## Urgent questions<sup>56</sup>

5.20 Any member may request that an oral question to the Scottish Government, lodged by 10 am on a day when there is a meeting of the Parliament, be answered on that day. It is for the Presiding Officer to decide whether the question is sufficiently urgent – and, if so, to make any adjustments to the daily business list (Rule 13.8).<sup>57</sup> Around 10 minutes is normally allowed for each urgent question.

5.21 An urgent question may be asked only by the member who lodged it, and that member may also ask the first supplementary question (Rule 13.8.4). In practice, that member is usually allowed a second supplementary, and other members may, at the Presiding Officer's discretion, also ask supplementary questions.

5.22 Urgent questions are normally answered by whichever minister has portfolio responsibility for the issue raised, but may be answered by any other minister. However, if the question relates to a matter for which the First Minister is, or the Law Officers are, solely responsible, the only other ministers who can answer it are those at the level of a Cabinet Secretary (Rule 13.8.3).<sup>58</sup>

## Oral questions to the SPCB

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### SPCB Question Time

5.23 SPCB Question Time is an opportunity for members to ask questions about matters within the responsibility of the Scottish Parliamentary Corporate Body (see paragraph 2.31), and to have them answered orally in the Chamber

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<sup>56</sup> Until 2017, these were referred to as “Emergency questions”; the Rules were adjusted to formalise this change in 2019. They were re-named to allow them to be used for any urgent issue of importance, even if it did not relate to a crisis.

<sup>57</sup> The criteria used by the Presiding Officer to select urgent questions are published on the Parliament's website (under About / Rules and guidance / [Guidance on Parliamentary Questions](#) / Guidance on Urgent Questions).

<sup>58</sup> The number of Urgent Questions asked of the Scottish Government varies from year to year: for example, only one was taken in 2019 while 22 were taken in 2021 (Source: SPICe fact-sheet).

(Rule 13.9).<sup>59</sup> Each SPCB member takes a lead interest in specific issues, and so would normally answer any questions on those issues.<sup>60</sup>

5.24 The Rules do not prescribe when or how often SPCB Question Time takes place, but the practice is to schedule such a session two or three times a year. Each such session normally lasts for up to 15 minutes (Rule 13.9.3), although this is sometimes extended.<sup>61</sup>

5.25 Questions may be lodged up to 4.30 pm on the Wednesday of the week before SPCB Question Time is scheduled. It is for the Presiding Officer to determine the maximum number of questions that may be selected; the number is currently twelve. If more than that number are lodged, a random selection is undertaken by the Chamber Desk.

### **Urgent questions to the SPCB**

5.26 As with oral questions to the Scottish Government, there is a facility to allow oral questions to the SPCB to be answered the same day. This works in the same way, except that it is for the Presiding Officer to decide, not just whether the question is sufficiently urgent, but also whether it is the most appropriate way of raising the issue concerned (Rule 13.9A).<sup>62</sup> To assist the Presiding Officer in making these decisions, selection criteria were agreed at the time the urgent question procedure was developed.<sup>63</sup>

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<sup>59</sup> The procedure for SPCB Question Time was introduced in 2004, replacing an earlier procedure that allowed questions to the Presiding Officer. The first SPCB Question Time took place in 2005.

<sup>60</sup> Information about SPCB members and their responsibilities is available on the Parliament's website (under About / How the Parliament works / Parliament organisations, groups and people / [Scottish Parliamentary Corporate Body](#)).

<sup>61</sup> For example, the Parliament agreed on 19 March 2024 to suspend the 15-minute limit to allow SPCB Question Time on 21 March 2024 to last for 30 minutes.

<sup>62</sup> The facility to ask urgent questions of the SPCB was introduced at the beginning of Session 6.

<sup>63</sup> The criteria are set out in paragraph 15 of the [Standards, Procedures and Public Appointments Committee, 8th Report, 2021 \(Session 5\)](#), *Standing Order Rule-changes: Urgent Questions to the Scottish Parliamentary Corporate Body*.

## Chamber procedure for oral questions

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5.27 For all the Question Times outlined above, a number of general procedures apply (Rules 13.7 to 13.9).

5.28 Members are called in turn by the Presiding Officer to ask their questions. Questions are normally asked in the order they are published in the daily business list. (For First Minister's Questions and Topical Questions, that is the order they were selected by the Presiding Officer; for Portfolio and General Questions, it is the order in which members' names were randomly selected.) However, with Portfolio Questions, the Presiding Officer may depart from the published order by grouping together related questions.<sup>64</sup>

5.29 With each question that was lodged in advance, only the MSP who lodged it may ask it, by reading out the question as published. After it is answered by the responsible minister or SPCB member, the MSP who asked the question may ask one supplementary question – or more than one, at the discretion of the Presiding Officer.

5.30 After a question has been asked and answered, the Presiding Officer may invite other MSPs to ask further supplementary questions on the same subject-matter as the original question. As at First Minister's Question Time (see paragraph 5.12), members seeking to be called in this way are expected to give advance notice of their question to the Parliamentary Business team.

5.31 To enable all the published questions to be reached, supplementary questions, and answers, should be brief.

5.32 If any question published in advance is not reached (or if any question is not asked when it is called, or if the member due to ask it is absent), the answer that was prepared for oral delivery must be provided instead as a written answer no later than the following day.

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<sup>64</sup> The Presiding Officer is able to take questions out of order in this way by virtue of a variation of Rule 13.7.3 that (since the beginning of 2019) has been routinely agreed to by the Parliament each week. The variation is done under Rule 17.2.

5.33 Members wishing to ask an oral question are expected to attend for the whole of the relevant Question Time.

## Ministerial statements

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5.34 Ministerial statements provide a mechanism for the Scottish Government to make high-profile public announcements to the Parliament as a whole.<sup>65</sup> Statements occasionally result from a statutory requirement, but are usually at the initiative of ministers themselves or at the request of an opposition party.<sup>66</sup> Some major statements are made by the First Minister, but most are made by Cabinet Secretaries or Ministers, and a few by the Scottish Law Officers. Some statements, for example those announcing new policies or initiatives, are planned well in advance. Others, for example those responding to a sudden crisis, may be scheduled at short notice.

5.35 If the Scottish Government wishes to add a ministerial statement into the business programme, it notifies the Presiding Officer (Rule 13.2.1). Assuming the request is not urgent, the Presiding Officer notifies the Bureau so the statement can be included in the business programme, either as part of the routine process of proposing business motions to the Chamber or by proposing an amendment to the existing business programme, depending on when the statement is to be made. If the Scottish Government notifies the Presiding Officer that it wishes to make a statement the same day and the Presiding Officer agrees the statement is sufficiently urgent, the Presiding Officer may add it to the daily business list and make any other changes required (Rule 13.2.2).

5.36 An opposition party that wants the Scottish Government to make a statement can raise this with the Minister for Parliamentary Business, or at the Bureau; if that does not succeed, it can lodge an amendment to the business

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<sup>65</sup> More routine announcements are usually made by means of a Government-inspired written question – that is, as the written answer to a question lodged by a Government-party MSP.

<sup>66</sup> An example of a statutory requirement can be found in the [Child Poverty \(Scotland\) Act 2017, section 9](#) of which requires ministers to prepare 3-yearly delivery plans and make a statement to the Parliament on each before the relevant period begins.

motion, seeking to have the statement added to the business programme set out in the motion.

5.37 During Sessions 5 and 6, roughly two ministerial statements were made, on average, each sitting week – a significant increase over earlier sessions.<sup>67</sup>

5.38 Statements are normally made without interruption. The statement may then be debated (under Rule 13.2.1), and this is normal practice for the First Minister’s annual statement on the Scottish Government’s legislative programme.<sup>68</sup>

5.39 With other statements, time is set aside time for questions on the statement. The normal practice is to set aside 30 minutes for the statement and questions, with two-thirds of that for questions (e.g. 20 minutes for questions on a 10-minute statement). Longer periods are sometimes allowed.

5.40 Ministers are normally expected to give opposition spokespersons an embargoed copy of the statement an hour in advance, so they have an opportunity to prepare their responses to the statement. It is also an established convention that major policy announcements should be made direct to the Parliament, and details of a ministerial statement should therefore not be made available in advance to the media.<sup>69</sup>

5.41 Where time is set aside for questions on a statement, the Presiding Officer’s practice is to call the two largest opposition party spokespersons first, and to give them more time (roughly in proportion to party strength). This allows them, in effect, to make a short speech outlining their response to the statement as a lead-in to their questions. Backbench MSPs, when they are invited to ask questions, are expected to keep their questions brief. Members asking questions on a statement do not normally have an opportunity to ask

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<sup>67</sup> The total number of ministerial statements made was 116 in Session 1, 67 in Session 2, 147 in Session 3, 142 in Session 4, 380 in Session 5 and 341 in Session 6 (source: [SPICe factsheets](#)).

<sup>68</sup> The statement on the 2022-2026 Tackling Child Poverty Delivery Plan was also debated (on 24 March 2022).

<sup>69</sup> The Presiding Officer issued [good practice guidance](#) on Scottish Government announcements in 2017. See also paragraphs 10.6 and 10.7 of the [Scottish Ministerial Code](#).

supplementary questions. All members asking questions on a statement are expected to attend the whole proceedings on the statement.

## Personal statements

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5.42 Any MSP may ask the Presiding Officer for permission to make a personal statement to the Chamber. If the Presiding Officer agrees, the Bureau must include time for the statement in the business programme (Rule 13.1).

5.43 Personal statements may be used, for example, to apologise to the Chamber or respond to personal criticism.<sup>70</sup> Personal statements are made without interruption and are not debated (Rule 13.1.4).

## Debates

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5.44 A substantial proportion of time in the Chamber is spent on debates. These fall into four main categories:

- Government debates
- Opposition party debates
- Committee debates
- Members' Business debates.

5.45 Most debates take place on a motion: that is, a written proposition, lodged in advance, to which the Parliament is invited to agree. But it is also possible for the Parliament to debate a broad subject-matter without a motion being required.

5.46 Where a motion is lodged for a Government or an opposition party debate, it is normal for amendments to the motion to be lodged and for some or all of them to be selected by the Presiding Officer – in which case, the debate begins with the motion and amendments being moved by the opening

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<sup>70</sup> The only personal statement made in the Parliament's first five sessions was by Henry McLeish +(8 November 2001). Two personal statements were made in Session 6, by Michael Matheson (16 November 2023) and Humza Yousaf (7 May 2024).

speakers. After the debate, the Parliament then makes decisions on the amendments (that is, on whether to amend the motion) and on the motion itself (or the motion as amended). If the motion is agreed to, this converts it into a resolution of the Parliament.

5.47 The practice for Members' Business is to debate the motion, but without it being moved by the member who lodged it. Accordingly, no decision is required after the debate has taken place, which allows Members' Business debates to be scheduled after Decision Time (as happens most Tuesdays and Wednesdays).

5.48 More information about debates is provided in Part 6.

## **Legislative business**

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5.49 The Parliament's legislative business falls into three main categories:

- proceedings on Bills (Government Bills, Members' Bills, Committee Bills, Private Bills)
- consideration of subordinate legislation (statutory instruments)
- consideration of UK Parliament Bills under the Sewel Convention.

5.50 In all three cases, much of the detailed scrutiny is undertaken by committees. The main proceedings taken in the Chamber are outlined in the following sections.

## **Chamber proceedings on Bills**

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### **Stage 1 (and Preliminary Stage) debates on Bills**

5.51 Each Public Bill introduced (by the Scottish Government, an individual MSP or by a committee) is subject to a three-stage scrutiny process.<sup>71</sup> Stage 1 is about the Bill's general principles, and consists of committee scrutiny followed by a debate in the Chamber. The debate is informed (other than in the case of a Committee Bill) by a Stage 1 report prepared by the lead

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<sup>71</sup> For more detail, see the Guidance on Public Bills, available on the Parliament's website under About / How the Parliament works / [Rules and guidance](#).

committee, and (by convention) the convener of that committee is one of the opening speakers in the debate. There are typically around 15 Stage 1 debates each year.

5.52 Private Bills are Bills introduced by organisations or individuals outside the Parliament seeking changes to the law specific to their circumstances. Here, too, there is a three-stage process (Preliminary Stage, Consideration Stage, Final Stage), in which most of the scrutiny is undertaken by a small committee established for the purpose.<sup>72</sup> Chamber debates on Private Bills happen far less frequently than debates on Public Bills.

### **Stage 2 proceedings in a Committee of the Whole Parliament**

5.53 Stage 2 of the scrutiny process for Public Bills is the main amending stage. The length and complexity of Stage 2 proceedings varies greatly, depending on how many amendments are lodged.

5.54 In the large majority of cases, Stage 2 proceedings on Bills take place in a committee room, conducted by the same committee that was the lead committee during Stage 1. But it is also possible for Stage 2 of a Public Bill to be taken in a “Committee of the Whole Parliament”, a temporary committee of which all MSPs are members and which meets in the Chamber. This is always the case for Stage 2 of an Emergency Bill and may also be done in other cases where a Bill has been made subject to an expedited timescale, or when there are no amendments to consider, in which case the Stage 2 proceedings may be extremely short.<sup>73</sup>

### **Stage 3 (and Final Stage) proceedings on Bills**

5.55 Stage 3 of a Public Bill (and Final Stage of a Private Bill) takes place entirely in the Chamber and consists of two distinct phases: consideration of amendments, followed by a debate on whether to pass the Bill.

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<sup>72</sup> For more detail, see the Guidance on Private Bills, available on the Parliament's website under About / How the Parliament works / [Rules and guidance](#).

<sup>73</sup> An Emergency Bill is a Government Bill that the Parliament has agreed, after it is introduced, to treat as such (under Rule 9.21). Other Bills may be referred to a Committee of the Whole Parliament under Rule 9.7.1(b).

5.56 As at Stage 2, the amendment proceedings consist of a sequence of debates on groups of amendments, interspersed by the formal moving and disposing of individual amendments. The length of these proceedings varies greatly, according to the number of amendments lodged, from a few minutes to many hours.

5.57 The debate on whether to pass the Bill normally follows immediately after the amendment proceedings, but may occasionally be scheduled for later the same day or a later day. It is normally scheduled for an hour, but may occasionally be longer or shorter.

### **Reconsideration Stage proceedings on Bills**

5.58 In certain unusual circumstances, a Bill that has been passed (or rejected) at the end of Stage 3 (or Final Stage of a Private Bill) may be brought back to the Parliament for a “Reconsideration Stage”. The most likely circumstance is where the Bill has been referred (under [section 33 of the Scotland Act 1998](#)) to the UK Supreme Court and the Court has found provisions of the Bill to be outside the Parliament’s legislative competence.<sup>74</sup>

5.59 Like Stage 3, Reconsideration Stage normally consists of two phases: proceedings on amendments, followed by a debate on whether to “approve” the Bill (equivalent to the Stage 3 decision on whether to pass it).

### **Chamber proceedings on statutory instruments**

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5.60 The Parliament considers many hundreds of items of subordinate legislation (statutory instruments) each session. Almost all of them are made by Scottish Government ministers using powers delegated to them in an Act.

5.61 The majority of these instruments are subject to “the negative procedure”, meaning that the instruments are made before they are laid and are then, for a 40-day period, “subject to annulment” by a resolution of the

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<sup>74</sup> A Reconsideration Stage can also be held where a Bill is referred to the Supreme Court (under [section 32A of the Scotland Act 1998](#)) on the question of whether it relates to a “protected subject-matter” or where the Secretary of State makes an order (under [section 35 of the Scotland Act 1998](#)) preventing the Bill from being sent for Royal Assent in its unamended form.

Parliament. Most of the rest are subject to “the affirmative procedure”, meaning that they are laid in draft and cannot be made unless the draft is approved by resolution of the Parliament. Such instruments are referred to as “negative instruments” and “affirmative instruments” respectively.<sup>75</sup>

### **Negative instruments**

5.62 The vast majority of negative instruments are not opposed, and are not the subject of Chamber proceedings. Occasionally, however, the lead committee to which a negative instrument is referred may agree to a motion recommending annulment of the instrument. If that happens, the Bureau must lodge a motion inviting the Parliament to annul the instrument and schedule time in the business programme for the motion to be debated. The minimum time that the Bureau may allow for such a debate is six minutes, three each for the member moving the motion and the minister opposing it, although the Bureau may allow more time for these and for other speakers if it wishes (Rule 10.4.4).

### **Affirmative instruments**

5.63 Affirmative instruments, by contrast, always require to be taken in the Chamber. If the lead committee recommends that the instrument be approved, the Minister for Parliamentary Business lodges (on behalf of the Bureau) a motion inviting the Parliament to approve the instrument – and, unless other Bureau members indicate a wish to oppose the motion, all that is required is for the motion to be moved formally (that is, without debate) immediately before Decision Time.

5.64 Occasionally, however, an affirmative instrument may be opposed. If the lead committee recommends that the instrument not be approved, it is still an option for the Scottish Government to lodge a motion proposing its approval. Alternatively, if the lead committee recommends approval, it may become clear at the Bureau that there is opposition to the Bureau’s motion for approval. In either case, time is set aside for a short Chamber debate. Under

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<sup>75</sup> The negative procedure and the affirmative procedure are defined by sections 28 and 29 of the [Interpretation and Legislative Reform \(Scotland\) Act 2010](#). Further information about committee scrutiny of instruments is included in the Guidance on Committees, available on the Parliament’s website under About / How the Parliament works / [Rules and guidance](#).

Rule 10.6.5, the only members who can speak in the debate, for up to three minutes each, are:

- the member moving the motion for approval (usually the Minister for Parliamentary Business, or another member of the Bureau),
- the minister responsible for the instrument (if not already moving the motion) and
- one MSP opposing the motion (usually the relevant spokesperson for whichever party led opposition to the instrument in the lead committee or indicated its opposition at the Bureau).

### **Chamber consideration of instruments**

5.65 It is also possible (though very unusual) for an instrument to be referred direct to the Chamber for consideration, rather than to a lead committee (Rule 10.1.3(b)). If that happens, debate on any motion to annul the instrument (if it is a negative instrument) or approve it (if it is an affirmative instrument) may not last for more than 90 minutes (Rule 10.7) – the same maximum duration that would have applied to debate in the lead committee, had the instrument been referred to one.

### **Documents subject to Parliamentary control**

5.66 The Parliament also occasionally considers documents that, although not themselves legislation, require to be laid before the Parliament and are subject to a form of Parliamentary control equivalent to that which applies to affirmative or negative instruments (Rule 10.10).<sup>76</sup>

### **Chamber consideration of motions on legislative consent**

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5.67 Under the Sewel Convention, the UK Parliament does not normally legislate on matters devolved to the Scottish Parliament, or to alter the

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<sup>76</sup> An example was the Parliament's agreement, on 20 June 2024, to a Revised Social Security Charter.

legislative competence of the Parliament or the executive competence of the Scottish Ministers, without the Parliament's consent.<sup>77</sup>

5.68 The mechanism for the Parliament to give or refuse its consent is by agreeing to a "motion on legislative consent" (Rule 9B.2). Such a motion is normally lodged by a minister, but may be lodged by any MSP. Chamber consideration of such a motion is preceded by consideration of a legislative consent memorandum (LCM) by a lead committee.

5.69 If the Scottish Government lodges a motion that recommends consent and this is generally supported, it may be possible for the motion to be moved formally (without debate). But a debate is likely to be needed in any situation where the Scottish Government motion recommends refusal of consent, where a contrary motion is lodged by another MSP, or where the Scottish Government's recommendation in favour of consent is opposed by the lead committee or by other parties.

## **Committee announcements**

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5.70 The business programme normally includes an opportunity for committee announcements to be made shortly before Decision Time on a Tuesday. This allows conveners, for example, to alert the Parliament to the launch of significant or urgent inquiries, or to report the findings of recently published reports. Provision for this was introduced on a trial basis in 2018 and made permanent in 2019 through an amendment to Rule 5.6.<sup>78</sup>

5.71 Committee conveners seeking to make an announcement should provide an outline of the subject-matter to the Presiding Officer's office by noon on the previous Friday. If two or more conveners seek to make announcements on the same day, they may need to be prioritised by the Presiding Officer. Up to three minutes is allowed for each announcement.

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<sup>77</sup> For more information, see the Guidance on Legislative Consent, available on the Parliament's website under About / [Rules and guidance](#).

<sup>78</sup> The rationale for the change is set out in the [Standards, Procedures and Public Appointments Committee's 12th Report, 2019 \(Session 5\)](#), *Standing order rule-changes*.

## Formal appointments

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5.72 On a few occasions each year, the Parliament considers motions relating to public appointments. Further detail on the types of appointments and the procedures that apply are set out in Annexe C.

## Routine procedural business

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5.73 A small proportion of Chamber time each week is taken up with the formal disposal of procedural motions.

5.74 The main examples are:

- business motions setting out a business programme, or amending the existing business programme (under Rules 5.4.1 and 8.11)
- business motions specifying a timetable for the consideration of legislation, such as a deadline for completion of a stage of a Bill (under Rules 5.4.2 and 8.11)
- motions to suspend or vary Standing Orders (under Rule 17.2) moved by a member of the Bureau<sup>79</sup>
- Parliamentary Bureau motions to establish a committee, or to appoint new members or substitutes to committees (under Rules 6.1.3, 6.3.1, 6.3A.2 or 6.3B.1)
- Parliamentary Bureau motions to designate a committee as the lead committee on a Bill, an item of subordinate legislation or a legislative consent memorandum (under Rule 9.6.1, 10.2.2 or 9B.3.5)
- Parliamentary Bureau motions to approve affirmative instruments (see also paragraphs 5.63 and 5.64)

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<sup>79</sup> Any MSP may move a motion to suspend Standing Orders for an individual meeting of the Parliament (or committee) under Rule 17.2.1(a), but such a motion would not count as routine procedural business as described here.

- Parliamentary Bureau motions to specify days of recess or days when the Office of the Clerk is to be open (under Rule 2.3.1 or 2.1.3).

5.75 Such motions are discussed in advance at a meeting of the Bureau or by correspondence among business managers. Where they are unopposed, they are called at an appropriate point (where an opportunity to move such motions has been provided in the business programme) and moved formally – usually by the Minister for Parliamentary Business just saying “Moved” – in the expectation that they can be agreed to by consensus, without a division (vote) being required.

5.76 Where any business manager indicates, in advance, opposition to such a motion, time can be allocated for it to be debated (and a division may be required when the question is put).

## **Other items of business**

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5.77 In addition to the above categories of business that regularly feature in the business programme, the Standing Orders make provision for a number of other items that arise less frequently or only in exceptional circumstances. Some of these (such as motions to appoint the Presiding Officer or Ministers) are covered elsewhere in this Guidance. The others are:

- a motion to remove the Presiding Officer, a DPO, a member of the SPCB or a member of the Scottish Commission on Public Audit from office (under Rule 3.5, 3.10 or 3.15)
- a motion to remove a person as a trustee of the Scottish Parliamentary Pension Scheme (under Rule 3B.3 or 4)
- a motion for a “lobbying resolution” under the Lobbying (Scotland) Act 2016 (under Rule 3C.2)
- a motion by the First Minister to remove a person as Lord Advocate or Solicitor General for Scotland (under Rule 4.4)
- a motion by the First Minister for the removal of a judge (under Rule 8.9.1(c))

- a motion for a Scottish rate resolution, or for the cancellation of such a resolution (under Rule 8.10)
- a pension motion or a grants motion (under Rule 8.11A)
- a motion to change subordinate legislation procedure (under Rule 8.11B)
- a motion of no confidence (under Rule 8.12).

5.78 The following paragraphs provide more information about some of these types of motion.

### **Scottish rate resolutions**

5.79 [Section 80C of the Scotland Act 1998](#) allows the Parliament, by resolution, to set the Scottish rate of income tax. Such a rate must be specified as a whole number, or half a whole number, of pence in the pound, or as zero (i.e. without variation from the rates applicable in the rest of the UK). The rate must apply for one whole tax year and can only be set during the previous tax year to the one to which it applies. Only a member of the Scottish Government may move a motion for such a resolution.

5.80 A motion for a Scottish rate resolution (or a motion to cancel such a resolution by replacing it with a new resolution) cannot be amended, and any such motion must be moved before Stage 3 of any Budget Bill to which it relates (Rule 8.10).<sup>80</sup>

### **Pension motions and grants motions**

5.81 [Section 3 of the Scottish Parliamentary Pensions Act 2009](#) allows the Parliament to modify, by resolution, the Scottish Parliamentary Pensions Scheme, the grants scheme or the Presiding Officer and First Minister Pensions Scheme, all of which are provided for by other provisions of the 2009 Act.

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<sup>80</sup> More information on Budget Bills can be found in the Guidance on Public Bills, available on the Parliament's website under About / How the Parliament works / [Rules and guidance](#).

5.82 Under Rule 8.11A, a motion for such a resolution may be lodged and moved only by a member of the SPCB, and may not be amended. Before lodging such a motion, the SPCB must consult those likely to be affected (primarily, current and former MSPs). After the motion is lodged, it is referred for scrutiny by the Delegated Powers and Law Reform Committee and can only be taken in the Chamber at least 14 days after the DPLR Committee has reported.

### **Changes to subordinate legislation procedure**

5.83 The Interpretation and Legislative Reform (Scotland) Act 2010 provides for three main types of procedure to which statutory instruments can be made subject by the parent Act (the Act under which the instrument is made). These are:

- the negative procedure, where the instrument is subject to annulment by resolution for a period of 40 days after it is made (section 28)
- the affirmative procedure, where the instrument is laid in draft and requires approval by resolution before it can be made (section 29)
- a procedure that applies to almost every Scottish statutory instrument that is not subject to either the negative or affirmative procedure, and requires the instrument to be laid as soon as practicable after it is made (section 30).

5.84 [Section 34 of the Interpretation and Legislative Reform \(Scotland\) Act 2010](#) allows the Parliament to recommend, by resolution, changes to parent Acts so that any future instruments made under specific delegated powers are subject to a different procedure – specifically, to recommend that the affirmative procedure should apply instead of the negative procedure (or vice versa) or that the section 30 procedure should apply instead of either the affirmative or negative procedure.<sup>81</sup> Under Rule 8.11B, any motion for such a resolution must be lodged by the convener of the Delegated Powers and Law Reform Committee, and only if that committee agrees with a proposal (to change the procedure) made to it by whichever committee has the instrument

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<sup>81</sup> If such a resolution is passed, it is for the Scottish Government, by means of an order under the 2010 Act, to implement the change of procedure to the parent Act in question.

within its remit. The Bureau must allocate time for Chamber consideration of such a motion. The motion may not be amended.

### **Motions of no confidence**

5.85 A motion of no confidence is a mechanism by which any MSP may seek to remove an individual Cabinet Secretary or Minister from office, or force the Scottish Government to resign. If at least 25 other MSPs add their names in support of such a motion, it must be taken in the Chamber, normally no sooner than two sitting days after it is included in the business programme (Rule 8.12).

5.86 Any Cabinet Secretary or Minister named in a motion of no confidence would be expected to resign if the motion is agreed to. Should a motion of no confidence in the Scottish Government as a whole be agreed to, all ministers (including Law Officers) are required to resign.<sup>82</sup> Although it does not follow automatically, this could lead to the dissolution of the Parliament and the holding of a general election.<sup>83</sup>

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<sup>82</sup> Under sections 45(2), 47(3)(c), 48(3) and 49(4)(c) of the [Scotland Act 1998](#).

<sup>83</sup> Under [section 3\(1\) of the Scotland Act 1998](#), an extraordinary general election is triggered only by the Parliament resolving, by two-thirds majority, that it be dissolved or by the Parliament failing to appoint one of its members as First Minister within a period of (normally) 28 days.

## Part 6: Chamber debates

6.1 The simplest definition of a debate is any proceedings in which two or more MSPs discuss a particular issue. Debates constitute one of the central ways in which the Parliament conducts scrutiny and holds the Scottish Government to account. Debates also play an important part in the delivery of the Parliament's legislative function, and its role as a forum for discussion of issues of public importance. They vary greatly in their subject-matter, their duration and how they are conducted.

6.2 The Parliament can debate any topic it chooses. In particular, it is not limited to devolved matters (that is, matters on which it has the power to legislate).

6.3 Debates can be categorised in a number of different, overlapping ways. One is according to who initiates and then leads (speaks first in) the debate, and in what capacity. On this basis, the main types of debate are:

- Government debates – led by a minister on behalf of the Scottish Government
- opposition debates – led by a party spokesperson (or group representative) on behalf of an opposition party (or group)
- committee debates – led by a convener on behalf of a committee
- Member's Business debates – led by a backbench member acting in an individual capacity.<sup>84</sup>

6.4 Debates can also be categorised according to their purpose – which also helps determine whether a motion is needed, and (if so) how that motion is expressed. If the purpose of the debate is simply to allow a general topic to be discussed, a motion is not needed (although having one can be useful to provide focus for the debate). However, if the purpose is to generate an expression of the Parliament's collective view, a motion is essential. The Parliament expresses itself by means of resolutions, and a motion is the means a member has of proposing

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<sup>84</sup> Debates can also be led by a member acting on behalf of the Parliamentary Bureau or (rarely) the SPCB.

what a resolution might say. In addition, if the purpose is not just to express a view, but to secure a particular legal or procedural outcome, then the motion needs to be worded so that, if agreed to, it clearly and unambiguously achieves the outcome sought.

## **Scheduling of debates**

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6.5 As explained in paragraph 3.12, a typical Parliamentary week includes three main “slots” on Tuesday, Wednesday and Thursday afternoons that can be used for debates and for other business such as statements. These slots are usually between 2 and 3 hours in duration.

6.6 In each Parliamentary year, the Bureau is required to ensure that during at least 12 of these “half sitting day” slots, committee business takes priority and that during another 16, priority is given to business chosen by the opposition parties (or groups of smaller-party or independent members) (Rule 5.6.1(a) and (b))<sup>85</sup>.

6.7 As there are roughly 36 sitting weeks in a year, and three slots in each sitting week, this means that 28 out of approximately 108 slots per year must be given over to committee and opposition business. By default, the remaining 80 or so available slots are available for Government business – which means, in most cases, Government-led debates.

6.8 It is for the Bureau to decide which slots to allocate to committees or opposition parties (or groups) – and, for each one, which committee or opposition party (or group) it is allocated to. With slots for committee business, the allocation is done in consultation with the Conveners Group. With slots for opposition parties and groups, the distribution is done on a roughly proportional basis (so a party with 20 MSPs can expect to be allocated a slot twice as often as a party with 10 MSPs).

6.9 The Bureau is also required to provide at least one shorter slot (of up to 45 minutes) each sitting day for Members’ Business (Rule 5.6.1(c)). In practice, this means a Member’s Business debate, usually after Decision Time on Tuesday and

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<sup>85</sup> On a further two half-sitting day slots each Parliamentary year, priority must be given to debating reports by People’s Panels (see paragraph 3.13).

Wednesday, and after First Minister's Question Time on Thursday. These are distributed on a proportional basis, using the d'Hondt formula<sup>86</sup>, with a share of the allocation going to backbench members of Government parties.<sup>87</sup>

## Motions for debates

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6.10 The vast majority of debates take place on a motion.

### Lodging of motions

6.11 Under Rule 8.2.6, the motion for a debate must normally be lodged no later than the sitting day before the debate is due to take place. In practice, however, the Chamber Desk sets the following deadlines for lodging motions for scheduled debates:

- 10 am on Monday for a Tuesday debate
- 4 pm on Monday for a Wednesday debate
- 4 pm on Tuesday for a Thursday debate.<sup>88</sup>

6.12 With Government or opposition debates, the normal practice is for the slot to be allocated first and the motion to be lodged later, usually close to the deadline.

6.13 With Members' Business debates, the process happens the other way around. Members lodge their motions first, and the Bureau then selects, from among those that have been lodged, the ones that are to be debated on particular days.

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<sup>86</sup> This is an algorithm that can be applied objectively to achieve fair distribution among parties according to their numerical strength.

<sup>87</sup> SPICe fact sheets provide a breakdown of Members' Business debates in each session by subject and party: available on the Parliament website under Chamber and committees / Research by SPICe / [Fact sheets](#) / Fact sheets on Parliamentary business.

<sup>88</sup> For more information about lodging motions, see the separate Guidance on Motions – available on the Parliament website under About / How the Parliament works / [Rules and guidance](#).

6.14 With other categories of debate (for example, committee debates, or Stage 1 or Stage 3 debates on Bills), it can work either way round – that is, with the motion lodged first, and then allocated debating time, or debating time allocated first, and a motion then lodged.

### **Wording of motions**

6.15 The wording of motions tends to vary according to the type of debate for which they are lodged.

6.16 With debate slots that have been allocated to the Scottish Government or an opposition party, it is normal for there to be a relatively long, discursive motion that articulates the policy position of the party (or group) on the topic in question. The debate then becomes, at least in part, about whether the Parliament as a whole is prepared to endorse that position.

6.17 The more strongly-worded such a motion is, the more likely it is that the other parties will lodge amendments, through which they seek to change the motion into one that better reflects their own alternative policy perspective. Amendments range from those that alter a few words to those that re-write the entire motion.

6.18 Where the topic chosen is less controversial, it may be possible to lodge a motion that sets out a position on which all the main parties can agree. In such cases, there may be no amendments lodged, or the only amendments lodged may be ones on which there can also be cross-party agreement.

6.19 Motions lodged for committee debates are usually quite short and in neutral terms, merely inviting the Parliament to note the contents of a recently-published report. Such motions rarely attract amendments.

6.20 For debates on Bills, the motions lodged (by the member in charge of the Bill) are always short and formulaic, inviting the Parliament to agree the general principles of the Bill (at Stage 1) or to pass the Bill (at Stage 3).<sup>89</sup> By convention,

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<sup>89</sup> With Private Bills, the equivalent Stages are Preliminary Stage and Final Stage, the motions are lodged by the convener of the Private Bill Committee (as there is no member in charge), and the wording of the Preliminary Stage motion is in slightly different terms.

these motions never include discursive or argumentative elements, although it is possible for such elements to be added by “reasoned amendment”.<sup>90</sup>

6.21 Stage 1 and Stage 3 debates are examples of debates that are scheduled in order to allow the Parliament to make a decision that has a specific procedural or legal outcome. The motion for such a debate therefore has to be worded so as to ensure that the intended outcome unambiguously follows. In the case of a Bill, the intended outcome at Stage 1 is that the Bill proceeds to Stage 2, and at Stage 3 that it is passed.

6.22 There are other examples of motions for debate that, if agreed to, have a procedural or legal effect, including:

- Parliamentary Bureau motions to establish committees, alter the membership of committees, or to approve or annul statutory instruments
- motions by the Standards, Procedures and Public Appointments (SPPA) Committee inviting the Parliament to agree changes to the Parliament’s Standing Orders or Code of Conduct
- motions of no confidence (that is, motions seeking to force the removal from office of a minister, or of the Scottish Government as a whole) (see also paragraphs 5.84 and 5.85).

6.23 Motions lodged for Members’ Business should concern issues of particular relevance to the constituency or region of the member lodging it, or should mark significant anniversaries or events and have cross-party support. These motions are not moved and so cannot become resolutions of the Parliament.

### **Amendments to motions**

6.24 The general rule is that any motion may be amended (Rule 8.4), but there are a number of specific exceptions (that is, motions that cannot be amended) and

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<sup>90</sup> For more information on reasoned amendments to Bills, see the relevant volume of Bill Guidance (on Public Bills, Private Bills or Hybrid Bills), or the Guidance on Motions – all available on the Parliament’s website under About / How the Parliament works / [Rules and guidance](#).

limitations (that is, restrictions on the types of amendment permitted, or on who may lodge amendments).

6.25 Amendments may be lodged at any time after the motion has been lodged (Rule 8.5.1). The Chamber Desk sets a deadline for lodging amendments to motions of 4 pm on the day before (e.g. 4 pm on Monday for a Tuesday debate).<sup>91</sup>

6.26 It is for the Presiding Officer to decide which, if any, amendments are to be taken in the Chamber (Rule 8.5).

6.27 With many Government and opposition debates, other parties lodge amendments to the motion (unless the motion itself is consensual). It is for the Presiding Officer to decide which of these amendments to select.<sup>92</sup>

6.28 On the day of the debate, the selected amendments are published in the daily business list immediately below the motion, in the order in which they relate to the motion (rather than in the order lodged).<sup>93</sup>

## **Debates without a motion**

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6.29 Occasionally, business managers may agree that it would be worthwhile having a debate on a general topic and to do so without a motion. This is a way for different perspectives to be aired without any need for a single conclusion to be reached. Where that happens, the debate is listed in the business programme just by reference to the agreed topic, and no motion is lodged.<sup>94</sup>

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<sup>91</sup> For more information about lodging motions, see the separate Guidance on Motions – available on the Parliament website under About / How the Parliament works / [Rules and guidance](#).

<sup>92</sup> The criteria that the Presiding Officer applies in selecting amendments are set out in the Guidance on Motions.

<sup>93</sup> Any amendments that are not selected can be viewed in the “Motions” section of the Bulletin (alongside the motion and the selected amendments).

<sup>94</sup> An example was a Scottish Government debate on “The International Situation” on 22 April 2025.

## Structure of debates

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6.30 Most debates (other than Members' Business debates) are normally structured as follows:

- opening speeches by spokespersons for the main parties
- "open debate" for speeches by backbench MSPs
- closing speeches by spokespersons for the main parties.

### Opening speeches

6.31 The first speaker who is called opens the debate by speaking to and moving the motion. (In most cases, the MSP who moves the motion need not be the one who lodged it, but must have indicated support for it by the end of the previous sitting day – Rule 8.3.2.) With a Scottish Government debate, the opening speaker is usually the relevant Cabinet Secretary or Minister; with an opposition party, the party's lead spokesperson; with a committee debate, the committee's convener.

6.32 The remaining opening speeches are normally allocated to the spokespersons of the other parties, in descending order of size. So a debate by the main (largest) opposition party would be opened by that party's lead spokesperson, followed by the relevant minister and then the spokespersons of the other parties, beginning with the second-largest.<sup>95</sup>

6.33 Where amendments to the motion have been selected, these are moved by the relevant spokespersons at the beginning or end of their opening speeches.

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<sup>95</sup> During Session 6, the Finance and Public Administration Committee (FPAC) led annual debates on the Scottish budget in which all of the opening speakers (apart from the Cabinet Secretary) were the conveners of committees that had contributed to pre-budget scrutiny (rather than party spokespersons); the only closing speakers were the Minister and the FPAC deputy convener.

6.34 If the debate is a Stage 1 debate on a Bill, an extra opening speech is allocated to the convener of the lead committee, to speak on behalf of the committee and to outline key points from the Stage 1 report.

### **Open debate**

6.35 The middle section of the debate is for backbench MSPs from across the Chamber, called roughly in proportion to party size. This typically accounts for around half of the overall length of the debate – a larger proportion in longer debates and a smaller proportion in shorter ones.

### **Closing speeches**

6.36 The purpose of the final section of the debate is to allow the main parties to make concluding remarks, taking account of the views expressed earlier in the debate. In longer debates, there is normally time for all parties to be allowed both an opening speech and a closing speech, but in shorter debates, closing speeches are sometimes restricted to those parties whose amendments were selected.

6.37 The larger parties sometimes put forward different members to open and close on their behalf; for the Scottish Government, this may mean a Minister closing where a Cabinet Secretary has made the opening speech. Smaller parties are more likely to have the same member opening and closing.

6.38 In committee debates, it is normal for the convener to open and the deputy convener to close. (In Stage 1 debates on Bills, as noted above, the convener is called to make an opening speech, but there is no matching opportunity for the deputy convener to close on behalf of the committee.)

6.39 The order of closing speeches normally mirrors the order of opening speakers, with parties generally called in ascending (rather than descending) order of size. The final speaker is either the same member who opened the debate or another member who speaks from the same perspective (that is, to express the view of the Scottish Government, or the party or committee whose debate it is).

6.40 Some closing speakers use some of their time to summarise what they see as key themes from the debate as a whole, or to comment on contributions made

by others. The final speaker is generally expected (so far as possible within the time available) to respond to specific points made by other speakers.

### **Short debates**

6.41 The three-part structure outlined above is impractical for short debates (of less than around 30 minutes). Generally speaking, the shorter the debate, the smaller proportion of time that is available for “open debate”. To ensure there is still a reasonable balance between frontbench and backbench speakers, shorter debates may strip back the final section of the debate to a single closing speaker, restricting most of the parties to an opening speaker.

6.42 There are also some specialised types of debate that don’t use the three-part structure at all. These include debates on procedural motions, where the applicable Rules restrict the duration of the debate and/or the number of people entitled to participate.

6.43 A simplified three-part structure is used for Members’ Business debates. The only opening speech is by the MSP whose motion was selected for debate (although the motion is not moved), and the only closing speech is by the responsible minister. The remaining time is allocated to backbench members from across the Chamber.

### **Preparation of the speakers list**

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6.44 In advance of each debate, party business managers notify the Presiding Officer and the clerks which of their members will speak for the party in the opening and closing sections, and which of their backbenchers wish to speak in the “open debate”. Individual backbench members can, if they prefer, directly indicate a wish to speak in the open debate (rather than doing so through their business manager); independent MSPs can indicate a wish to speak either directly or through their group representative (if they have one).

6.45 This information is used to prepare a speakers list in advance, although this is only a guide and can be adjusted by the Presiding Officer on the day.

## **Proportionality and speaking time in debates**

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6.46 As already noted, debate slots are distributed roughly proportionately among the parties. In addition, the Presiding Officers aim to structure and manage individual debates so as to reflect the relative size of the parties. This is done in two different ways.

6.47 In the opening and closing sections of the debate, the ranking of the parties by size usually determines the speaking-times they are allocated (just as it determines the order those speakers are called).

6.48 During the open-debate section, the aim is for proportionality to be reflected in the number of members called rather than in the duration of their speaking-times. For example, if there is time for 12 open-debate speakers, six might be from the governing party and three, two and one from the three largest opposition parties. Sometimes this happens naturally, simply by the parties submitting names in proportion to their size; but if the debate is over-subscribed (that is, where there are more MSPs wishing to speak than there is time for), the Presiding Officer takes account of proportionality in finalising the speakers list.

6.49 Speaking-times are normally the same for all open-debate contributors – 6 minutes in longer debates and 4 or 5 minutes in shorter ones. The Presiding Officer may occasionally make exceptions, but only where this won't create unfairness between the parties. For example, a party that expects to have two open-debate speakers called to speak for 6 minutes each may request instead that three of its backbenchers are called for 4 minutes each, perhaps because each has a constituency interest or relevant experience.

6.50 Where a debate is over-subscribed, the Presiding Officer may sometimes reduce open-debate speaking times to allow additional members to participate – for example, if there are 12 backbenchers wishing to speak and only 60 minutes for the open debate, speaking times may be reduced from 6 minutes to 5 accordingly.

6.51 Where possible, the aim is to start each debate with a few minutes to spare once all the speaking-times have been added together. This is to allow for the amount of time that is liable to be taken up by interventions and over-runs.

## Participation and attendance in debates<sup>96</sup>

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6.52 There is a general expectation that all members who intend to speak in a debate are present in the Chamber for the duration of the debate. In particular:

- they should arrive in the Chamber (or be ready on the online platform) a few minutes before the debate is scheduled to begin
- they should remain in the Chamber throughout the opening speeches
- if they need to leave the Chamber (for a comfort break, or to attend to urgent business), they should do so only briefly and, if possible, during the open debate
- they should ensure they are back in the Chamber before the closing speeches begin and then remain until the end of the debate.

6.53 Members who are speaking in the open debate and who need to leave the Chamber should do so either in the early part of the open debate (returning at least a few minutes before they are due to be called) or after their own speech – in which case, they should not leave until the second speech after their own has concluded, and only if they can return before the closing speeches begin.

6.54 Members should seek permission in advance from the Presiding Officer if they are unable to comply with any of the above (i.e. if they expect to arrive after the start of the debate, need to be absent for a longer period during the debate, or need to leave before the end).

6.55 These expectations about remaining in the Chamber throughout a debate do not apply to members who are not on the speakers list and who are attending only to listen to the debate (and perhaps to intervene). Nor do they apply to

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<sup>96</sup> The authoritative source of guidance for Members on conduct during debates is set out in paragraph 14 (Conduct in the Chamber) of Section 7 of the Guidance on the Code of Conduct, available on the Parliament website under MSPs / [Code of Conduct](#). See also the Presiding Officer's Guidance on Conduct in the Chamber, available on the same web-page.

members who attended in the hope of speaking but have been told that they won't be called (for example because the debate is over-subscribed).

## **Debate management: general**

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6.56 Once a debate is under way, it is for the Presiding Officers, supported by the clerks, to manage the debate effectively, in the interests of all participants and those observing. That generally involves:

- bringing the debate to a conclusion within any time-limit agreed in the business programme (or specified in the Rules)
- calling as many as possible of those who have requested to speak, and striving for balance by calling speakers from across the Chamber and from a wide range of perspectives
- setting and applying limits on the duration of speeches, while also facilitating interventions
- ensuring that all speakers stick to the agreed subject-matter
- maintaining order and courtesy throughout.

## **Time management during debates**

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6.57 As noted above, most debates are planned on the basis that there will be a few minutes "in hand" at the outset, although some or all of this can easily be lost if previous items over-run and the debate starts behind schedule.

6.58 The amount of time available is monitored throughout the debate and used as a guide to how strictly speaking times need to be applied. Where there is plenty of time in hand, the Presiding Officer can afford to be generous in enforcing time-limits, for example, by allowing a 6-minute speech to stretch to 7 minutes, particularly if the member speaking has accepted interventions.

6.59 However, where a debate is over-subscribed or starts to run out of time, the Presiding Officer may not be able to allow any extra time for interventions, and may need to interrupt members who over-run and require them to stop speaking.

If that is not sufficient, the Presiding Officer also has the option of adjusting speaking times during the debate – for example by reducing the remaining open-debate speeches from 6 minutes to 5, or by cutting a minute from each of the closing speakers. If that is not possible – for example, because open-debate speaking times were originally set at 4 minutes, and so cannot reasonably be reduced – or if it won't be enough to bring the debate in on time, it may be necessary to reduce the number of members called to speak in the open debate.

6.60 Where any such decision (to reduce speaking times, or to drop speakers, or both) is taken during the debate, the Presiding Officer will aim to give the members affected as much notice of this as possible.

6.61 In any situation where it looks difficult to complete a debate at or close to the target time, the Presiding Officer may need to consider adjusting the start-times for later items of business.

6.62 For example, if a debate is scheduled to end by 5 pm for Decision Time, but is running substantially behind schedule, the Presiding Officer might seek a view from business managers as to whether to push back Decision Time to allow the debate to run for longer, or whether to curtail the debate so that Decision Time is not delayed. If the view of business managers is to push back Decision Time, it would be for the Presiding Officer to invite the Minister for Parliamentary Business to move a motion without notice to extend the debate – thus ensuring that the final decision is made by the Parliament as a whole.

6.63 Conversely, if a debate is significantly under-subscribed and even a relaxed application of speaking limits is not going to use up the time available, the Presiding Officer may invite the Minister for Parliamentary Business to move a motion without notice to bring forward Decision Time. Again, this would only be done after prior consultation with business managers, so that the parties can alert those members who are not participating in the debate and who may need time to get to the Chamber, or connect to the online platform, before voting begins.

## **Calling speakers**

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6.64 For each debate, a speakers list is drawn up in advance, but it is always for the Presiding Officer to decide whom to call and the speakers list is only a guide.

6.65 It may be necessary to depart from the list if, for example, a member fails to attend or has to withdraw at short notice. Departures from the list may also be made if, for example, a member requests to speak during the debate (without having given notice in advance) and the Presiding Officer wishes to accommodate that request. Speakers may sometimes be moved down (or even dropped from) the list if, for example, they arrive late or otherwise breach the normal protocols of good conduct in debate.

6.66 At the beginning of the debate, the Presiding Officer asks those who wish to speak to press the “request to speak” button on the console at their desk in the Chamber. These requests show up on screens on the podium that the Presiding Officer and clerks use to assist with debate management. Members who are on the speakers list but do not press are liable to be prompted to do so (and may not be called if they do not respond).

6.67 During the open debate, it is normal for the Presiding Officer, in calling each speaker, also to indicate who is to be called next. This ensures that each member is ready to begin speaking as soon as their name is called.

## **Interventions**

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6.68 An intervention is when one member interrupts the speech of another by a brief remark, to which the member whose speech has been interrupted is expected to respond. Interventions can contribute to making debates more interactive and dynamic, requiring speakers to depart from their prepared speeches and engage more directly with each other.

6.69 Interventions can be made by members who are not on the speaking list for the debate as well as by those who are (whether they have already spoken or are still to be called). When a debate is over-subscribed, intervening on another member can be an alternative way for a member who would not otherwise be able to speak to participate (albeit to a much more limited extent).

6.70 A member in the Chamber who wishes to intervene should stand (if able to do so) and say something like “Will the member take an intervention?”. In addition, they should press the “intervention” button on their desk console. A member participating remotely who wishes to intervene does so by using an on-screen

equivalent of this button. In either case, pressing the button signals the member's wish to intervene on the large screens in the Chamber (and on the screens used by remote members).

6.71 It is then for the member who is speaking either to take the intervention or refuse it. To take an intervention, the member normally says so, stops speaking and, if standing, sits down. To refuse an intervention, the member normally says so and continues to speak. Members may sometimes indicate, when refusing an intervention, that they may be prepared to accept interventions later in their speech – or that they don't intend to accept any interventions. Other members are expected to respect such indications, and in particular not to persist in trying to intervene on members who have made it clear that they won't be taking interventions.

6.72 If the member speaking "gives way" (that is, indicates a willingness to take the intervention), the Presiding Officer calls the intervening member's name. The intervention itself should be brief, so as not to unduly reduce the time available for the rest of the member's speech. It is a courtesy to begin an intervention by thanking the member who was speaking for taking the intervention.

6.73 Although it is normally for the member speaking to decide whether or not to take the intervention, the Presiding Officer may discourage members taking interventions in the final minute of their speeches, particularly if the debate is tight for time. This is to ensure that, where there is an intervention, the member speaking has time to respond without over-running.

## Part 7: Decisions and voting

7.1 This Part explains when and how the Parliament makes decisions, including by voting. It does not cover other types of decision-making process such as the election of office-holders (for which, see Part 2).

### What the Parliament needs to make decisions about

7.2 Much of the routine business of the Parliament does not require any decisions to be made. This includes Time for Reflection, oral question times, statements and some debates (debates without a motion, and Members' Business debates). It is therefore possible, though unusual, for a whole meeting of the Parliament to be concluded without any decisions being required.

7.3 A decision is required as a result of an item of business being moved (put forward). The items that can be moved in this way are motions, amendments to motions and amendments to Bills. Once moved, any such item must be "disposed of" (dealt with) in some way. The possible outcomes are:

- that the item is withdrawn by the member who moved it – which can be done only before any decision on it is made and only if no member present objects to it being withdrawn (Rules 8.3.6, 8.6.4A, 9.10.15, 9A.12.16, 9C.14.17)
- that the item is pre-empted (that is, rendered incapable of being agreed to) by an earlier decision (see also paragraph 7.11)
- that the item is agreed to (by consensus, or by division)
- that the item is disagreed to (by division).

7.4 Only the last two of these outcomes count as the Parliament making a decision on the item.

## When decisions are made

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### Decisions on amendments to Bills

7.5 During Chamber proceedings on Bills at amending Stages, decisions on amendments are always made immediately after the amendment is moved or debated (under Rule 11.3.2). The Stages in question are: Stage 2 proceedings on a Public Bill, if taken in the Chamber by a Committee of the Whole Parliament (see paragraph 5.52); Stage 3 of a Public Bill or Final Stage of a Private Bill; Reconsideration Stage of any Bill.

7.6 There can often be multiple decisions to be taken, and these arise throughout the proceedings. To ensure that all MSPs have the opportunity to vote, the practice is to have a short (5-minute) suspension before the first division and to ring the “division bell” to alert members not in the Chamber at the time. In addition, a slightly longer voting period (usually 1 minute) is allowed for the first division that takes place after a debate on a group of amendments, with subsequent divisions being shorter (usually 30 seconds).

### Decisions on motions and amendments to motions

7.7 For motions and amendments to motions, the default position is that all the decisions that require to be taken as a result of the day’s business are held back until Decision Time, which is usually the last item of business (other than Members’ Business) each day, normally at 5 pm (Rule 11.2).

7.8 The exceptions – where decisions on motions (and amendments to those motions) are taken immediately after the motions are moved or debated, rather than at Decision Time – are set out in Rule 11.3 (see below).

## Decision Time

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7.9 Having a time for decision-making at the end of each day’s Chamber business was a key component of the “family-friendly” model for the Parliament

recommended by the Consultative Steering Group (CSG) in 1999.<sup>97</sup> It helps to ensure that Parliamentary business is generally confined to a normal working day with a reasonably predictable end-point, to allow MSPs to combine their parliamentary role with other commitments. It also avoids the need for MSPs to remain in or near the Chamber throughout the day just to ensure that they don't miss a division, thus allowing them to make more efficient use of their time.

7.10 At Decision Time, the Presiding Officer puts the question on all the motions and amendments to motions that were moved earlier in the meeting (other than those decided on at the time or that have since been withdrawn). Motions are disposed of in the order in which they were moved (Rule 11.4.1). Amendments to motions are disposed of before the motions to which they relate and in the order in which the amendments were moved (Rule 11.4.2). Similarly, if there are any amendments to amendments (to motions), they are disposed of before the amendments to which they relate, and in the order in which they were moved (Rule 11.4.4).

7.11 In some cases, it may not be possible to take decisions on all the amendments to a motion that were moved. This can happen, in particular, where the effect of an earlier amendment, if agreed to, is that it is no longer possible to make the change proposed by a later amendment.<sup>98</sup> Where this is the case – that is, where the earlier amendment pre-empts the later one – the Presiding Officer points this out before putting the question on the earlier amendment. If that amendment is agreed to, the later amendment is not called (Rule 11.4.3).

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<sup>97</sup> The CSG report, *Shaping Scotland's Parliament*, is available on the Parliament's website under About / History of the Parliament / [The path to devolution](#). See section 2, paragraph 49 and section 3.3, paragraphs 18 to 20.

<sup>98</sup> An example of pre-emption is where two amendments to a motion are moved during a debate, the first to replace most of the text of the motion with alternative text and the second to change a single word within that original text. The first amendment pre-empts the second by removing the word that the second amendment sought to change. Accordingly, if the first amendment is agreed to, it is no longer possible for a decision to be made on the second.

## **Decisions at times other than Decision Time**

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7.12 Rule 11.3.1 lists particular motions which require to be decided upon immediately after they are moved or debated. These are:

- a motion to appoint (or remove) one of the Scottish Law Officers (under Rule 4.3 or 4.4) or to appoint a Minister or junior Scottish Minister (under Rule 4.6 or 4.7)
- a business motion (under Rule 8.11)
- a motion (without notice) to close, extend or adjourn a debate (under Rule 8.14 or 8.15)
- a motion for a Scottish rate resolution (or to cancel such a resolution) (under Rule 8.10)
- various motions in relation to Bills (including motions, moved during Stage 1 proceedings, to refer a Bill back to a lead committee and motions, moved without notice during Stage 3 proceedings, to extend the time limits applicable at that Stage)
- a motion to exclude a member from proceedings (under Rule 7.3.3(b))
- a motion (without notice) to adjourn or close a meeting of the Parliament (under Rule 8.16)
- a Members' Business motion moved after Decision Time (which is very unlikely as the practice is that motions for Members' Business debates are not moved)
- where the Parliament has decided (under Rule 2.2.4) to extend business to 7 pm on a Wednesday, a motion taken after 5.30 pm (i.e. after Decision Time is over) on such a day.

7.13 The Presiding Officer also has a reserve power (under Rule 11.3.3) to have decisions made at other times than the Rules would normally require. That could allow any decision that would normally be taken at Decision Time to be taken at another time; it would also allow the decision on a motion that would normally be

taken immediately after the motion was moved or debated to be taken instead at Decision Time (or at another time). This power might be used where the Presiding Officer, exceptionally, gives permission (under Rule 8.1.2) for a motion of a sort not listed in Rule 11.3.1 to be moved without notice – allowing the Presiding Officer then to put the question on the motion immediately after it is moved.

## **How decisions are made**

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7.14 The Parliament is normally invited to make a decision by the Presiding Officer “putting the question” – by saying: “The question is, that motion/amendment [number] be agreed to. Are we all agreed?”

7.15 Members respond by calling out Yes or No (or, if participating remotely, by typing Yes or No in the chat). If the only responses are Yes (that is, if there is consensus in favour of the motion or amendment), the Presiding Officer declares the motion or amendment agreed to. Such a decision is recorded in the Minutes of Proceedings and Official Report simply as “motion/amendment agreed to”.

7.16 However, if it is clear that there is any opposition – even if that is just a single MSP calling No – then a division must be held (“division” being the formal term for a decision made by voting). Accordingly, it is never possible for a motion or amendment to be disagreed to by consensus.

7.17 The above procedure is simplified in the case of motions to pass a Bill (at Stage 3 or Final Stage) or to approve a Bill (at Reconsideration Stage). In those circumstances, a division is required (Rules 9.8.7, 9.9.5, 9.9A.3 and equivalent Rules in Chapters 9A and 9C). Accordingly, the Presiding Officer puts the question only once and immediately invites members to vote.<sup>99</sup>

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<sup>99</sup> Rule 11.6.2. This ensures that there is always a record of the number of MSPs who voted in favour of the Bill, in case there is a legal challenge on the question of whether the Bill relates to a “protected subject-matter” (under [section 31 of the Scotland Act 1998](#)) and hence that a two-thirds super-majority was required (under [section 31A](#)). See also paragraph 7.34.

## Divisions

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7.18 As noted above, a division is the process through which a decision is made by voting.

7.19 The purpose of a division is to ensure that any contested decision is arrived at in a reliable and transparent manner. Where opinion on the question is fairly evenly divided, it might not be possible to gauge the relative numbers calling Yes and No, and it would certainly not be possible to establish afterwards which MSPs had supported, and which had opposed, the item decided upon. A division ensures that there is a clear record, both of the numerical outcome (votes in favour, votes against and abstentions) and of who voted which way. This is an essential component of MSPs' individual and collective accountability.

7.20 Where a division is required, the Presiding Officer repeats the question and specifies the duration of the voting period (typically 30 seconds). During that period, members can vote Yes, vote No, vote to abstain, or not vote. There should be no speaking during the voting period, and points of order about the division should be raised only after the voting period has ended (Rules 11.6.3 and 4).

7.21 Only MSPs can vote, and only if they are either physically present in the Chamber or are logged onto the digital platform provided for remote participation. Each MSP may vote only once on each question (except where a clear result cannot be obtained and the Presiding Officer invites members to vote again).

7.22 Rule 11.5A allows an eligible MSP to appoint another MSP as a proxy to vote on their behalf, subject to complying with a scheme issued by the Presiding Officer.<sup>100</sup> The eligibility criteria are parental leave, complications arising from pregnancy, serious long-term illness or injury, bereavement or attending to a person nearing the end of life (Rule 11.5A.2). A proxy vote has the same status as

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<sup>100</sup> The Presiding Officer's scheme is available on the Parliament's website under About / How the Parliament works / Rules and guidance / [Proxy voting scheme](#).

a vote cast in person, and can be used in any division (but not during the election of a Presiding Officer or DPO under Rule 11.9).<sup>101</sup>

7.23 At the end of the voting period, the Presiding Officer announces the numerical outcome (votes for, votes against and abstentions) and the result: for example, “The motion is therefore agreed to”.

7.24 If there is a tied vote, with equal numbers of votes for and against, the Presiding Officer (who otherwise does not vote) is required to exercise a casting vote (Rule 11.6.6). This ensures that a definite outcome is arrived at on any question. The Presiding Officer generally uses the casting vote to support the status quo – that is, by voting against any motion or amendment that has not secured majority support. However, should there be a tied vote on a Bill at Stage 1 (or Preliminary Stage), the Presiding Officer will use the casting vote in support of the motion, allowing scrutiny of the proposed legislation to continue. This allows the Parliament to further consider the Bill at Stages 2 and 3 before deciding whether or not to pass it. In the event of a tied vote on a motion to pass a Bill at Stage 3 (or Final Stage), or to approve a Bill at Reconsideration Stage, the Presiding Officer would use the casting vote against the motion that the Bill be passed.

7.25 The outcome of a division is recorded in the Minutes of Proceedings as “motion/amendment agreed/disagreed to (by division: For X, Against Y, Abstentions Z)”. A full division list, showing the names of all those voting for, against or to abstain, is published in the Official Report. Information about how each MSP has voted can be found on that MSP’s web-page.

## **Method of voting**

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7.26 Where a division is required in the Chamber, an app-based digital voting system is normally used. Where members are unable to vote using the app (or are unsure whether their votes have been recorded), they may raise a point of order

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<sup>101</sup> Rule 11.5A came into effect on 22 December 2023, following the Parliament’s endorsement of the [Standards, Procedures and Public Appointments Committee’s 12th Report, 2023 \(Session 6\)](#), *Standing Order rule-changes: Proxy Voting*. The Rule replaced a pilot proxy voting system which had been in place since 4 January 2023.

immediately after voting has closed, explaining how they would have voted, and these are counted as valid votes.

7.27 If it appears to the Presiding Officer that the result of a division conducted using the app (or any other electronic voting system) is unreliable, the division may be repeated using the same or a different voting system (Rule 11.7.3).

7.28 If there is no electronic voting system available, divisions may be conducted by roll-call vote or using any other voting system chosen by the Presiding Officer (Rule 11.7.4). If there is a roll-call vote, the Presiding Officer (or a clerk) calls each MSP to vote – by saying Yes, No or Abstain – in alphabetical order (Rule 11.7.4).

## **Political parties and voting choice**

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7.29 It is for each MSP to decide how to cast their vote on each occasion. Political parties generally expect their members to vote in accordance with the party's policy position, a practice often referred to as "whipping".<sup>102</sup> Where an MSP votes against the whip, it is a matter for the party to decide what, if any, consequences this has (as a matter of internal party discipline).

7.30 On some issues, a party may not impose a whip and so allow its members to vote as they see fit. This is usually known as a "free vote" and is most often applied to issues of conscience on which the party doesn't have an agreed position.<sup>103</sup>

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<sup>102</sup> The terminology is believed to originate from fox-hunting. The whip was originally a printed document in which the relative importance of each vote was indicated by underlining it once, twice or three times – hence the term "three-line whip" for where members of a party are expected to give greatest priority to voting as instructed.

<sup>103</sup> For example, in Session 6, the Assisted Dying for Terminally Ill Adults (Scotland) Bill was made the subject of a free vote at Stages 1 and 3 by all the main parties.

## Outcome of decisions

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7.31 Most decisions made by division require only a simple majority – that is, the motion (or amendment) is agreed to if there are more votes in favour than against (Rule 11.11.2).

7.32 For most of these (simple-majority) cases, there is no minimum number of votes (or quorum) required to make the outcome of the division valid. But a decision to pass a Bill (or to approve it at Reconsideration Stage) is only valid if the total number of votes cast (For, Against or to abstain) is greater than a quarter of the number of seats for MSPs – that is, if at least 33 MSPs vote.

7.33 There are a few motions where, if the decision is taken by division, an absolute majority is required – that is, the motion is agreed to only if the number of votes in favour is greater than half the number of seats for MSPs (that is, if there are at least 65 votes in favour) (Rule 11.11.3). These include:

- a motion to remove the Presiding Officer or a DPO from office (Rule 3.5.2)
- a motion to amend the Standing Orders (Rule 17.1).

7.34 There are also a few motions where a super-majority is required – that is, the motion is agreed to only if the number of votes in favour is greater than two-thirds of the number of seats for MSPs (that is, if there are at least 86 votes in favour) (Rule 11.11.4). These include:

- a motion to pass (or approve at Reconsideration Stage) a Bill that relates to a “protected subject-matter” (that is, a Bill that alters certain aspects of the electoral system for the Parliament, including who is entitled to vote)
- a motion to dissolve the Parliament under section 3(1)(a) of the Scotland Act 1998

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- a motion to remove from office one of a number of post-holders (see Annexe C).<sup>104</sup>

7.35 Where a higher voting threshold is required for a motion, this does not apply to amendments to such a motion, for which a simple majority is sufficient.

7.36 Where a motion is agreed to (whether by division or otherwise) the outcome is a resolution of the Parliament. Resolutions are formal expressions of the Parliament's view and so can be expected to carry political weight. In most cases, resolutions have no binding effect, although there are exceptions where a Rule or statutory provision allows the Parliament to secure a specific outcome by means of a resolution (see also paragraphs 6.21 and 6.22).

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<sup>104</sup> In respect of the first bullet, a division must always be held (see paragraph 7.17). In respect of the second bullet, the super-majority requirement applies only if a division is held (and a valid decision can also be taken by consensus). In respect of the third bullet, a post-holder can be removed from office only if the relevant voting threshold is met, so in practice a division is required.

## Annex A: List of key terms

**Business Bulletin** – a document published on each sitting day (and less frequently during recess) outlining the current and future business of the Parliament and committees, and listing new and current items of business; accessible on the Parliament’s website under Chamber and committees / [What’s on](#)

**business manager** – the name usually given to a party’s representative on the Parliamentary Bureau and the person responsible for overseeing the party’s contributions to Parliamentary business (sometimes also referred to as a “whip”)

**business motion** – a motion setting out the Parliamentary Bureau’s proposals for the business programme (see paragraph 3.14)

**business programme** – forward programme of business to be taken in the Chamber, together with any timescales for legislative business (see paragraph 3.8)

**clerks** – Parliament officials (not civil servants) who provide procedural advice and practical support to the Chamber and committees

**Conveners Group** – a Parliamentary body (not itself a committee) consisting of the conveners of all the mandatory and subject committees and chaired by one of the Presiding Officers

**daily business list** – the agenda for (i.e. list of business to be conducted in) the Chamber and in committees on a particular sitting day (see paragraph 3.24)

**days when the office of the Clerk is open** – the term used in the Standing Orders for days when items of Parliamentary business may be lodged. The office of the Clerk is closed at weekends, on public holidays and some days during recesses (as decided by the Parliament under Rule 2.1.3) (see also “sitting days”)

**division** – the process through which a decision is taken by members voting (where consensus cannot be achieved) (see paragraphs 7.18 and 7.19)

**minister** – an MSP appointed as a “Minister” (under section 47 of the Scotland Act) or as a “junior Scottish Minister” (under section 49). Since Session 3, these have been known as Cabinet Secretaries and junior Scottish Ministers respectively. Only Cabinet Secretaries, together with the First Minister and the Scottish Law Officers, qualify as “members of the Scottish Government” (also known collectively as “the Scottish Ministers”)

## Guidance on Chamber Business

### Annex A: List of key terms

**motion** – a written statement by which an MSP invites the Parliament (or a committee) to express a particular view or agree to a course of action; a motion agreed to in the Chamber becomes a resolution of the Parliament

**Parliamentary Bureau** – the body that recommends the Parliament’s business programme, recommends the establishment of committees, and otherwise contributes to the management of the Parliament’s business (see Part 3)

**Parliamentary Bureau motion** – a motion lodged by a member of the Bureau to implement a recommendation of the Bureau; Parliamentary Bureau motions include (but are not limited to) business motions

**point of order** – an intervention in Chamber proceedings by any member to question whether proper procedures have been followed (see paragraph 4.55)

**recess** – a period during which there is no Chamber business (see paragraph 1.9). Dates of recess, and days on which the office of the Clerk is open, are listed on the Parliament’s website, under About / [Recess dates](#)

**Rule** – an individual provision of the Parliament’s Standing Orders

**Scottish Law Officers** – the Lord Advocate and the Solicitor General for Scotland, the Scottish Government’s principal legal advisers; where (as is normally the case) they are not MSPs, they have the right to participate in proceedings, but not vote, under section 27 of the Scotland Act 1998

**session** – the period from when the Parliament first meets after a general election to when it is dissolved prior to the next election; originally four years, more recently five years in duration (by contrast with a session of the UK Parliament, which is normally around a year in duration). See also paragraphs 1.4 and 1.5

**sitting day** – “any day when the office of the Clerk is open but not when the Parliament is in recess or dissolved” (Rule 2.1.3). In practice, this means most weekdays during a session, other than days of recess or public holidays. Dates of recess, and days on which the office of the Clerk is open, are listed on the Parliament’s website, under About / [Recess dates](#)

**SPCB** – the Scottish Parliamentary Corporate Body (see paragraph 2.31)

**Standing Orders** – the Parliament’s rules of procedure, available on the Parliament’s website under About / How the Parliament works / Rules and guidance / [Standing Orders](#)

## Annex B: Layout of the Chamber

### The podium

The focal point of the Chamber is the podium, an elevated desk where the Presiding Officer (or one of the Deputy Presiding Officers) sits, flanked by clerks, while chairing the meeting. In front and to the left of the main podium is a desk for other clerking staff who oversee the operation of the digital voting system.

In front of the podium is a glass box for the Parliament's mace, which was gifted to the Parliament by Queen Elizabeth II in 1999. The mace is inscribed with the opening words of the Scotland Act 1998 ("There shall be a Scottish Parliament") and four values that it was hoped the new Parliament would uphold: Wisdom, Integrity, Justice and Compassion. The mace sits above the box during meetings of the Parliament, and inside the box at other times.

### Members' seating

Most of the space on the floor of the Chamber is taken up by six banked rows of individual desks and seats for MSPs, arranged in a sweeping curve that is broken up by aisles to provide access.

There are no rules on the allocation of seats, but the established convention is that the governing party or parties occupy the seats in the middle (directly facing the podium), with the main opposition parties on either side. Smaller parties and any independent MSPs usually occupy seats between the larger parties, towards the back of the Chamber.

Many MSPs prefer to sit in the same seat whenever they are in the Chamber, while others will sit in different seats on different occasions. Ministers in the Scottish Government always take a front-row seat when speaking for the Government in a debate, but otherwise usually sit further back; the same applies to members who are spokespersons for an opposition party. Likewise, the First Minister and the leaders of the main opposition parties occupy seats in the front row for First Minister's Question Time, but usually sit further back on other occasions.

Although the Scottish Parliament has always provided individual seats for its members, it has borrowed the Westminster terminology of “front-bencher” for a minister or opposition party spokesperson (or “shadow minister”) and “back-bencher” for other members of either a government or opposition party.

All members’ desks are equipped with a console. This has a slot into which the member’s security pass can be inserted, so that the computer system used by the Presiding Officers and officials to manage business knows who is using the console at that time. The console is equipped with a microphone and buttons to request to speak, to seek an intervention or to make a point of order. Pressing one of these buttons flags the member’s request to the Presiding Officer and clerks on the podium and also (in the case of requests to intervene or make a point of order) on the display screens around the Chamber. Previous consoles included voting buttons, but an app-based digital voting system (developed during the Covid-19 pandemic) is now used instead.

### **Seating for officials and the public**

At the back of the Chamber, behind the members’ desks, is a row of desks and seats for Scottish Government officials supporting ministers and for staff supporting other MSPs. These seats are sometimes also used by Scottish Parliament officials (for example, committee clerks supporting conveners and deputy conveners during committee debates).

Above these officials’ seats is an elevated gallery for the media and guests of the Presiding Officer. This extends to the side of the Chamber into a larger public gallery consisting of banked rows of seats. Tickets for the public gallery are free but need to be booked through Visitor Services; tickets for First Minister’s Questions are in high demand and usually need to be booked a week in advance.

### **Broadcasting and Official Report booths**

Set into the back wall of the Chamber to the right of the podium (from the perspective of the members’ seats) are booths for broadcasting staff and for staff of the Official Report (see also paragraph 4.16).

## **Screens for remote participation**

During the Covid-19 pandemic, the Parliament had to adapt to meeting on a hybrid basis, with some members present in the Chamber and others participating remotely via video-link. (Some meetings also took place entirely remotely.) A number of large monitors were installed in the Chamber to allow any member participating remotely to be seen by members who were present. The video-platform has since been developed to allow a member participating remotely to intervene on another member (whether that other member is in the Chamber or is also participating remotely); it also allows a member in the Chamber, by pressing the appropriate button on their console, to signal a wish to intervene on the member speaking, whether that member is also in the Chamber or participating remotely.

## **Doors to the Chamber**

The Presiding Officers and clerks enter and leave the Chamber by a door behind the podium. MSPs enter and leave by a door at the front (to the left of the Chamber from the perspective of members' seats) or by a door at the back (and to the right). There is separate access to the galleries at either end.

## Annex C: Public appointments

The procedure that applies to Parliamentary consideration of public appointments varies according to the relevant legislation (usually the legislation that established the posts in question). In some cases, the Parliament's Standing Orders includes specific Rules to govern the process.

Some appointments are formally made by the King on the nomination of the Parliament. This includes appointments to the following posts:

- the Auditor General for Scotland<sup>105</sup>
- the Scottish Public Services Ombudsman<sup>106</sup>
- the Scottish Information Commissioner<sup>107</sup>
- the Commissioner for Children and Young People in Scotland<sup>108</sup>
- the chair of the Scottish Commission for Human Rights<sup>109</sup>
- the Scottish Biometrics Commissioner<sup>110</sup>
- the Patient Safety Commissioner for Scotland<sup>111</sup>.

For appointments in this category, a cross-party selection panel, chaired by the Presiding Order is established to choose a nominee, and it is for a member of the panel to propose the chosen person by motion. A debate on the motion is limited to 30 minutes, and each speaker may speak for up to 5 minutes (Rule 3.11).

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<sup>105</sup> Appointed under [section 69 of the Scotland Act 1998](#).

<sup>106</sup> Appointed under [section 1 of the Scottish Public Services Ombudsman Act 2002](#).

<sup>107</sup> Appointed under [section 42 of the Freedom of Information \(Scotland\) Act 2002](#).

<sup>108</sup> Appointed under [section 2 of the Commissioner for Children and Young People \(Scotland\) Act 2003](#).

<sup>109</sup> Appointed under [schedule 1 to the Scottish Commission for Human Rights Act 2006](#).

<sup>110</sup> Appointed under [schedule 1 to the Scottish Biometrics Commissioner Act 2020](#).

<sup>111</sup> Appointed under [schedule 1 to the Patient Safety Commissioner for Scotland Act 2023](#).

A second category is appointments that are made by the Parliament on the nomination of the SPCB, namely the appointment of:

- the Commissioner for Ethical Standards in Public Life in Scotland<sup>112</sup>
- members of the Standards Commission for Scotland<sup>113</sup>.

A person is nominated for appointment to one of these posts by a motion lodged and moved by a member of the SPCB. Again, debate on the motion is limited to 30 minutes and each speaker may speak for up to 5 minutes (Rule 3A.1).

A third category is appointments that are made by the SPCB with the agreement of the Parliament. This applies to the appointment of:

- MSPs as members of the Scottish Commission for Public Audit<sup>114</sup> (Rule 3.13)
- trustees of the Scottish Parliamentary Contributory Pension Fund<sup>115</sup> (Rule 3B.2).

Here, too, it is for a member of the SPCB to lodge the relevant motion. A motion relating to the appointment of two or more SCPA members may be amended, but only to leave out one or more of the names (Rule 3.13.5). Each motion under Rule 3B.2 may recommend only a single person for appointment of a Fund trustee, amendments to the motion are not permitted and debate on the motion is limited to 30 minutes.

A fourth category is appointments that are made by the Scottish Government, subject to the approval of the Parliament. Appointments in this category include:

- members of the Poverty and Inequality Commission<sup>116</sup>

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<sup>112</sup> Appointed under [section 1 of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#).

<sup>113</sup> Appointed under [section 8 of the Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#).

<sup>114</sup> Appointed under Rule 3.13 and [section 12 of the Public Finance and Accountability \(Scotland\) Act 2000](#).

<sup>115</sup> Appointed under [Part B of schedule 1 to the Scottish Parliamentary Pensions Act 2009](#).

<sup>116</sup> Appointed under [the schedule to the Child Poverty \(Scotland\) Act 2017](#).

- members of the Scottish Fiscal Commission<sup>117</sup>
- members of the Scottish Land Commission (Land Commissioners and a Tenant Farming Commissioner)<sup>118</sup>.

There is no specific procedure in the Parliament's Standing Orders governing the Parliament's approval of such an appointment. In practice, the relevant committee is invited to scrutinise the Scottish Government's nomination and report on it to the Parliament. The Parliament then decides whether or not to approve the appointment on a motion lodged by the minister.

In all the categories of appointment listed above, the motion proposing an appointment requires only a simple majority (see paragraph 7.31). With appointments in the first two categories, there is also a requirement that, if there is a division on the motion, the number of members voting must be at least a quarter of the number of seats for MSPs (i.e. at least 33 MSPs must vote in favour) (Rules 3.11.9, 3A.1.4).

The legislation establishing the posts listed above also includes provision for post-holders to be removed from office. In respect of all the posts in the first two categories, a resolution of the Parliament to remove a post-holder requires a super-majority, where the number voting in favour is at least two-thirds of the number of seats for MSPs (i.e. at least 86 MSPs must vote in favour: see paragraph 7.34).<sup>119</sup> For posts in the third category, different thresholds apply: a member of the Scottish Commission for Public Audit can be removed by simple majority,<sup>120</sup> while a two-thirds majority of the MSPs voting is required to remove

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<sup>117</sup> Appointed under [section 15 of the Scottish Fiscal Commission Act 2016](#).

<sup>118</sup> Appointed under [section 10 of the Land Reform \(Scotland\) Act 2016](#).

<sup>119</sup> For posts in the first category, see paragraph 4 of [schedule 1 to the Scottish Public Services Ombudsman Act 2002](#); [section 42\(4A\) of the Freedom of Information \(Scotland\) Act 2002](#); [section 3 of the Commissioner for Children and Young People \(Scotland\) Act 2003](#); paragraph 5(6) of [schedule 1 to the Scottish Commission for Human Rights Act 2006](#); paragraph 5(2) of [schedule 1 to the Scottish Biometrics Commissioner Act 2020](#), and paragraph 7(2) of [schedule 1 to the Patient Safety Commissioner for Scotland Act 2023](#). For posts in the second category, see [section 9\(4\) of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#), and paragraph 5(5) of [schedule 1 to the Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#).

<sup>120</sup> See paragraph 2 of [schedule 3 to the Public Finance and Accountability \(Scotland\) Act 2000](#).

trustees of the Scottish Parliamentary Contributory Pension Fund.<sup>121</sup> For posts in the fourth category, the power to remove a person from office rests with ministers, though in the case of members of the Poverty and Inequality Commission and members of the Scottish Fiscal Commission, this requires the approval of the Parliament (by simple majority).<sup>122</sup> For Scottish Land Commission appointments, Parliamentary approval is not required.<sup>123</sup>

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<sup>121</sup> See paragraph 11 of [schedule 1 to the Scottish Parliamentary Pensions Act 2009](#) and Rule 3B.3. This is a lower threshold than the “super-majority” threshold defined in Rule 11.11.4, since it requires only two-thirds of the MSPs who vote to support the motion, which is bound to be fewer than the 86 required under the Rule.

<sup>122</sup> See paragraph 9(2) of the [schedule to the Child Poverty \(Scotland\) Act 2017](#) and [section 20 of the Scottish Fiscal Commission Act 2016](#).

<sup>123</sup> See [section 13 of the Land Reform \(Scotland\) Act 2016](#).