OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 26 June 2025

Session 6

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

12th Meeting 2025, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

Ruth Maguire (Cunninghame South) (SNP)

COMMITTEE MEMBERS

*Emma Roddick (Highlands and Islands) (SNP)
*Sue Webber (Lothian) (Con)
*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jamie Hepburn (Minister for Parliamentary Business)
Ailsa Kemp (Scottish Government)
Rona Mackay (Strathkelvin and Bearsden) (SNP) (Committee Substitute)
Jordan McGrory (Scottish Government)
Kenneth Pentland (Scottish Government)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 26 June 2025

[The Convener opened the meeting at 09:00]

Subordinate Legislation

Scottish Parliament (Disqualification) Order 2025 [Draft]

The Convener (Martin Whitfield): Good morning, and welcome to the 12th meeting in 2025 of the Standards, Procedures and Public Appointments Committee. I have received apologies from Ruth Maguire, so I welcome Rona Mackay, who is attending as a substitute.

Our first agenda item is consideration of the draft Scottish Parliament (Disqualification) Order 2025. I welcome Jamie Hepburn, the Minister for Parliamentary Business; and, from the Scottish Government, Kenneth Pentland, elections team; Ailsa Kemp, head of the parliamentary liaison unit; and Jordan McGrory, solicitor.

Minister, would you like to make a short opening statement?

The Minister for Parliamentary Business (Jamie Hepburn): Yes, convener, and my thanks to you and the committee for the opportunity to discuss the order.

The order is an established item of business in advance of each Scottish Parliament election. Section 15 of the Scotland Act 1998 sets out the circumstances in which a person is disqualified automatically from membership of the Parliament—for example, by virtue of their being a judge, civil servant or member of the armed forces. In addition, section 15 provides an order-making power to disqualify specific office-holders from membership of the Parliament, thereby allowing for separation between the legislature and the holders of various public offices. That serves to reinforce their independence from one another.

In preparing the draft order that disqualifies specific office-holders, we consulted widely with policy officials and sponsor teams in the Scottish Government and with Parliament officials on the entries for offices supported by the Scottish Parliamentary Corporate Body. With the help of officials in the Scotland Office, we gathered responses from the United Kingdom Government and the other devolved nations through devolution leads in each UK department.

The draft order that is before the committee updates the list of disqualified offices to reflect relevant appointments that have been abolished, renamed or created since the making of the Scottish Parliament (Disqualification) Order 2020. A total of 30 new disqualifications were added, 21 were removed and 28 amendments were made to existing disqualified offices. I highlight the fact that 12 of the amendments simply reflected changes in the names of bodies from “Her Majesty’s” to “His Majesty’s”. For example, HMRC has now changed from being Her Majesty’s Revenue and Customs to His Majesty’s Revenue and Customs.

To give you an example of an addition, we have added the new Patient Safety Commissioner for Scotland, following the Parliament’s decision to establish the role earlier in this parliamentary session. Given that the commissioner is supported by the SPCB and is expected to be politically impartial, it is important to ensure that an individual is not able to hold that role while being an MSP.

This list is extensive, given the breadth of the public body landscape across the UK, but members should not see the order as a constraint on the wide talent that is available to the Parliament, as people in a disqualified office can, of course, opt to step down from such a position and seek to bring their experience to the Parliament if they wish.

As the committee will be aware, the order was originally withdrawn and relaid. That followed the Delegated Powers and Law Reform Committee highlighting some bodies in the list that had changed name and so were no longer correctly captured. Those amounted to less than 1 per cent of the overall list, and it is important to recognise that the errors highlighted did not relate to Scottish bodies or office-holders, so the chance of such individuals seeking to become an MSP were slim. Regardless, I am grateful to the DPLRC for highlighting those errors so that we could make the necessary corrections in advance of coming to this committee.

Ailsa Kemp, Kenny Pentland, Jordan McGrory and I are happy to take any questions that you might have.

The Convener: Thank you very much. I have a couple of questions and reflections, which you have already hinted at. Our sister committee—the DPLRC—identified some errors in the original draft order. As you said, they affected less than 1 per cent of the list and were rectified.

In your opening statement, you talked about the outreach to ensure that the updated list is as accurate as possible. Could any steps be taken to

improve that? It seems to require others to come and feed in to that list, albeit that they are invited to do so. Do you have confidence in the oversight that your part of Government holds with regard to the creation of that list?

Jamie Hepburn: Broadly speaking, yes. To go back to the point that I made earlier, a very small number of bodies were inaccurately referred to, and those details did not emanate from within this Administration. However, that is not to pass the buck, as we should, of course, try to get those things right. I reflect that that is one of the virtues of parliamentary scrutiny—inevitably, the DPLRC might pick up on something and we can then act to ensure that the list is up to date.

I am more than willing to hear any suggestions about our processes. For example, one of the differences between our approach and that of Westminster is that Westminster has a more general, broader power, whereas we detail specific office-holders. There are advantages and disadvantages to both approaches. I suggest that the advantage to the way in which we do it—compared to setting out the broader terms under which any office might be disqualified—is that it is very clear who is disqualified. The downside to our approach is that you might not capture everyone or might get caught out by the mere fact that office-holders or various organisations no longer exist. However, we are more than willing to consider any alterations that the Parliament cares to suggest.

The Convener: Are you still confident that the specificity in this order is the right approach, rather than the more general one, which potentially leaves it open for an individual to question whether they are covered?

Jamie Hepburn: As I have said, there are advantages and disadvantages to both approaches. If you are asking my view, on balance, I think that the approach that we take is slightly better. Although it is a slightly more onerous process, which we must constantly revise because of the points that I just made, I think that there is an advantage in having the specific details of who is disqualified.

The Convener: Might there be an advantage to having a table or a snapshot in the order to explain the changes from the previous one, or are you content that each order sits on its own to take us forward? You have given us the figures—the total number of those that are in and those that are out—but do you see an advantage to capturing them in a table in the order itself, so that people could see the changes?

Jamie Hepburn: I would need to check whether we would be able to do that in the first instance. I see the advantage in doing that if we are able to. If we are not able to, we might make that clear in another way, by directing people towards other information that we make available.

I have the list in front of me—it is extensive, so I do not intend to read it out in its entirety. Thirty entries were added, 21 were removed and 28 entries were amendments of name, designation and so on. We could perhaps look into the matter. The fact that I have the figures in front of me suggests that we could probably do that fairly straightforwardly. I do not know whether we could specify that information in the order, but I am happy to take a wee look at the matter.

The Convener: That is fine. I am more than happy that the publication of the order puts those entries sufficiently on the public record—it saves your having to go through the whole list.

I have a final question. What test is applied in relation to why disqualification will take place? You hinted at the matter when you mentioned the new body, in which a position would clearly be seen as a conflict. This is not a test, but can you articulate the test that is applied to decide whether a position should fit into the disqualification order?

Jamie Hepburn: I can indeed, convener. It is fairly well established and understood, and it has been in place for a while. It is broadly consistent with the wider UK approach as well.

The broad criteria for disqualification are

"Offices for profit in the gift of the Crown or ministers"

—that would include

"salaried, pensionable and certain fee-paid posts"

but exclude

"posts attracting expenses alone."

There is an exemption for

"offices where the remuneration is less than £10,000 per year",

which are not normally disqualified.

There are

"Certain positions of control in companies in receipt of Government grants and funds, to which Ministers usually, though not necessarily, make appointments"

and

"offices imposing duties which with regard to time and place would prevent their holders from fulfilling Parliamentary duties"

—in effect, it is felt that they would have too much on their hands, as they already have a burden of responsibility that would not really allow them to be a member of the Scottish Parliament.

Of course, we are going through the consideration of dual mandates, and the issue fits in that territory. There are other offices whose

holders are required to be—or certainly seem to be—politically impartial.

Those are the broad criteria that we apply. If there is a question as to whether they are comprehensive enough—or, indeed, whether they encompasses too many people—we are always willing to look at them again.

The Convener: That is very helpful. I am grateful, minister. Do other committee members have any questions?

Rona Mackay (Strathkelvin and Bearsden) (SNP): I have a tiny question. I apologise if I missed this in the detail, but when was the list last updated?

Jamie Hepburn: It is updated in advance of each and every Scottish Parliament election. The last update was done in 2020.

The Convener: As there are no other questions from the committee, we will move on to the debate on the motion.

Motion moved,

That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Disqualification) Order 2025 [draft] be approved.—[*Jamie Hepburn*]

Motion agreed to.

Scottish Parliament (Constituencies and Regions) Order 2025 [Draft]

The Convener: Our next agenda item is the Scottish Parliament (Constituencies and Regions) Order 2025. Minister, would you like to make a short opening statement on the instrument?

Jamie Hepburn: I am happy to do so. I am pleased to be here to speak to the draft Scottish Parliament (Constituencies and Regions) Order 2025. The draft order gives effect to the recommendations that were submitted to me by Boundaries Scotland, and I have a legal duty to lay it before Parliament.

The draft order defines the name, status and area of 70 Scottish Parliament constituencies—three protected island constituencies were not part of the review—and the name and area of each of the eight Scottish Parliament regions. If they are subsequently approved by the Scottish Parliament, the new boundaries will be effective at the election that is scheduled for 7 May 2026 and for all subsequent parliamentary elections until the boundaries are next reviewed.

The first review of the Scottish Parliament's constituencies and regions reported in 2010, and the resulting boundaries were used in the 2011, 2016 and 2021 Scottish Parliament elections. This is the first national review of the Scottish Parliament's constituencies and regions that is to be considered by the Scottish Parliament itself since the powers were devolved.

As the committee heard in the evidence that was given by Boundaries Scotland, there has been significant change in the population across Scotland since the previous review, with some areas experiencing significant increases and the population in others remaining relatively unchanged or falling. I recognise and understand that there will be differing opinions on the final recommendations. However, I am pleased that a thorough process was undertaken, which involved several rounds of consultation and nine local inquiries. I am confident that Boundaries Scotland has discharged its duties competently, completely and professionally in line with the rules set out in the Scotland Act 2016.

I hope that my opening remarks are helpful. My officials, Kenny Pentland, Ailsa Kemp and Jordan McGrory, and I are very happy to answer any questions that members may have.

The Convener: I am very grateful for that statement, minister. I have a couple of questions, and then I will invite the committee to ask their own.

My first question is not specifically about this order but about the evidence that the committee has heard. The minister and the Scottish Government may or may not be in agreement with the view that the committee indicated in its questions, which was that the learning experience of the most recent review should be captured in the lessons learned for the next review process. We came to that view because we heard concerns—or, rather, that there were challenges—relating to the naming of the different steps in that process. There were challenges in the inquiries and, possibly, a lack of understanding among those who were invited to contribute—in other words, our constituents—as to how to contribute to best effect.

I invite the Scottish Government to echo that there are clearly lessons that need to be learned, not as a criticism of the process that has already happened, but as a step forward so that the next time that those issues occur—which will happen—we can perhaps build on the lessons learned.

10:15

Jamie Hepburn: This has been a substantial process, which was initiated in September 2022, with the final report coming to me just at the end of April this year, and which has led to us discussing here the order that has been laid before Parliament, and, in undertaking any process of substance, it is always sensible to review it and consider any lessons that have been learned,

some of which may take us into the realms of needing primary legislation.

This committee has already gathered a large amount of evidence and we have already initiated a process of review around the automaticity of approving boundaries. I do not want to get ahead of that process—you would not expect me to—which is completely independent of Government and Parliament. We will have to look at what is reported in due course, and I am sure that Parliament will take an interest. If any changes are suggested, that will probably take us into the realms of requiring primary legislation, and at that point it may also be sensible to consider what other changes we might want to make to our process.

I say that not as any form of criticism—you caveated your remarks as well, convener—as I think that Boundaries Scotland discharges its responsibilities very well in undertaking the process. However, of course, we should be willing to learn lessons, not least if Boundaries Scotland itself is flagging issues. Of course, we should be willing to listen to that.

The Convener: That is very helpful. You mentioned the work that is going on around automaticity. Is the timeline for that being discussed, and are you still confident that that is going to be adhered to? It would be helpful to get that in the *Official Report*.

Jamie Hepburn: Yes. My expectation, which I have discussed with Mr Kerr, is that the review should report in the autumn—in September or October—which should give us plenty of time to look at its report in the current session of Parliament. There will be no time to legislate, of course, on the back of any recommendations—let us be clear about that at the outset—so it will be for the Parliament, however it is composed, in the next session to consider the findings of that report.

The Convener: That is very helpful. Do any of my colleagues have any questions?

As there are no comments, we move to agenda item 4, which is a debate on the motion.

Motion moved,

That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Constituencies and Regions) Order 2025 [draft] be approved.—[*Jamie Hepburn*]

Motion agreed to.

The Convener: The committee will have to report on the outcomes of both of our decisions today in due course. Are members content that we will produce one report on both instruments, and are they content to delegate to me authority to approve the draft report?

Members *indicated agreement.*

The Convener: Excellent. I thank the minister and those who assist the minister for his contribution today. He is more than welcome to hear the rest of our public debate, which is on cross-party groups. Similarly, I am more than happy if he leaves, as he will have other things in his diary. Thank you for your contribution today, minister.

Cross-Party Groups

09:18

The Convener: The next item is consideration of a request from the cross-party group on deafness to change its purpose. Members will see from the clerk's note that the convener of the CPG has explained that the group has worked to support people who are deaf and deafblind and that the group now wishes to amend its purpose

"to reflect our work more accurately and respect the preferred language of all our members."

Do members have any comments or questions on this?

Sue Webber (Lothian) (Con): We already have a CPG on visual impairment, and we have many discussions in this room about duplication of CPGs' work. If the group is seeking to expand its remit, I suggest that the groups perhaps consider merging.

Rona Mackay: My initial reaction is that I am delighted that the change is happening. Deafblind Scotland is based in my constituency, and it is a fantastic organisation. It is good that the dual sensory impairment is being recognised, so I am absolutely for the change. I am not opposed to the idea of the CPG merging with the one on visual impairment, but I am absolutely happy about changing the purpose of the CPG on deafness.

The Convener: To pick up on what Sue Webber and Rona Mackay have said, shall we seek some more information? It is not that we are in any way saying no to the change, but perhaps we should ask what exploration has been made of whether an overlap would occur and ask whether a merger has been considered or why the separate CPGs should still stand. We are absolutely not saying no; we are just concerned about infringement—is that too strong a word?—on another CPG's purpose.

Sue Webber: If the CPG on deafness was to include visual impairment, there might be an obligation on the organisations that attend the CPG on visual impairment—such as the Guide Dogs for the Blind Association and the Royal National Institute of Blind People—to attend the other CPG as well, and it might also put more pressure on small charities and people who are interested. I know that the CPG on visual impairment is doing some specific work with Stuart McMillan, its convener, which I have been involved in through my work on floating bus stops. We are aware of their impact on deaf people and people with visual impairments.

I am really concerned by the prospect of expansion, and I recommend being a bit more firm, convener.

The Convener: Would the committee be content for me to write to seek further information on the exploration of the crossover between the two CPGs? Once we had a response to that, we could see what the situation was and make a decision at a later committee meeting.

Sue Webber: I am happy with that.

Rona Mackay: I propose that we be clear that we are not doubting or trying to claw back from the proposed change but are very supportive of it. Sue Webber makes a good point—I agree with it—but I am worried that it might be perceived as us saying, "Oh, we're not sure that that should happen," when it should happen.

The Convener: I concur with that. Asking for more information in no way means a predetermined decision that we do not want the change to happen. However, there is a requirement that this committee oversee the purposes of CPGs, which should reflect the work that they do. I am incredibly grateful to the cross-party group on deafness for having come to us in a positive way about the matter. I am merely suggesting an exploration to see whether an element of cross-party work has not been noted. I am sure that that is not the case, but we can seek an explanation of that and then return to the matter. Are we content with that?

Members *indicated agreement.*

The Convener: Finally, members might recall that, in January and February, we considered an update in relation to CPGs' compliance with the rules. We indicated that we intended to withdraw recognition from the CPG on shared parenting on the basis of a failure to comply with the rules on submission of the required documentation. Following discussions with the convener of the group, Fulton MacGregor MSP—I thank Fulton for his engagement on the matter—it was agreed that the CPG could be given an opportunity to catch up with the missing documentation but that it would be for the committee to indicate whether to continue to afford recognition to the group.

The group has now provided all the required documentation, and I thank Fulton MacGregor and those who support him for doing that. I invite the committee to decide whether it is content for the group to continue for the rest of the parliamentary session, because it is in compliance. Are we content with that?

Members *indicated agreement.*

Meeting closed at 09:24.

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