Dear Iain

Admissibility of Petitions

At its meeting on 28 April 2004 the Public Petitions Committee agreed that I write to the Convener of the Procedures Committee in relation to Rule 15.5 of the Parliament's Standing Orders on the 'admissibility of petitions'. The Committee has agreed to recommend two changes to the rules on admissibility and I shall address these in turn.

MSPs Lodging Petitions

First, the Committee agreed to recommend that the necessary changes are made to the Standing Orders to ensure that MSPs are prohibited from lodging public petitions. This decision was made following a survey of the views of all MSPs to which the Committee received 40 responses from individual MSPs as well as responses on behalf of the Conservative Group in the Parliament and the SSP Group in the Parliament. 36 individual respondents argued that Members should not be able to lodge petitions with the Parliament as did the Conservative Group and the SSP Group. Of the individual responses only 3 believed that MSPs should be able to lodge public petitions while 1 suggested that they should but only under strict conditions.

The Committee also noted that the CSG clearly envisages that the petition process should only be open to non-MSPs. Section 3.6, paragraph 14 of the CSG Report states that: ‘any member of the public should be able to petition the Parliament.’ The Committee also noted that the concept of petitioning would appear to involve doing so from outside an organisation or institution.
The Committee is of the view that, as I indicated in my previous letter to you dated 3 September 2003, as MSPs have a variety of alternative avenues available to them to request action on issues of concern, the petitions system should only be for use by the general public. From the responses which the Committee has received this would appear to be a view which is generally shared by other MSPs.

Re-submission of Petitions

The Committee also agreed to recommend that the necessary changes are made to the Standing Orders to ensure that once a petition is closed a further petition in the same or similar terms may not be introduced in the same session of the Parliament within the period of one year from the date on which the petition was closed. However, under Rule 15.1.1 it will be for the Committee to decide whether such a petition is inadmissible and, therefore, for the Committee to decide whether a petition is the same or similar to one which has been closed in the previous 12 months.

In recommending this change the Committee does not wish to limit the opportunity for members of the public to petition the Parliament but to avoid potential abuse of the system whereby a petitioner who is dissatisfied with the outcome of the Parliament’s consideration of a petition simply resubmits a petition once it is closed. Given the Committee’s heavy workload the aim is to focus on petitions which have not yet been given due consideration by the Parliament in keeping with the key aims of accessibility and openness.

The Committee, therefore, invites the Procedures Committee to consider and agree the necessary changes to the Standing Orders to ensure that:

- MSPs are prohibited from lodging public petitions within the Scottish Parliament.
- Once a petition is closed a further petition in the same or similar terms may not be introduced in the same session of the Parliament within the period of one year from the date on which the petition was closed.

I would be grateful if you would arrange for these issues to be considered by the Procedures Committee and am, of course, happy to provide further input as required on behalf of the Public Petitions Committee.

You will also wish to note that the Committee agreed to publish this letter on the Committee’s web page on the Parliament website.

Yours sincerely

Michael McMahon MSP
Convener