

**SCOTTISH GOVERNMENT WRITTEN STATEMENT ON THE SCOTTISH MINISTERIAL CODE AND THE EVENTS THAT LED TO THE FIRST MINISTER’S SELF REFERRAL UNDER THE CODE: CHRONOLOGY OF EVENTS**

Date	Event and people involved	Relevant reference in Scottish Government written statement
August 1999	<p>The first Scottish Ministerial Code (“the Code”) was produced following the establishment of the then Scottish Executive.</p> <p>The core principles set out in the Code have been adopted by successive Administrations since 1999. The Code was, and remains, largely modelled on the UK Ministerial Code. This is also the case for the Welsh Government’s Ministerial Code. Neither the UK Ministerial Code nor the Scottish or Welsh Codes has a basis in statute.</p> <p>The Code provides that “Scottish Ministers are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety”.</p> <p>In addition to the Code, Ministers must also comply at all times with the requirements Parliament itself has laid down in relation to the accountability and responsibility of Ministers.</p> <p>All Ministers (both MSPs and Law Officers) are bound by the Interests of Members of the Scottish Parliament Act 2006, taken together with Section 39 of the Scotland Act 1998. Additionally, all MSPs, including those who are Ministers, must also adhere to the terms of the Code of Conduct for Members of the Scottish Parliament, which provides a set of principles and standards for MSPs and sets out the ethical standards expected of them in carrying out their Parliamentary duties.</p>	Footnotes 2, 3, 6, and 8.

August 1999 to February 2018	<p>By convention, the Code is revised following the commencement of each new Parliamentary term. It may also be revised when a new First Minister comes into office. The Code was revised following the appointment of Rt Hon Nicola Sturgeon MSP as First Minister in November 2014.</p> <p>In total, eight editions of the Code have been published since devolution:</p> <ul style="list-style-type: none"> <li>• August 1999;</li> <li>• February 2002;</li> <li>• August 2003;</li> <li>• June 2008;</li> <li>• December 2011;</li> <li>• June 2015;</li> <li>• August 2016; and</li> <li>• February 2018.</li> </ul>	Annex A
February 2018	The current edition of the Scottish Ministerial Code was published.	Footnote 5
March-July 2018	A number of meetings and telephone calls took place which are set out in the remit being undertaken by the Independent Adviser on the Ministerial Code.	Footnotes 15 and 16
6 June 2018	The First Minister sent a note to the Permanent Secretary	Paragraph 18: document provided to the Committee
7 June 2018	The Permanent Secretary responded to the First Minister.	Paragraph 18: document provided to the Committee
17 August 2018	The Permanent Secretary sent a note to the First Minister.	Paragraph 18: document provided to the Committee
8 January 2019	In her statement to the Parliament on 8 January 2019, <i>Procedure for Handling Complaints Involving Current or Former Ministers (Judicial Review Conclusion)</i> , the First Minister provided Parliament with details of three meetings and two telephone conversations that she had with Mr Salmond during the course of 2018.	Footnote 11

8 and 10 January 2019	In responding to questions about her statement on 8 January, and at First Minister's Questions on 10 January 2019, the First Minister said that the meetings with Mr Salmond were not Government meetings and that she had participated in her capacity as leader of her party.	Footnote 12
13 January 2019	On 13 January 2019, the First Minister announced that she had referred herself to one or both of the Independent Advisers on the Ministerial Code in relation to the questions that had arisen about her contact with Mr Salmond during the Government's investigations into the complaints that had been made against him.	Footnote 13
31 January 2019	<p>During the process of establishing the remit for the referral, Mr Salmond was charged with a series of criminal offences.</p> <p>In light of that development, and against the imperative of avoiding the risk of interfering with the criminal investigation and proceedings, the Deputy First Minister announced to Parliament by way of a written answer on 31 January 2019 that the Independent Adviser who would be conducting the referral had concluded that there was a potential risk of prejudice if the self-referral were to be proceeded with at that time.</p> <p>The referral was therefore paused at that stage, with the intention that it would be resumed when the criminal investigation and proceedings were no longer active and the risk of prejudice no longer arose. Mr Salmond was subsequently acquitted of all charges on March 23 2020.</p>	Footnote 14

<p>3 August 2020</p>	<p>The First Minister's self-referral under the Code was recommenced. The referral is being led by James Hamilton, who is a standing member of the panel of independent advisers. Mr Hamilton is a former Director of Public Prosecutions in Ireland and has been an independent adviser since January 2013. Mr Hamilton was invited to commence the investigation and submit a report as soon as possible.</p> <p>The report will be published in line with the terms of the remit which is set out below:</p> <ul style="list-style-type: none"> <li>• review any relevant documentation relating to the meetings and discussions listed;</li> <li>• interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with;</li> <li>• interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions;</li> <li>• determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure; and</li> <li>• provide the Deputy First Minister with a report setting out the findings and conclusions with regard to: i) whether the Ministerial Code is engaged regarding the meetings and discussions; ii) whether there has been any breach of the Code and the nature of any such breach; and iii) if a breach has occurred, advice on the appropriate remedy or sanction.</li> </ul> <p>Mr Hamilton was further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.</p>	<p>Footnote 15</p>
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3 August 2020	<p>The Deputy First Minister wrote to the Convenor of the Committee on the Scottish Government Handling of Harassment Complaints to advise her that he would answer a Parliamentary Question later that day which would provide Parliament with:</p> <ul style="list-style-type: none"><li>• an update on progress with the First Minister's decision to refer herself to the independent advisers on the Ministerial Code;</li><li>• set out the remit for the referral; and</li><li>• confirm that James Hamilton, one of the standing members of the panel of independent advisers would take forward the referral.</li></ul>	Footnote 16
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