OFFICIAL REPORT
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Standards, Procedures and Public Appointments Committee

Thursday 29 January 2026

Session 6

The Scottish Parliament
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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
4th Meeting 2026, 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:

Alex Cole-Hamilton (Edinburgh Western) (LD)
Graeme Dey (Minister for Parliamentary Business and Veterans)
Mark Griffin (Central Scotland) (Lab)
Graham Simpson (Central Scotland) (Reform)
Kevin Stewart (Aberdeen Central) (SNP)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 29 January 2026

[The Convener opened the meeting at 08:30]

Scottish Parliament (Recall and Removal of Members) Bill: Stage 2

The Convener (Martin Whitfield): Good morning, and welcome to the fourth meeting of the Standards, Procedures and Public Appointments Committee in 2026. The only item on today's agenda is consideration of the Scottish Parliament (Recall and Removal of Members) Bill at stage 2. This morning, we are joined by: Graham Simpson MSP, the member in charge of the bill; Graeme Dey MSP, Minister for Parliamentary Business and Veterans; Alex Cole-Hamilton MSP; Mark Griffin MSP; and Kevin Stewart MSP.

For anyone watching, I will briefly explain the procedure that we will follow during today's proceedings. Members should have with them a copy of the bill, the marshalled list and the groupings. Those documents are available on the bill webpage on the Scottish Parliament website for anyone observing. I will call each amendment individually in the order of the marshalled list. The member who lodged the amendment should say "moved" or "not moved" when it is called. If the member does not move it, any other member present may do so.

The groupings document sets out the amendments in the order in which they will be debated. There will be one debate on each group of amendments. In each debate, I will call the member who lodged the first amendment in the group to move and speak to that amendment and to speak to all the other amendments in the group. I will then call other members with amendments in the group to speak to but not to move their amendments and to speak to other amendments in the group if they so wish. I will then call any other member who wishes to speak in the debate. Members who wish to speak should indicate that by catching my attention or the clerk's. I will then call the minister, followed by the member in charge, if they have not already spoken in the debate.

Finally, I will call the member who moved the first amendment in the group to wind up and press their amendment or seek to withdraw it. If the amendment is pressed, I will put the question on the amendment. If a member seeks to withdraw an amendment after it has been moved and debated, I will ask whether any member present objects. If there is an objection, I will immediately put the question on the amendment. Later amendments in the group are not debated again, and, when they are reached, if they are moved, I will put the question on them straight away.

If there is a division, only committee members are entitled to vote. Voting is by a show of hands. It is important that members keep their hands raised clearly until the clerk has recorded their names. If there is a tie, I must exercise a casting vote. Should the result of any division be a tie, my position will be to use my casting vote against the amendment.

The committee is also required to consider and decide on each section and schedule of the bill and the long title. I will put the question on each of those provisions at the appropriate point.

I aim to conclude proceedings today at around 11.30 am and would like us to make as much progress as possible. To aid in that goal, I would appreciate it if contributions to our debates could be as focused and brief as possible, while ensuring that issues before us today are properly discussed. I will now turn to the marshalled list.

Section 1—How a member becomes subject to a recall petition process

The Convener: Amendment 1, in the name of Graham Simpson, is grouped with amendments 2 to 5, 10 to 16, 18, 20 to 24, 26, 27, 30 to 51, 53 to 56, 59 to 68, 70 and 79 to 83. If amendment 117, which is in the group entitled "Criminal offence ground for recall", is agreed to, I cannot call amendment 33, due to pre-emption. If amendment 97, which is in the group entitled "Signing of petition", is agreed to, I cannot call amendment 40, due to pre-emption.

Graham Simpson (Central Scotland) (Reform): I agree that we need to make progress today. However, this first group is the biggest by far. If you will indulge me, I have a bit to say on this first group, because there are a lot of amendments to explain, but I will not—

The Convener: "Indulge" is a strong word. Let us debate what needs to be debated.

Graham Simpson: Indeed. I will not take as long on any of the other groups.

I thank the committee again for its in-depth scrutiny of the bill. Many of the amendments that I have lodged relate to reflections in the committee's detailed stage 1 report. It was during the course of reading and listening to the evidence, and the committee's deliberations, that I began to appreciate that the regional recall process in the bill had to change. I certainly never suggested that

my approach, as it is set out in the bill, was perfect, but I came to appreciate during stage 1 scrutiny that there was a better way forward.

The proposal that I am putting forward today reflects the evidence from the Electoral Management Board, which suggested my revised model in its written evidence to the committee. My new model mirrors existing electoral law and electoral procedures far more closely than the more novel process that I had originally proposed. It makes it easier for bodies charged with delivering elections, such as the Electoral Management Board and the Electoral Commission, to undertake the recall process for regional MSPs, and it makes it simpler for the electorate to understand, as well as being quicker and cheaper—which is good. It also removes from the regional process the issue of protecting the secrecy of voting decisions.

My new model also mirrors, to a large extent, the proposed model set out for the recall of members of the Senedd in the Welsh Government's bill. I have considered that bill carefully, as well as the evidence received on that bill so far and the associated committee findings.

The new model moves away from the two-step process for regional MSPs, which had included a recall petition and then a poll, which is set out in the bill as introduced. The new model would begin in the same way as was originally envisaged, with one of the recall conditions being met. The Presiding Officer would then issue a recall poll, initiating notice so that arrangements could be made for a regional recall poll.

The poll would be held on one day in the region of the MSP in question. The poll would ask the electorate whether they wanted to keep their regional MSP in Parliament or remove them. If more than 50 per cent of people voting said that the MSP should be removed, they would lose their seat and be recalled from the Scottish Parliament. That MSP would then be replaced in the usual way that a regional MSP is replaced, by taking the next MSP from the party list.

The Convener: Will the member explain why the amendments that he proposes, which would mean substantial changes to the bill as introduced, still effectively retain those two steps of the initial petition and then the poll on whether the MSP should stay or go, rather than moving to a single decision in relation to a member being recalled and ceasing to be an MSP and then moving straight to taking the next person on the list? Can you explain why you want that second step?

Graham Simpson: That is not what I am proposing, convener.

The Convener: You are proposing an initial petition whereby a member is recalled, and then there is potentially a poll in the region where—

Graham Simpson: No. Mine is a one-step process, which I will go on to explain. It is much simpler than the original proposal, which had two stages and which was complicated, difficult to understand and expensive. The new proposal is one step, which I will explain as we go on. As I said, it mirrors what the Senedd, or Welsh Government, bill is doing. That reflects the committee's concerns.

The MSP would be replaced. The seat would remain vacant if there was no one left on the list or if the individual was elected as an independent.

Sue Webber (Lothian) (Con): We are all probably looking a little bit puzzled. We have read the suite of amendments that you have lodged. I know that you are going to speak in depth about the amendments, but could you perhaps put them into context and give us a quick, high-level explanation of the overall process, in succinct language, so that we can understand the detail behind it? I ask that because that is not how we are interpreting your amendments, Mr Simpson.

Graham Simpson: I will just go over what I said. The new model moves away from the two-step process for regional MSPs.

Sue Webber: And can you tell me what—

Graham Simpson: Will you allow me to finish, if that is okay? I am trying to explain.

Sue Webber: Oh.

Graham Simpson: Well, come back in Ms Webber.

Sue Webber: No, it is fine.

The Convener: Do you want to explain, Mr Simpson?

Graham Simpson: Yes. We would move away from the two-step process. The new model would begin in the same way as was originally envisaged, with one of the recall conditions being met. The Presiding Officer would then issue a recall poll initiating notice so that arrangements could be made for a regional recall poll.

The Convener: The regional recall poll will have—

Graham Simpson: The word "poll" is throwing you. I will come on to explain that. Do not worry about the word. It is the same process, but it is one stage.

I will move on. I know that we want to make progress, but you need to understand. It is right that members ask questions.

In lodging the amendments, I have sought to strike the right balance in the new model between having sufficient information in the bill to enable members to understand how the process will work and retaining sufficient flexibility in the regulation-making powers to ensure that organisations with expertise in the area will have the opportunity to influence how the process operates in practice.

Members of the committee will note that there is no wording in the bill for the question that is to be put on the poll. The bill that is being considered in the Senedd includes wording, which looks straightforward and sensible. I considered including something similar, but there were no questions in my bill when it was introduced, because I consulted the Electoral Commission during the drafting of the bill and I appreciated and followed its feedback, which was that, if a question had not been user tested, it should not be in the bill, as time needs to be taken to ensure that the question is as clear as possible and is not leading in any way before its wording is finalised.

For example, the wording in the Welsh bill includes the word “retain”. Evidence to the Senedd committee suggested that the word “keep” would be far clearer. In addition, the option to remove the member is the first option given to the voter in the Welsh bill, and which option is offered first can have an impact on the voter’s deliberations. Clearly, those two points alone reflect the need to give careful consideration to the final wording and the accompanying materials that explain the process to the electorate before they are finalised.

Other matters that the bill does not stipulate in detail include who will be eligible to vote in a poll. However, I envisage that the regulations that amendment 65 would create would reflect the same eligibility to vote as for Scottish Parliament elections. That is consistent with the provisions in the bill on persons who are entitled to sign a recall petition under the constituency process.

In developing the new model, I also sought to ensure that similar timescales would be associated with the two processes for constituency and regional MSPs. The timescales in amendment 65 for setting up and running a regional poll would be similar to those for the setting up and running of a recall petition for a constituency MSP. That gives the member the same time to campaign and the public the same amount of time to understand what they are being asked to decide on and to engage with the process. Those timescales also prevent the possibility of the regional process clashing with a Scottish Parliament election—an issue that the Electoral Commission and the committee rightly raised at stage 1.

On preparation time for the Electoral Management Board for Scotland, there would most likely be a lead-up to the recall conditions being met, which would give those people who were organising a regional recall poll a clear steer that they needed to ready themselves for it. For example, a criminal trial of an MSP before a recall process began would likely be publicly known.

08:45

I will turn now to individual amendments. Amendment 2 establishes, in section 1, how a member becomes subject to a recall process. It sets out that there are two types of recall process—the recall petition process for constituency members and the recall poll process for regional members—and it specifies the relevant chapters of the bill where further detail on the two processes is set out.

Previously, the recall petition process was to apply to both constituency and regional members, but it now will not. It is now proposed that the initial sections of the bill will apply to both recall petitions and recall polls, covering matters including how a member becomes subject to recall, how a recall is initiated and terminated, and the effect of a member being recalled.

Amendments 1 to 5, 10, 11, 13 to 16, 18, 20 to 27, 30 to 46, 51, 54, 55, 63, 67, 68, 70 and 79 to 83 are all pretty minor or consequential in nature. The main reason for them is a restructuring of the bill so that references to a recall petition process for regional MSPs no longer exist, with new sections created to deal separately with a regional recall poll. Many of the amendments make minor adjustments to the terminology that is used to reflect that. A number of the amendments move provisions or whole sections of the bill to a different place, to improve the flow of the bill as revised—if that is agreed to.

Amendment 12 amends section 5, on the recall initiating notice, so that it is a concept that can work for either type of recall process. Where there is a ground for recall in respect of either process, the Presiding Officer is to issue a recall initiating notice to the returning officer. The amendment clarifies that, in respect of a constituency member, the recall initiating notice instructs the returning officer to make arrangements for a recall petition to be made available for signing or, in respect of a regional member, to make arrangements for a recall poll to be held in the region.

Emma Roddick (Highlands and Islands) (SNP): The recall poll deals with a few issues that were raised at stage 1, but many of those issues were raised for both the constituency and regional elements. In relation to privacy, when someone signs a petition, everybody knows that they are trying to get rid of the MSP, whereas, in a poll, they would be voting one way or the other. Why did the

member not opt to have a poll for both constituency and regional members, to even things out in that respect?

Graham Simpson: Essentially, a poll and a petition are the same thing. We are asking voters in a constituency or in a region to say whether a member should stay or go.

Emma Roddick: But in one case it is a first-past-the-post decision—

Graham Simpson: That is true.

Emma Roddick: In the other case, 10 per cent can trigger a whole by-election.

Graham Simpson: Yes.

Emma Roddick: Why?

Graham Simpson: Through this suite of amendments, I am trying to simplify the regional element, which was a big sticking point for the committee—and rightly so. The purpose of these amendments is to address that point, and that is what I have endeavoured to do. The fact that we have the electoral system that we have makes all of this tricky, but we have to come up with something. It is never going to be perfect, but that is why I have gone down this route.

Sue Webber: In your opening remarks, you mentioned concerns about cost. You have spoken about having a regional poll process and a constituency petition process for the various MSPs. The bill's financial memorandum found that the regional poll process could still cost the taxpayer—that is, everyone in Scotland—£1.3 million compared with £0.3 million for the constituency petition process and the subsequent by-election. Do you think that that represents value for money for the taxpayer?

Graham Simpson: My new proposal will cost a lot less. The financial memorandum that you have seen relates to the original proposal. I agree that it is a lot of money. You would hope that this would never happen; but, if it did, it would cost a lot. My new proposal is a lot simpler.

Sue Webber: How much do you estimate that to be, then?

The Convener: Ms Webber—

Sue Webber: Sorry, convener.

The Convener: That is all right. Mr Simpson, are you happy to take a subsequent intervention from Sue Webber?

Graham Simpson: I will take one more, because I know that we need to make progress.

Sue Webber: I am just seeking some clarification on the variation in costs. If the cost is no longer £1.3 million, what do you estimate it to be, and do you still class this as value for money for the taxpayer?

Graham Simpson: Should the amendments be agreed to, we will get revised costings. I do not have revised costings yet, because the amendments have not been agreed to. If they are agreed to, we will get revised costings ahead of stage 3, because Parliament needs to know.

The value for money question is difficult to answer. This is a bill that I would hope we would never need to use—I hope that this never happens. It probably will, but I hope that it does not. It would be very rare, and it would be just one of those things that you would have to do. Therefore, I think that if you are asking about value for money, you are possibly asking the wrong question.

I will make some progress, convener. Amendment 61 seeks to remove section 16 of the bill entirely. That section sets out my original process for a poll to determine whether a recalled regional member would fill the regional vacancy following a regional recall petition. Amendment 56 seeks to remove the provisions that would have been required to be reflected in the Scotland Act 1998 to enable my original poll process to be completed.

Amendments 47 to 50, 53, 60 and 62 seek to remove references to the recall process being "successful". The word "successful" is used in the Recall of MPs Act 2015, and the drafting of this bill is based partly on that legislation. However, in this series of amendments I have sought to remove all references to success. In my view, the wording in the Welsh bill is preferable, as it makes no reference to success and because such references do not sound like entirely neutral language. After all, it might not be deemed a successful outcome by the MSP in question. My amendments seek to strip back the language to refer simply to "the outcome" of the petition or the poll process.

Amendments 64 to 66 have been covered, in part, in my previous general comments, but I would like to set them out in a little bit of detail. These will be the last amendments that I will explain in this group, as I appreciate that I have already spoken for some time.

Amendment 64 seeks to create the new provision for the recall process in a distinct new chapter that is separate from the recall petition process, and it would apply only to regional members subject to a recall initiating notice. The purpose is set out in the bill. It would be the returning officer's duty, after receiving a recall initiating notice, to make the relevant arrangements for a recall poll to be held in the region of the member subject to the notice, in

accordance with the regulations to be made under section 21 of the bill. Moreover, in the absence of the bill setting out the specific questions that are to be asked of the electorate in a recall poll, the provision sets out what the recall poll is and, in general terms, how a person may vote for or against the recall of the member.

Amendment 65 requires that Scottish ministers make regulations to provide for the conduct of the recall poll under section 21 of the bill. That includes provision about who is entitled to vote in a recall poll and how and by whom the date of the recall poll is to be determined. It sets out that the poll will occur on one day and that the poll date must fall within a particular period, which ends 34 days after the issuing of the recall initiating notice that gives rise to the poll.

I am getting there, convener.

That is for reasons of parity between the constituency and regional recall processes. It would yield a period that generally matches the period in the recall petition process for a constituency MSP between the initiation of the recall process by the notice and the close of the recall petition.

The remainder of amendment 65 will mean that the regulations must also make provisions to reschedule a regional poll in the same circumstances in which a recall petition may be rescheduled, and that that will be subject to the same requirements for consultation with the returning officer, the Electoral Commission and the convener of the Electoral Management Board. I appreciate that amendment 65 does not stipulate that the Presiding Officer would be the person setting the date for a rescheduled poll. However, that is what I would envisage for the constituency MSP recall process, as is reflected in amendment 29.

Needless to say, if there are any specifics that committee members consider should be in the bill but that I have left to regulations in my amendments, I ask them to please highlight those in their contributions. I am happy to work on providing additional detail through further amendments at stage 3.

Amendment 66 will make provision for the new recall poll process. It deals with the determination of the poll and how the outcome will be notified. As soon as is practicable after the poll closes, the returning officer will be required to determine whether the member has been recalled. That will be determined on the basis of whether there has been a majority vote for the member to lose their seat. When there is a tied vote, the member will not lose their seat. After that, the returning officer will have to notify the Presiding Officer of the outcome and give public notice, in accordance with regulations made under section 21. The Presiding Officer will then be required to lay the notice of the outcome of the poll before the Parliament.

The amendments to section 14 and the associated amendment to the schedule—amendment 59—work with the creation of the new section on the determination and notice of the poll outcome in amendment 66. Collectively, those reflect the introduction of the recall poll, meaning that there will be two routes for the Presiding Officer being notified of the outcome of a recall process.

I am sure that the committee will be as relieved as I am that I have finished.

I move amendment 1.

The Convener: I am grateful, Mr Simpson. No other members have amendments in the group, and I have had no indication that anyone wants to contribute to the debate, so I turn to the minister.

The Minister for Parliamentary Business and Veterans (Graeme Dey): Good morning. I am happy to begin my comments on a largely positive note by saying that I support all of Mr Simpson's stage 2 amendments apart from amendment 65, which I will come to. As you have heard, the amendments flow from Mr Simpson's decision to remove the two-stage process for regional recall and move to a single regional poll. There are many amendments in the group that take sensible action to improve the bill and create a more efficient one-stage process. You will be relieved to know that I will not name them, convener.

However, I have an issue with amendments 64, 65 and 66, which are the crux of the group. They set out Mr Simpson's plan for the new type of regional poll. Amendment 64 will introduce the new regional recall poll, in which a voter may vote either for or against the recall of the member. Amendment 66 sets out the provisions on the poll outcome, under which a member will be recalled if the majority of votes in the poll are for the recall of that member.

Amendments 64 and 66 are needed, but, from my perspective, they effectively form a sandwich with an inadequate filling. All the detail of the poll process is dealt with by amendment 65, which would place a duty on Scottish ministers to set out in regulations how the poll process will work. Those regulations would have to include a handful of key details on issues such as eligibility to vote, which would have to match the franchise for electing regional members. The amendment states that voters may cast their votes in person, by post or by proxy and that notice of the poll must be given to every eligible voter.

Mr Simpson's amendment 65 states that the poll will take place 25 to 34 working days after the

initiating notice is sent and that the dates may be delayed by eight weeks if that is needed. However, the amendment does not state who will set the date. All other aspects of the arrangements for a regional recall poll would be left for Scottish ministers to decide by regulations, with no steer at all from the text of the bill. That is what I cannot agree to.

09:00

During the stage 1 debate, the Parliament broadly agreed that the purpose of recall is to improve trust in politics. Before recall can achieve that, there must first be trust in the recall process, and such trust in the recall process would be best achieved by the Parliament. Amendment 65, which I note that the Electoral Commission has also expressed some concerns about, would not allow the Parliament to do so. Instead of the Parliament taking decisions on how the process ought to work, those decisions would be placed with Scottish ministers, which we are not comfortable with.

The Convener: I am grateful, minister. I call Graham Simpson to sum up and to press or withdraw amendment 1.

Graham Simpson: The Scottish Government's position suggests that various parts of the poll process could be added to the bill, but the bill would immediately need to qualify those by stating that they are subject to conditions and constraints in regulations. A similar approach, which I have taken, is to state that the process will be set out in regulations while stating—as I have done in the bill—that there are key features of the process that the regulations must specify.

I am open to including more detail in the bill at stage 3 if members—particularly the minister—will specify what those details should be. I suggest that amendment 65 be agreed to, on the understanding that further changes to the section will be made at stage 3. Given the minister's general support for the bill, I would welcome an agreement at this stage to work with me on wording for amendment 65 that the Government would be satisfied with and that it would support at stage 3. We need to reach general agreement on the bill.

The minister can intervene if he wants to, but, if he does not wish to do so, we can have a chat after the meeting. However, given the Government's commitment at stage 1 to support the general principles of the proposed recall process, it would help to inform parliamentarians if we had an assurance before stage 3 that the Government is content with the drafting and the policy that would lie behind such drafting.

If amendments 64 to 66 are not agreed to at stage 2, I am concerned that parliamentarians will come to the amended bill at stage 3 with a key element of the process missing. That could lead to confusion, whereas I hope that the focus at stage 3 will be on finalising the details of the bill.

I can ramble on for a bit, to allow the minister to intervene.

Graeme Dey: I think that there is a fundamental disagreement about this point. As I have said, the task is to design a new form of recall that is suitable for the Parliament and its procedures. It is a matter of building trust and confidence not just among the public but among parliamentarians. We strongly feel that these duties should sit with the Parliament rather than the Government.

Graham Simpson: I have heard before the minister's view that this is a matter for the Parliament to decide on. However, the Government clearly has a role to play in the development of the recall process, given its role, alongside key stakeholders, in overseeing electoral laws of any kind. The recent Scottish Elections (Representation and Reform) Bill was a Government bill, and the recall bill that is before the Senedd is a Government bill. The United Kingdom Recall of MPs Act 2015 was also introduced as a Government bill. There are many precedents in which Governments have been involved, including the Scottish Government.

My offer remains the same: I will work with the minister if he is willing to work with me.

I press amendment 1.

Amendment 1 agreed to.

The Convener: Group 2 is on the criminal offence ground for recall. Amendment 110, in the name of Sue Webber, is grouped with amendments 111, 93 to 96, and 112 to 123. If amendment 117 is agreed to, I cannot call amendment 33, which has already been debated in the group on recall process for regional members.

Sue Webber: All the amendments in the group have been lodged by me and concern the criminal offence ground for recall. I will speak to all the amendments as I go through them.

Before I address the detail of the amendments, I will set out the principle behind them and why I have lodged them. At every stage of the bill, we should be guided by the fact that the public expect MSPs to be held to much higher standards than the people whom they represent. Members of the Parliament are in a position of trust; being a member of Parliament is a privilege and not an entitlement. In the current climate, transparency, accountability and trust in politics are under intense scrutiny and, I would say, are perhaps at an all-time low. It is absolutely clear that the public

do not expect anyone who has been convicted of a criminal offence, no matter how minor, to continue to serve as their representative. It would not be accepted in a workplace—certainly not anywhere that I worked prior to being elected—and the public do not expect it to be accepted in the Scottish Parliament. My amendments reflect the reality that the public reasonably believe that an MSP who has breached the law should face meaningful consequences and that the system should be robust and not permissive.

Amendments 110 to 112 propose that, where an MSP receives certain criminal sanctions, they should be removed automatically as a member under section 25, rather than being subject to a recall petition. The amendments propose to add grounds for removal, including a member receiving a community sentence or a restriction of liberty order, being remanded in custody or receiving any other sentencing disposal that is captured by a community sentence. I have lodged further amendments to adjust section 25 so that it can apply to community sentences and remand.

This group of amendments seeks to align the bill with those proposed changes. My intention is simple and consistent with the public's expectations. If a member of the Parliament receives one of those criminal sanctions, they should cease to be a member automatically, without the need for a recall petition to be triggered at all. I have constructed two clear options in the bill: to make criminal sanctions the grounds for initiating recall or the grounds for automatic removal. My amendments in this group relate to automatic removal.

Amendment 96 seeks to expand the criminal offence ground so that recall would apply where a member is remanded in custody. That might seem harsh, but I believe that the public will agree with me.

The Convener: Will you be able to discuss the dichotomy in cases where someone has been remanded for other reasons but there has been no conviction, which would mean that no criminal offence had been proven?

Sue Webber: For an individual to be held on remand, they have to have done something serious. It is my belief that the public would expect an MSP in that situation to no longer be their representative.

The Convener: Will the member take another short intervention?

Sue Webber: You are the convener.

The Convener: It is up to members whether to take an intervention, but I am grateful to you for doing so. Are you not concerned that, if your amendments are passed, it would open the bill to a human rights claim, whereby natural justice would patently not be followed?

Sue Webber: Again, I go back to public expectation. I do not think that the general public is that concerned about human rights when people have broken the law and when those people are there to represent them and therefore should be held to much higher standards than anyone else. We have to hold ourselves to far higher standards. You see what happens when people are cancelled and when social media gets hold of things. We must behave in a far more righteous manner—I use that word for want of having a lexicon or a thesaurus with me this morning.

My amendments 93 and 94 are consequential amendments that would restructure section 3 to accommodate the proposed new provisions. Amendment 95 would extend the ground for recall further so that it would apply where a member received a community sentence or a custodial sentence of less than six months. I want to make it clear—to address some of the points that you raised, convener—that, under that amendment, there would be no minimum requirement in the remand ground and even a single day in custody would trigger it. That reflects the seriousness with which the public view an MSP being held in custody.

Although the term "community sentence" is not a technical term in Scots law, I have used it deliberately as an umbrella description, because it is language that the public understand. I believe that the public genuinely expect that any community-based criminal sentence should have consequences for an MSP's status. That reflects the high standards that the public rightly demand of their elected representatives.

My amendment 123 would adjust section 25 so that the disqualification provision would apply to a sentence of less than one year's imprisonment. That would ensure that sentences of between six months and one year are no longer left uncovered once the bill reshapes the recall landscape.

Collectively, the amendments would strengthen the principle that MSPs should be held to the highest possible standards of conduct. The public have made it clear—through consultation responses, scrutiny of the parliamentary conduct that we see day in, day out, and wider civic expectations—that they do not want individuals who have committed criminal offences to continue to represent them. The amendments would provide the Parliament with clear and coherent mechanisms to give effect to that principle.

I move amendment 110.

The Convener: I have had no indication that any other member wants to contribute to the

debate, so I will turn to the minister for his comments.

Graeme Dey: I will take Sue Webber's amendments in this group and her amendments in group 4 together at this stage—although I might cover them together again later, because they are part of the same package—in explaining why the Government does not support them.

Ms Webber's amendments would take the bill in a radically different direction from the initial proposals—a direction that does not reflect the committee's findings at stage 1 or the stage 1 debate. The amendments have been subject to no consultation. Her amendments across the two groups would remove the criminal offence ground as a trigger for recall from the bill, leaving recall to be triggered solely by parliamentary sanction that is applied by MSPs. They would also mean that any member who is convicted of an offence for which they receive a community sentence would be disqualified and cease to be a member immediately without a recall process.

Community sentences can be imposed for things such as road traffic offences. The amendments would have the same effect for any length of prison sentence received. To be clear, I am not saying that we should condone such offences. I am pointing out that the amendments would mean the immediate disqualification of MSPs from a role that they have been elected to. That would be a significant change. The amendments would also lead to the disqualification of members who have been remanded in custody but have not faced trial and are therefore innocent until proven guilty. I do not think that it is acceptable for any member who is remanded in custody or convicted of an offence for which they receive a community sentence, for example, to be disqualified and to cease to be a member immediately without a recall process.

I recognise that Ms Webber has tried to put forward an alternative approach in amendments 93 to 96, which would add two new circumstances in which the criminal offence ground would apply as a trigger for recall: the first is where a member receives a community sentence of any duration or type, and the second is where the member is remanded in custody. Although such an approach would be less severe than removing a member who is remanded, the member would still, in effect, face punishment before trial, and we cannot support that.

The committee observed in its stage 1 report that the bill as introduced presented a "lower bar" for a recall of MSPs than the UK's Recall of MPs Act 2015 has for MPs, and it invited Graham Simpson to consider that ahead of stage 2. The inclusion of a community sentence as a ground for a recall, as Sue Webber has proposed, would lower the bar further.

The Government also has concerns that the inclusion of remand as a trigger for recall may not be compliant with Scotland's obligations under the European convention on human rights, as I think the convener alluded to.

For those reasons, the Government cannot support Ms Webber's amendments in this group.

Graham Simpson: I agree with every word that the minister has said. We cannot remove someone from being an MSP when they are not guilty or when they have not been convicted of something. That would be the effect of these amendments. I will leave it there, convener. I agree with the minister.

The Convener: I ask Sue Webber to wind up and say whether she wishes to press or withdraw amendment 110.

09:15

Sue Webber: I accept the points that the minister and the member have made, but I am here to represent—I believe—what the public expects. It sounds to me, from where I am sitting, that the minister and the member are perhaps slightly out of touch with what the public expects of us, sitting here as MSPs, as regards the standards to which we should adhere.

Ruth Maguire (Cunninghame South) (SNP): I broadly agree that MSPs should be held to the highest standards; I do not think that there would be any argument with that. However, my sense is that the public expects a just justice system, and the principle of innocent until proven guilty is a cornerstone of that. I think that that is where the issue is. Do you recognise the unfairness of not following the principle of innocent until proven guilty?

Sue Webber: I accept the premise that the member has put forward in that regard. Maybe I am pushing the boundaries when it comes to remand, but people who know me know that I am quite tough on justice and crime, My world is black and white, given that I am the daughter of a police officer—

Ruth Maguire: As am I.

Sue Webber: Oh, great. [*Laughter.*] That will be why we rub along so well together.

I will perhaps decide not to move amendment 96, which is specifically on remand, but I will certainly press amendment 110.

The Convener: The question is, that amendment 110 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 110 disagreed to.

Amendment 111 moved—[Sue Webber].

The Convener: The question is, that amendment 111 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 111 disagreed to.

Amendments 2 to 5 moved—[Graham Simpson]—and agreed to.

Section 1, as amended, agreed to.

Section 2—Parliamentary-sanction ground

The Convener: We move to group 3. Amendment 91, in the name of Sue Webber, is grouped with amendments 6, 92, 7 and 8.

Sue Webber: Amendments 91 and 92 are, again, both in my name. When we heard evidence in committee, a constant theme emerged: that there was a real, recognised risk that a parliamentary sanction ground for recall could become politicised. Several stakeholders expressed concern that, without safeguards, the process could be misused, whether deliberately or inadvertently, in a way that would undermine fairness and due process. We heard the minister and Graham Simpson speak about that in relation to the previous group.

One point that was made strongly in evidence was that women and members from minority backgrounds are disproportionately targeted by complaints, including politically motivated ones, and Elect Her highlighted that clearly in explaining that women politicians are more likely to face orchestrated or malicious complaint activity and that, in extreme cases, such behaviour could escalate into the triggering of, or attempts to trigger, recall or removal. Given that recall is—or will be—a very serious constitutional mechanism, and one that can result in the loss of a member's parliamentary seat and role as an MSP, it is essential that safeguards are strong and as transparent as possible. Our stage 1 report acknowledged those concerns and pointed towards the need to calibrate complaints and sanctions in the framework accordingly.

My amendments 91 and 92 seek to modify section 2, which deals with that parliamentary sanction. Before any motion can be lodged to trigger the recall process on the parliamentary sanction ground, the standards committee—this committee—must first report that the complaint that has given rise to the motion has been made in good faith and with a legitimate basis. I know that that is putting more work on us, convener.

The Convener: I would absolutely take the challenge of additional work being placed on the committee, but can the member explain how the committee—that is, the member herself, and all of us who sit on it at the moment—would be aware of such assertions from the documents available to us? Provisions already exist that would refer matters back to the commissioner. How would we know?

Sue Webber: That is the point, is it not? It is very difficult. In my time on the committee—and I have been in and out of it—we have had to make judgments and assessments on MSP conduct. In the evidence packs that we get—which are confidential, so I will be very careful about what I say—we do get a sense as to whether complaints are targeted or vexatious.

Emma Roddick: Many complaints might be made in bad faith or with the intention of getting somebody into trouble, but there might also be a legitimate basis to them. Is there a reason for your including both things in the amendment, instead of just ensuring that there is a legitimate basis for the complaint?

Sue Webber: I think that that highlights the complexity and difficulty of the issue that we are facing here. I know that Mr Stewart has amendments in this group, too, and it shows that, when we are looking at sanctions and the standards process being the trigger, we have to be very careful in that respect. With these amendments, I am trying to find a way that is proportionate and which provides that safeguard.

Nothing is really straightforward when it comes to this sort of thing. We have seen how complaints

can be weaponised—there are bad faith complaints. The convener can cut me off if he thinks that I am not allowed to go any further, but with the last complaint that we looked at, the complainant—

The Convener: I would err strongly on the side of caution with regard to that.

Sue Webber: On anonymity?

The Convener: I would err very strongly on the side of caution.

Sue Webber: Okay—that is fine. However, this is what I mean—it is very difficult. We are given information here when we are looking for information—

The Convener: Will the member take an intervention?

Sue Webber: If you can help me.

The Convener: Maybe I can assist. Is the member confident that the information that comes before the committee in the format that it does is sufficient to make the decisions that she is suggesting should be made with regard to the assertions behind a complaint?

Sue Webber: I believe so—and thank you, convener, for making that clear for me in my remarks. I want to ensure that the bill makes it clear that we have that role to play and that vexatious and malicious complaints will be filtered out by us. We are already doing that, and we are capable of doing that with the evidence that is provided to us. I believe that such a move will give credibility to the recall system, too.

Those are my remarks. I hope that I have said enough.

I move amendment 91.

The Convener: I call Kevin Stewart to speak to and move amendment 6 and other amendments in the group. Good morning, Mr Stewart.

Kevin Stewart (Aberdeen Central) (SNP): Thank you very much, convener. I am not going to go over old ground and go back to the debate. I will be short and sharp this morning, because I recognise that the committee has a lot of work to do on the bill.

It is regrettable that the independent review of the Parliament's complaints and sanctions regime has not yet been published, as any future changes to standing orders are likely to stem from that review. In some regards—as is often the case with things that we are doing—the cart may be a little before the horse.

However, I want to make sure that we do as much as possible to get the bill right. My amendments 6, 7 and 8 seek to make the precondition for the parliamentary sanction ground more general. As such, rather than requiring

"a motion by a relevant committee of the Parliament",

the bill would require that the sanction be in accordance with the current procedure for sanctioning a member, which is set out in standing orders. That would help to reflect any future changes that may or may not come from the review. Any future changes to the parliamentary process that is used to sanction members will be on the basis that, whatever procedure is adopted, it will continue to be set out in standing orders. That is short, simple, logical and future proof.

The Convener: There are a number of examples in primary legislation in which standing orders are directed to do something—I immediately think of the Scotland Act 1998. Does the member have any concerns that his proposed amendments would take things much further in the bill, by seeking to direct policy into standing orders rather than process, than in any piece of UK legislation that I have looked at?

Kevin Stewart: We need to see what happens with the review of standing orders. I have been pragmatic in all this. I cannot say that I am an expert in the standing orders of every Parliament or council in the country. I do not think that what I am proposing is, in any way, a massively radical change—I simply think that it is logical. With—

The Convener: Will you take a very short intervention on that point? Please feel free not to, even though I sit at this end of the table.

Kevin Stewart: I will.

The Convener: How do you view the "Code of Conduct for Members of the Scottish Parliament", which does not sit in standing orders but is an integral part of the environment in which we look at the behaviours of MSPs? Would your proposals not be better contained in the code than in standing orders?

Kevin Stewart: I think that the code has got to be the right code, and the standing orders have got to be the right standing orders. As I said at the start of my contribution, it would have been helpful if the review on complaints and the sanctions regime had been published.

We are where we are. We have the bill that is in front of Parliament at this time. Mr Simpson has made the effort to introduce his bill. Some would argue that he should have waited until the review was complete, but when will it be complete? There are never the right timings for everything.

What I have done here—

Graham Simpson: Will you take an intervention?

Kevin Stewart: I will. I thought that I was going to be short and sharp here, but obviously not.

Graham Simpson: You are such an interesting character, Mr Stewart, that people will want to intervene on you.

I simply want to point out that my work on the bill started almost five years ago, and the review to which you refer had not started at that point. That is why we have not got the review before the bill.

Kevin Stewart: Thank you for that. I will take your calling me an "interesting character" as a compliment rather than anything else.

I get the point that Mr Simpson is making about the timings of everything. I know that he began this work some time ago, and, if I remember rightly, it has taken 11 months for the bill to get to this stage. Sometimes, timings do not work out. That is why I am taking a logical and pragmatic view in my amendments, which would be easy to deal with and adaptable once the review is complete and comes into effect.

The Convener: I am grateful, Mr Stewart.

As I have had no indication that other members wish to speak, I will bring in the minister.

09:30

Graeme Dey: I will be brief. What has been obvious from listening to the debate is the genuine intent of Kevin Stewart and Sue Webber to assist us here.

During the stage 1 debate, I welcomed Kevin Stewart's reasoned amendment to the motion, because it sought to address the bill's interaction with Rosemary Agnew's independent review of the Parliament's complaints and sanctions regime, whenever that will be published. His amendments today proceed from the position that he set out then. Therefore, the Government supports amendments 6, 7 and 8: in my view, they would future proof the bill by enabling it to take account of any changes to the parliamentary process.

I respect the point that the convener made about setting a precedent—I understand where he is coming from. I also understand the concerns that members of the committee expressed during the stage 1 debate.

However, it appears to us that Kevin Stewart's amendments would ensure that any future decisions that were taken by the Standards, Procedures and Public Appointments Committee and by the Parliament in relation to its sanctions processes could be reflected in the legislation. His amendments do not seek to minimise the role of this committee or of a successor committee, which is rightly enshrined in standing orders. Instead, they would ensure that the Parliament would not have competing systems in future. He is trying to provide that safeguard. I do not want to talk for him, but—

Kevin Stewart: I will clarify and back up what the minister has just said. If changes to the sanctions process are made in the future, it is my understanding that this committee or its successor will be fully involved in assessing the proposals. That is right, and my amendments would do nothing to stop that happening.

Graeme Dey: I concur with that. My other point is that standing orders would set out the procedure to be followed rather than the standards of conduct.

Equally, Sue Webber comes at the issue from a genuine standpoint. Where I cannot support her amendments 91 and 92 is around the fact that no criteria are established for what might determine good faith or legitimacy. From that point of view, they would make unnecessary additions to section 2. I would hope and, indeed, expect that any future parliamentary process for recommending and agreeing sanctions would have the option, if the Parliament believed that the complaint was baseless, to not recommend a sanction at all.

Graham Simpson: The bill was not developed with the intention of amending the standards regime in the Parliament. The original consultation said:

"My proposals would not impact on the operation of the current standards process."

It seems that Kevin Stewart's amendments would not have any immediate effect—rather, they would future proof the parliamentary sanction grounds for recall, should changes be made to the specifics of the standards regime in the future. If I had a vote, I would vote for Kevin Stewart's amendments.

I figured that there must be a story behind Sue Webber's amendment 92. It sounds as though it might relate to something that the committee has dealt with in the past. That said, it is not clear how a committee would be able to know whether a motion

"was made in good faith and with a legitimate basis",

so I suggest that the committee should vote against that amendment and back Mr Stewart's amendments.

The Convener: I invite Sue Webber to wind up and to press or withdraw amendment 91.

Sue Webber: We heard evidence—although not in public—on vexatious complaints. It might not be something that we heard about or dealt with publicly, but it was part of our stage 1 evidence.

My amendments 91 and 92 are legitimate attempts to find a way to make sure that the public understand that vexatious complaints will not be grounds for triggering a recall. They need to know that that expectation exists, that there will be a process—albeit that it is muddy and might not be that clearly defined in the amendments—and that we in this committee have attempted to make sure that those who make malicious and vexatious complaints will not be taken seriously.

It is tough enough for members when they are subject to complaints—they are not given any support but are left on their own. For them to be the target of something that is groundless is even more upsetting. I am trying to make it clear in some way to members of the public that that is not acceptable.

I press amendment 91.

The Convener: The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 91 disagreed to.

Amendment 6 moved—[Kevin Stewart].

The Convener: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

Against

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 6 disagreed to.

Amendment 92 moved—[Sue Webber].

The Convener: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 92 disagreed to.

Amendment 7 moved—[Kevin Stewart].

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

Against

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 7 disagreed to.

Amendment 8 moved—[Kevin Stewart].

The Convener: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

Against

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 8 disagreed to.

Section 2 agreed to.

Section 3—Criminal-offence ground

Amendment 93 moved—[Sue Webber].

The Convener: The question is, that amendment 93 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 93 disagreed to.

Amendment 94 moved—[Sue Webber].

The Convener: The question is, that amendment 94 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 94 disagreed to.

Amendment 95 moved—[Sue Webber].

The Convener: The question is, that amendment 95 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 95 disagreed to.

The Convener: Amendment 9, in the name of Mark Griffin, is grouped with amendments 98 to 101 and 84. I invite Mark Griffin, who joins us online, to speak to amendment 9 and all the amendments in the group.

Mark Griffin (Central Scotland) (Lab): Good morning. The amendments that I have lodged in this group and the later group intend to encapsulate the broad consensus on particular issues that we achieved in the stage 1 debate, and they reflect some of the recommendations that the committee made in its stage 1 report. I am grateful to the member in charge and the minister for taking the time to discuss these issues in advance of this morning's committee meeting.

I ask members to support amendment 9 and the other amendments in my name in this group. Rather than the direction of travel that Sue Webber has proposed that would, in the first instance, remove the criminal offence ground as a trigger for recall, amendment 9 would retain the criminal offence ground as a trigger for recall but would revise the threshold. Amendment 9 would remove the limitation that the criminal offence ground would apply only when a member receives a sentence of imprisonment of less than six months.

Individually, amendment 9 would solve a small but significant technical problem. In England, Wales and Northern Ireland, it is possible for a sentence to be suspended, such that a member who is given it would not be imprisoned immediately. If a member received a suspended sentence of seven months, they would not be imprisoned, so removal under the bill could not bite, but the sentence would not be grounds for recall because recall on its own is limited to sentences of under six months. Amendment 9 would remove that oddity so that a member who was given a suspended sentence of any length would still face recall.

Taken in combination with amendment 84, which would remove section 25, on removal for offending, that would mean that recall would be triggered by all sentences of imprisonment, except those that would disqualify the member under existing legislation. As MSPs, we are already subject to provisions in the Scotland Act 1998 that would remove us from Parliament if we receive a sentence of imprisonment of more than 12 months and are imprisoned as a result of it. The Scottish Elections (Representation and Reform) Act 2025 already disqualifies anyone who is subject to relevant notification requirements or a relevant sexual harm or risk order from being or becoming a member of the Parliament.

As I said earlier, my amendments respond to the question raised in the committee's stage 1 report about whether the bar for recall and removal on the grounds of criminal offence has been set at the right level. My amendments, if they are agreed to, would mean that recall would be triggered if an

MSP receives a sentence or an order of imprisonment that does not result in disqualification. Given the earlier debate, it is crucial that only someone who has been tried and found guilty can be recalled. It is important that there should be no question of recall being triggered for anyone who is on remand.

09:45

In his concluding remarks in the stage 1 debate, Mr Simpson said:

"Members do not seem to like the suggestion that we reduce the jail term, if I can call it that, from more than 12 months to six months. If that is members' position, why do we not get rid of that? Why do we not make this a recall bill and get it right?"—[*Official Report,* 13 November 2025; c 109.]

I have other amendments that address the removal of the rest of part 2 of the bill, on the removal of members of the Scottish Parliament, which, in concert with the amendments that I have just described, would render the bill a recall bill only. I think that that would be in line with the views and the general consensus of members in the stage 1 debate, but we will reach those amendments at a later stage. For now, I invite members to support the amendments in my name in this group.

I move amendment 9.

Sue Webber: I will speak to my amendments in a different order, which I hope does not make things too confusing.

Amendment 100 would expand the sentencing condition in the bill so that an MSP may be removed if they receive a community sentence. As you know, I am tough on crime. At present, the removal provision focuses on custodial disposals. However, I have argued elsewhere that the public expect clear and meaningful consequences for any criminal sentence, not simply those that result in imprisonment. A community sentence is not a minor administrative disposal; it is a criminal sentence that is imposed by a court following a finding of guilt. Therefore, it is entirely appropriate and necessary that the receipt of such a sentence should form grounds for removal. Amendment 100 would ensure that.

Amendments 98 and 101 are consequential to the change that amendment 100 would make. The bill contains a detention condition as part of the removal test, but it is framed around custodial sentences. As I have stated, I want to add community sentences to the list of sentences that form grounds for removal. Amendments 98 and 101 would tidy things up so that the changes are coherent and consistent.

My amendment 99 would expand the grounds for removal by specifically adding instances in which a member is remanded in custody. Members have challenged that proposal, but being remanded is a serious judicial action as well. It involves the court determining that an individual must be detained pending trial, and it signals the gravity of the circumstances before the court. I do not believe that the public would expect an MSP who has been remanded in custody, even for a short period, to continue serving in the Parliament in that time, as that would fundamentally undermine public confidence in the institution.

The Convener: As no other member has indicated that they wish to contribute, I will bring in the minister.

Graeme Dey: I will be as brief as possible. In 2024, the committee considered the work of the Council of Europe's Venice commission in the context of legislation that disqualifies sex offenders from elected office. In 2015, a report by the commission made it clear that

"the deprivation of political rights before final conviction is contrary to the principle of presumption of innocence, except for limited and justified exceptions. In practice, exceptions are applied in only a few states under consideration."

That supports and endorses the position that I articulated earlier, which is that the Government does not support Ms Webber's amendments in this space.

However, I support Mr Griffin's amendments, which I was happy to assist him with. I consider that they set the bar for the recall and removal of MSPs on the grounds of criminal offence at the right level and that they would ensure that there is no gap between recall and disqualification. They would also avoid any question of immediate disqualification for people who have been remanded in custody but not faced trial.

Should Mr Griffin's amendments not be agreed to and should section 25 remain in the bill, the Scottish Government would need to consider the provision carefully ahead of stage 3. Section 25 does not currently include a delay to permit a person's appeal to be heard before they are disqualified, so we might have to lodge an amendment that makes provision similar to that in section 4 of the bill, which delays the criminal offence ground for recall until after any appeal is concluded.

The Convener: I turn to Graham Simpson.

Graham Simpson: I thank Mark Griffin for engaging with me. We had a useful discussion, and I agree with his amendments—that is what happens when people co-operate. He has obviously co-operated with the minister as well. I

agree with the minister that Mr Griffin's amendments should be supported.

I also agree with what the minister said about Ms Webber's amendments, for the reasons that we covered earlier. I am not sure that Ms Webber understands what remand is, because you can be remanded even if you have not been convicted of anything, which is a key issue.

I support Mr Griffin's amendments and reject Ms Webber's amendments.

The Convener: I invite Mark Griffin to press or withdraw amendment 9.

Mark Griffin: I will briefly conclude by saying that my amendments in this group are an attempt to articulate in legislation the views that were expressed in the stage 1 debate. On that basis, I press amendment 9.

The Convener: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

Against

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

The Convener: The result of the division is: For 3, Against 2, Abstentions 0.

Amendment 9 agreed to.

Amendment 96 not moved.

Amendment 112 moved—[Sue Webber].

The Convener: The question is, that amendment 112 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 112 disagreed to.

Section 3, as amended, agreed to.

Section 4—Criminal-offence ground: expiry of appeal period

Amendment 113 not moved.

Section 4 agreed to.

Section 5—Recall initiating notice

Amendments 114 and 115 not moved.

Amendments 10 to 13 moved—[Graham Simpson]—and agreed to.

Amendment 116 not moved.

Amendment 14 moved—[Graham Simpson]—and agreed to.

Section 5, as amended, agreed to.

Section 6—Designation of where and when petition may be signed

Amendments 15 and 16 moved—[Graham Simpson]—and agreed to.

The Convener: Amendment 17, in the name of Graham Simpson, is grouped with amendments 19, 25, 28, 29, 97, 52 and 52A. I point out that, if amendment 97 is agreed to, I cannot call amendment 40, which was debated in the group on the recall process for regional members, due to pre-emption.

Graham Simpson: Amendment 17 qualifies the discretion available to the returning officer such that the matters set out in section 6(1), in paragraphs (a) and (b) and in proposed new paragraph (c), must be carried out in accordance with regulations to be made under section 21, those matters being the designation of

"a place, or places, at which a recall petition … is to be made available for signing … a day from which the petition is to be made available for signing"

and

"the days, and times of day, during which the petition is to be made available for signing".

Amendment 19 sets out that the returning officer, acting in accordance with regulations to be made under section 21, must designate

"the days, and times of day, during which the petition is to be made available for signing".

Amendment 25 requires the returning officer, when deciding what days and times of day to designate, to

"seek to ensure that the petition is reasonably available for signing throughout the signing period."

Amendment 28 clarifies that, further to the relevant times and places designated under section 6, the returning officer must ensure that the recall petition is made available for signing throughout the signing period at those designated times and places.

Amendment 29 enables the Presiding Officer to reschedule the date for a recall petition in response to events that might render the holding of such a petition impossible or impractical—for example, a snap UK general election or a local disaster such as a flooding event, which may make signing difficult, unsafe or just not possible in terms of the availability of venues and staff. The Presiding Officer will be required to consult the Electoral Commission, the convener of the Electoral Management Board and the returning officer on the new date, and to notify them of the date change. The amendment provision sets out the requirements of the Presiding Officer attaching to rescheduling a recall petition, including setting an outer limit of eight weeks for the new date to be set, as well as the requirement to consult and notify certain persons.

Sue Webber: I am curious about that duration. Eight weeks is still quite a lengthy time, and I was wondering what thought process you went through in arriving at that.

Graham Simpson: It is just to allow enough time. If the Presiding Officer is having to call a halt to the process, we need to allow extra time. That was it, really.

Where a day is designated under the provision, the returning officer may exercise the functions set out in section 6 in accordance with the regulations to be made under section 21, to designate places for signing and the days and times of day during which the petition may be signed. That provision is modelled on provisions in section 2 of the Scotland Act 1998 that allow the Presiding Officer to postpone a Scottish Parliament general election.

I turn now to amendment 52. As the petition process now applies only to constituency members, the definitions specific to the petition process, which were previously found in section 24 of the bill, have been moved to sit with the new chapter of provisions specific to recall petition processes. That change aids readability and shortens the list of definitions in section 24. A further detail of the amendment is that the bill as introduced has a recall petition signing period defined as ending

"at the end of the day that falls 4 weeks later"

but the definition of "signing period" would be amended to refer to

"at the end of the day that falls 20 working days later".

That means that the signing period would not be shortened if it fell across public holidays.

10:00

I actively considered Sue Webber's policy position in amendments 97 and 52A during the policy development of my bill. As I understand it, the intention is to enable the petition process to end at the point at which the 10 per cent threshold is reached as opposed to running for the full four weeks, as the bill sets out. That change would be on the grounds that it would limit the work required and prevent the petition process from running on for a long period without strong reason in circumstances in which the threshold was reached within a few days.

There are a number of reasons why I did not include that policy in my bill on introduction. The first is the practical challenge of conducting regular counts to establish the point at which the threshold is met. The returning officer would be responsible for co-ordinating up to 10 signing places in a constituency, and the process for establishing whether the 10 per cent threshold had been reached would presumably involve regular counts of all signatures at all designated places. Also, as the committee observed in its stage 1 report, postal contributions would be a complicating factor. These are just some of the considerations to think about. The electorate would also have been informed that they had four weeks in which to express a view and then could be denied the opportunity to express it if the petition process ended early.

In addition, it would be challenging to describe clearly to the electorate the approach that is suggested in the amendments. Saying that you can sign a petition and that it might be four weeks long but could be a lot quicker if a 10 per cent threshold is reached is a more complex message than saying "sign the petition by X date".

Another issue is that the MSP who is subject to the recall process might want to get a sense of the strength of feeling among the electorate, to inform a decision on whether to run in a by-election. The difference between 10 per cent of constituents and, say, more than 65 per cent of constituents turning out to sign a recall petition could lead to a different decision on whether to run in a resulting by-election.

Finally, someone who votes in a by-election could consider the percentage of people in a constituency signing a petition to be a relevant factor when considering how to vote.

That was the basis for my decision, on balance and in consultation with key stakeholders, not to include the policy proposed by Sue Webber in my bill, so I suggest that the committee reject her amendments.

I move amendment 17.

Sue Webber: Mr Simpson, that was a fair point regarding the petition being signed by 65 per cent of the electorate and the 10 per cent threshold.

However, we still heard in evidence that, sometimes, there is no justification for keeping a petition open once the required number of signatures has been reached. I am a pragmatic person, as well as being tough on crime, and I am concerned about the issue of cost. That factor came out loud and clear in all the evidence that we heard. I question the value of continuing to administer a petition that has already succeeded. That is why I lodged amendments 97 and 52A.

More importantly, once the statutory conditions have been met, the petition's purpose has been fulfilled. At that point, the petition system should move swiftly to the next stage. I am also keen for progress and for there to be no delay. The removal of the MSP and the process of filling the vacancy should happen with as much haste as possible.

Amendment 52A would adjust the definition of "signing period" in section 24 so that it ends on whichever of the following occurs first: the end of the day four weeks after the petition opens; the petition officer receiving a recall termination notice; or the petition officer determining that the required number of signatures has been reached. I accept the issue with counting the signatures as the process goes along. However, the amendment would allow the petition to close immediately upon its success, which would be efficient and logical—a commonsense Sue Webber approach to life.

Introducing such flexibility without a fixed end date would create a secondary issue that must be addressed, which is creating and calculating the eligibility for 16-year-olds. Under section 10, a person is eligible to sign the petition if they will turn 16

"before the end of the signing period".

However, if the signing period could end early at an undefined and unknown future point, it would become impossible to calculate in advance whether some individuals—particularly those who are close to turning 16—would qualify.

For example, if the petition succeeds in week 1, someone who would have turned 16 in week 3 would then be ineligible, despite having appeared to be eligible at the start of the process. Such uncertainty is not workable for a petition or for petition officers, and it is not fair or transparent for young voters.

I lodged the follow-up amendment 97 to directly address that issue. It would remove section 10(1)(b), which would currently allow eligibility based on turning 16

"before the end of the signing period".

In its place, the amendment would provide a clear and administratively workable rule, which is that a person must be 16 at the beginning of the signing period in order to be able to sign the petition. That would be much clearer. Regardless of whether the petition closes at the point of reaching the determined number of signatures, the provision would create fixed and predictable eligibility criteria and avoid the difficulties that would be created by having a variable end date. Amendment 97 would ensure consistency and fairness for young people while enabling my amendment 52A to operate as intended.

I am aiming to make the petition process more efficient, to ensure that petitions close as soon as they have succeeded, to avoid any administrative complications and to provide clear and fair eligibility rules for 16-year-olds.

Graeme Dey: I will be brief, convener. To answer Sue Webber's earlier question, the eight-week period that she queried is the same period by which it is possible to delay elections to the Scottish Parliament under the Scotland Act 1998.

I support the amendments in the name of Mr Simpson. However, I am unable to recommend supporting Ms Webber's amendments.

Amendment 97 paves the way for amendment 52A, which would enable a petition period to end when the 10 per cent threshold has been met instead of having it fixed at four weeks. Putting early closure provisions into the bill would be contrary to the Standards, Procedures and Public Appointments Committee's recommendations, and it would place a significant administrative burden on electoral administrators. For example, it would require the returning officer to count valid signatures each evening in order to work out whether the threshold had been met that day. That would, in turn, determine whether the signing places would reopen the following morning. That would continue every day until the 10 per cent threshold was hit or the maximum four-week□period for the recall petition came to an end. For those practical reasons, I cannot support the amendments.

I agree with the recommendation in the committee's report that the option of closing a petition early should be

"kept under review, for public opinion research to be undertaken, and for provision to be made to allow for this option to be made in future by secondary legislation under affirmative procedure should it be deemed appropriate and desirable."

The Convener: Before I turn to Graham Simpson, I indicate to members that, after the next run of votes, I intend to allow a comfort break—not that that should incentivise you one way or the other when winding up, Mr Simpson.

Graham Simpson: I have nothing to add, convener.

The Convener: That is perfect.

Amendment 17 agreed to.

Amendments 18 to 25 moved—[Graham Simpson]—and agreed to.

Section 6, as amended, agreed to.

Section 7—Notice of petition to be sent to registered electors

Amendment 26 moved—[Graham Simpson]—and agreed to.

Section 7, as amended, agreed to.

Section 8—Duty to ensure petition's availability for signing

Amendments 27 and 28 moved—[Graham Simpson]—and agreed to.

Section 8, as amended, agreed to.

After section 8

Amendment 29 moved—[Graham Simpson]—and agreed to.

Section 9—Early termination of process

Amendments 30 to 32 moved—[Graham Simpson]—and agreed to.

Amendment 117 not moved.

Amendments 33 to 37 moved—[Graham Simpson]—and agreed to.

Section 9, as amended, agreed to.

Amendment 38 moved—[Graham Simpson]—and agreed to.

Section 10—Persons entitled to sign petition

Amendment 39 moved—[Graham Simpson]—and agreed to.

The Convener: I call amendment 97, in the name of Sue Webber. I remind members that, if amendment 97 is agreed to, I cannot call amendment 40, due to pre-emption.

Amendment 97 moved—[Sue Webber].

The Convener: The question is, that amendment 97 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 97 disagreed to.

Amendments 40 to 44 moved—[Graham Simpson]—and agreed to.

Section 10, as amended, agreed to.

Sections 11 to 13 agreed to.

Section 14—Determination and notice of petition outcome

Amendments 45 to 51 moved—[Graham Simpson]—and agreed to.

Section 14, as amended, agreed to.

After section 14

10:15

Amendment 52 moved—[Graham Simpson].

Amendment 52A moved—[Sue Webber].

The Convener: The question is, that amendment 52A be agreed. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 3, Abstentions 0.

Amendment 52A disagreed to.

Amendment 52 agreed to.

Section 15—Effect of successful petition

Amendments 53 and 54 moved—[Graham Simpson]—and agreed to.

Section 15, as amended, agreed to.

Amendment 55 moved—[Graham Simpson]—and agreed to.

Schedule

Amendment 56 moved—[Graham Simpson]—and agreed to.

The Convener: At this stage, I will call a comfort break of 10 minutes.

10:17

Meeting suspended.

10:27

On resuming—

The Convener: Welcome back. The next group is on minor and technical amendments. Amendment 57, in the name of Graham Simpson, is grouped with amendments 58 and 78.

Graham Simpson: Amendment 57 would fix a minor error in the schedule. It would mean that the schedule would be amended to refer to the correct point at which the inserted text is to be placed in the Scotland Act 1998, as the word "Parliament" appears twice in the same subsection in section 13 of the act. The amendment clarifies that the wording in paragraph 1(3)(b) of the schedule is to be added after the second occurrence of the word "Parliament" in that provision.

I turn to amendment 58. The schedule to the bill currently amends section 13 of the Scotland Act 1998, "Term of office of members", by adding a list of the ways in which a member can cease to be a member between elections—for example, the death of a member—including the new ground of being recalled. The purpose of amendment 58 is to add a further ground, for completeness, which is that a member may lose their seat for failing to take the oath under section 84 of the Scotland Act 1998.

Amendment 78 would remove an incorrect reference in the bill at introduction that refers to a provision under the Government of Wales Act 1998, replacing it with the correct reference in the Government of Wales Act 2006. Section 23 of the bill clarifies that references to an appeal in respect of the criminal offence ground for recall include, among other matters, an appeal under the specified legislation, which is an appeal to the Supreme Court, for the determination of a devolution issue or a compatibility issue.

I move amendment 57.

The Convener: No other member has indicated a desire to speak. Minister, do you wish to add anything?

Graeme Dey: No.

The Convener: I ask Graham Simpson to wind up and say whether he wishes to press or withdraw amendment 57.

Graham Simpson: I certainly have nothing to add. I press the amendment.

Amendment 57 agreed to.

Amendments 58 to 60 moved—[Graham Simpson]—and agreed to.

Schedule agreed to.

10:30

Section 16—Poll to determine if recalled member to fill regional vacancy

Amendment 61 moved—[Graham Simpson]—and agreed to.

Section 16, as amended, agreed to.

Section 17—Eligibility to stand for future elections unaffected

Amendment 62 moved—[Graham Simpson]—and agreed to.

Section 17, as amended, agreed to.

Amendment 63 moved—[Graham Simpson]—and agreed to.

After section 17

Amendments 64 to 66 moved—[Graham Simpson].

The Convener: Does any member object to a single question being put?

Members: Yes.

The Convener: We shall take each amendment individually.

Amendment 64 agreed to.

The Convener: The question is, that amendment 65 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Against

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
Whitfield, Martin (South Scotland) (Lab)

The Convener: The result of the division is: For 0, Against 5, Abstentions 0.

Amendment 65 disagreed to.

Amendment 66 agreed to.

Section 18—Notice if member convicted

Amendment 118 not moved.

Section 18 agreed to.

Section 19—Notice if appeal brought

Amendment 119 not moved.

Section 19 agreed to.

Section 20—Notice of appeal outcome

Amendment 120 not moved.

Section 20 agreed to.

Section 21—Power to make further provision about processes, etc

Amendments 67 and 68 moved—[Graham Simpson]—and agreed to.

The Convener: We move to group 7. Amendment 69, in the name of the minister, is grouped with amendment 75.

Graeme Dey: The amendments in this group respond—I hope—to the committee's call in relation to rules on campaigning in the bill. Amendment 69 amends section 21(1) to provide that ministers may make regulations on

"campaigning to promote a particular outcome of a recall process"—

that is, campaigns to recall or not to recall an MSP. That includes regulations on

"expenditure incurred in relation to such campaigning"—

that is, campaign finance.

Amendment 75 will insert an illustrative list of matters that regulations that are made under the power in amendment 69 may include, but that list is not exhaustive. Campaigning rules and campaign finance rules are a feature of all elections in the UK, as well as UK Parliament recall petitions. They serve to provide transparency and accountability for those who are engaged in electoral events. They also serve to prevent well-resourced candidates or parties from being able to deploy an unlimited number of advertisements and other promotional materials, thus reducing the likelihood of undue influence and creating a more level playing field.

We need to be clear that recall processes in Scotland will be covered by campaigning rules and campaign finance rules that are broadly similar to those used at other electoral events. The amendments will, for example, allow ministers to make regulations on the conduct of campaigning where a requirement or restriction is not tied to campaign expenditure. For example, such regulations could forbid people from campaigning inside a polling place or issuing campaign materials that look like poll cards, both of which are rules that apply to Scottish Parliament elections.

Ministers would also be able to issue regulations on campaign expenditure. For example, those could be on what is and is not considered campaign expenditure; what the limits on campaign expenditure could be and who may authorise or incur such expenditure; the time periods to which expenditure limits apply; and campaign expenditure returns. The regulations could also include rules on donations, to provide control of where funds have come from and not just how they are used. To be clear, all those

matters would be taken forward under the affirmative process.

I move amendment 69.

The Convener: No committee member has indicated a desire to speak, so I call Graham Simpson.

Graham Simpson: As is set out in paragraph 43 of the delegated powers memorandum on the bill, it was my view that the power to make regulations as originally drafted in the bill would have permitted regulations to be made on campaign expenditure. However, I followed the stage 1 evidence on the issue, including the concerns that the bill made no reference to campaigning or expenditure.

I therefore support amendments 69 and 75. The amendments will put it beyond doubt that the powers to make regulations under section 21 include the power to make specific provision on campaigning matters in promotion of the outcome of a recall process, which includes expenditure incurred in relation to that campaigning.

The Convener: Minister, do you have anything to add in winding up?

Graeme Dey: I perhaps should have said one further thing. If the Government amendment 73, which we will subsequently debate in group 8, is accepted, that would also enable Scottish ministers to extend the digital imprints rule to a recall campaign. I hope that that gives members comfort that we are trying to cover all the bases.

Amendment 69 agreed to.

Amendment 70 moved—[Graham Simpson]—and agreed to.

The Convener: The next group is on regulation-making powers. Amendment 71, in the name of Graham Simpson, is grouped with amendments 72 to 75.

Graham Simpson: Amendments 71 and 72 reflect a commitment that I made in response to scrutiny from the Delegated Powers and Law Reform Committee during stage 1. Amendment 71 will prevent section 21 regulations from being used to confer subordinate legislation-making powers on someone other than Scottish ministers. That will not mean that regulations cannot allow for a delegation of functions—for example, delegation by a regional returning officer to constituency returning officers. Amendment 72 is consequential—it removes section 21(2)(c), which would have allowed the conferral of powers to make subordinate legislation.

Amendments 73, 74 and 77 are in the name of the minister, so I will leave it to him to set out to the committee how the amendments function. However, I can say that I am supportive of the policy intention of all three amendments.

I move amendment 71.

The Convener: I am grateful to you, Mr Simpson. I said in introducing the group that I was expecting you to talk about amendment 75, which was a mistake. You spoke to amendment 77, which is in this group, so I am grateful to you for rectifying my error.

Graeme Dey: My amendments in this group reflect the need to ensure that the regulations that are made under section 21 may adapt existing electoral law and apply it to recall processes, and to ensure that the Electoral Commission is consulted on all regulations that are made under section 21.

Regulations that are made under section 21 of the bill, as introduced, may adapt existing election law for recall and apply it to recall. Section 21(3) provides a list of acts from which recall regulations may borrow existing electoral law for recall purposes. Amendment 73 adds the Elections Act 2022 and the Scottish Elections (Representation and Reform) Act 2025 to that list. In proposing that those acts be added, I particularly have in mind recent rules on digital imprints—I touched on this a moment ago—and enabling them to be applied to recall processes by regulation. The provisions in these acts in relation to digital imprints need to apply to recall in Scotland, just as they do to local and general elections in Scotland, to promote the same degree of transparency in recall campaigning as we have in election campaigning. This completes the package of amendments that I lodged on regulations for campaigning and campaign finance, which we have already debated in group 7.

Just as we need accountability and transparency in relation to print communications for electoral events, so do we for digital communications. The digital imprints provisions in the Elections Act 2022 and the Scottish Elections (Representation and Reform) Act 2025 require campaigners to include the name and address of the promoter of the message in online campaign material, such as social media posts. Amendment 73 will enable that to happen, and it is intended to limit anonymous campaigning, which is an issue of concern that the committee highlighted in its report.

My second amendment in the group, amendment 77, will add a new section to the bill that will amend the Political Parties, Elections and Referendums Act 2000 by adding regulations about Scottish Parliament recall processes to the list of secondary legislation about electoral processes on which the Electoral Commission must be consulted. That means that the

consultation requirement for recall regulations under the bill would be the same as the consultation requirement for an order that changes the rules for the Scottish Parliament elections, Scottish local government elections and UK Parliament recall petitions.

If amendment 77 is agreed to, Scottish ministers will be required to consult the Electoral Commission on regulations that are made under section 21 of the bill in relation to recall before they are laid in Parliament. That reflects the key role of the Electoral Commission and the role that it will have in informing the detail of the secondary legislation that arises under the bill. That is essential, given the Electoral Commission's role in scrutinising and reporting on elections in Scotland and across the UK.

Although recall is not an election, it is an electoral event. Amendment 77 recognises that recall processes ought to be held to the same high standards as elections and provides a practical way in which we can ensure that that goal is achieved. I therefore invite the committee to support the amendments in the group in my name.

In responding to Mr Simpson's amendments, I invite the committee to support his amendments also.

Amendment 71 agreed to.

Amendment 72 moved—[Graham Simpson]—and agreed to.

Amendment 73 moved—[Graeme Dey]—and agreed to.

Amendment 74 moved—[Graham Simpson]—and agreed to.

Amendment 75 moved—[Graeme Dey]—and agreed to.

The Convener: Amendment 76, in the name of the minister, is in a group on its own.

Graeme Dey: Amendment 76 will bring the procedure for challenging the outcome of a recall under the bill into line with the procedure for challenging the result of any other election in Scotland. It will add a new subsection to section 21 to provide that there can be no route for questioning the result of a recall petition or a recall poll, other than as set out in regulations under the bill.

Those regulations must adopt, with relevant modifications, the election petition procedure that is set out in part 3 of the Representation of the People Act 1983 and apply it to recall under the bill.

The election petition procedure is also used when a person wishes to challenge the result of a Scottish Parliament election or Scottish local government election. It is also used, with the necessary changes of terminology, to challenge the outcome of a UK Parliament recall.

10:45

Amendment 76 will close off other legal avenues to challenge a recall result. The policy intention is to integrate Scottish recall processes into existing electoral processes in relation to how a result might be challenged.

Throughout the bill process, members have spoken of the need to maintain trust in politics and politicians and have said that a recall process can help to achieve that goal. For recall to improve the public's trust in all of us, the recall process must be trustworthy. That is why I believe that holding recall processes to the same high standard that we have for elections in Scotland is an essential part of introducing a process for the Scottish Parliament. Ensuring that a recall result is only challenged in accordance with an established and consistent court process is just one of the more obscure and, I hope, rarely used parts of ensuring that the process is trustworthy overall.

I move amendment 76.

Graham Simpson: I will just quickly say that I support amendment 76.

Amendment 76 agreed to.

Section 21, as amended, agreed to.

After section 21

Amendment 77 moved—[Graeme Dey]—and agreed to.

Section 22 agreed to.

Section 23—Meaning of expressions relevant to the criminal-offence ground

Amendment 78 moved—[Graham Simpson]—and agreed to.

Amendment 121 not moved.

Section 23, as amended, agreed to.

Section 24—General interpretative rules

Amendment 122 not moved.

Amendments 79 to 83 moved—[Graham Simpson]—and agreed to.

Section 24, as amended, agreed to.

Section 25—Removal if imprisoned or detained for period from 6 months to one year

Amendments 98 to 100, 123 and 101 not moved.

Amendment 84 moved—[Mark Griffin].

The Convener: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

Against

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

The Convener: The result of the division is: For 3, Against 2, Abstentions 0.

Amendment 84 agreed to.

Section 26—Removal for non-attendance

The Convener: Amendment 102, in the name of Sue Webber, is grouped with amendments 85, 103 to 109, 86, 87 and 90.

Sue Webber: This group concerns the removal of an MSP for non-attendance. The Conservatives support Mr Griffin's amendments 85 to 87 in the group, because the committee heard strong evidence that a rigid non-attendance trigger could unfairly impact members with disabilities, long-term health conditions and caring responsibilities, as well as those who face sudden crises. I had intended to lodge amendments along similar lines, so I was content to see Mr Griffin's amendments today. However, I have concerns about amendment 90. I will listen to what Mr Griffin has to say about it, and I might come back to him on it during the debate.

My amendments in the group are about modernising attendance in a way that is designed to future-proof legislation and ensure coherence with modern parliamentary practice. The committee considered having the attendance element removed completely. However, if a member cannot be bothered to dial in or to connect and take part in a hybrid manner, we should consider that element. It is simple. As we permit remote or electronic participation, members can be involved in parliamentary proceedings at any time, irrespective of their roles and responsibilities at home. The approach set out in my amendments would prevent a loophole whereby an MSP who refuses to join meetings, even remotely, can evade the non-attendance consequences. It would avoid unfairness to MSPs who cannot physically be present for legitimate medical or disability-related reasons while acting against those who cannot be bothered. It would keep the statute aligned with standing orders as they evolve.

My amendment 109 defines "attendance" as including attendance by electronic means. It provides that

"'attendance' includes by electronic means",

and it signposts that standing orders, or the guidance under them, may set out the detailed criteria for what counts as attending "by electronic means"—for example, criteria on the platform and on connectivity, authentication and participation standards. The amendment would allow the Parliament to adapt that practice without any further primary legislation. Although I support removing non-attendance as a ground for removal, I am not sure where we are on that. I want the whole non-attendance element as it is right now to be removed, but I want attendance in a hybrid manner to be included if the non-attendance element of the bill is ultimately retained at later stages. I am going in circles a bit here. What I mean is that, if the bill stays as it is, with non-attendance defined as it is, despite my wanting that element removed—

The Convener: Will Ms Webber take an intervention?

Sue Webber: The convener tends to help me to clarify my mind, so I will bring him in.

The Convener: Is the member's position with regard to her amendments that hybrid attendance is valid in the Scottish Parliament and should count as a contribution to it rather than be ignored, and that there is some suggestion that the bill does the latter at the moment?

Sue Webber: Yes. I want the bill to define "attendance" in that clear, modern and fair way, which is what the Scottish Parliament is doing with its family-friendly approach. We must be consistent and allow and recognise the ways in which we now attend the Parliament. Mr Griffin, by attending this meeting online, is a prime example of how hybrid attendance works, given how capable and engaged in the proceedings he is as we go through the legislation.

I move amendment 102.

Mark Griffin: Thank you, convener, for giving me the chance to speak to this group of amendments. I appreciate the support that Sue Webber has provided for the amendments in my name, including verbally in the committee. In conjunction with my previously considered amendments, amendments 85 and 86 would take out the provisions relating to the removal of members on the grounds of non-attendance. The stage 1 report and the stage 1 debate raised concerns about the bill's provision on the removal of MSPs on the grounds of parliamentary non-attendance, and the committee was not persuaded that a requirement for physical attendance was the correct basis for removal of MSPs.

Sue Webber's amendments in the group propose that the attendance provisions are retained and that virtual attendance will be

considered sufficient. To my mind, that does not address the concerns that have been raised around monitoring, privacy and having a committee of MSPs making judgments on what does and does not constitute a reasonable explanation for non-attendance. My own experience, which I referred to in the stage 1 debate, is that I took off a substantial period of time to be with my daughter when she was born prematurely. I chose to share that publicly, but there may have been a reason that I would not have wanted to share it. My daughter is healthy, happy, thriving and at school now, but if the worst had happened and my wife and I had been in a period of desperate grief, I am not sure that we would have wanted to share that with the world at that point in order to justify my non-attendance, whether that was virtual or physical.

That would apply across the chamber. There are members who, for their own reasons, wish to share their personal experience—perhaps to raise awareness of particular issues—but, similarly, some MSPs choose not to share their deeply private circumstances. Although I agree that members of the public expect MSPs to be at work, there will be situations that prevent that from happening. I have a real concern that, as it stands, the bill would force members to disclose personal circumstances or, perhaps, the circumstances of family members for whom they act in a caring capacity. That is where my concerns stem from, which provides my motivation behind lodging the amendments.

Amendment 87 seeks to remove the minor inconsequential provision in chapter 2, which would no longer be relevant once the substantive provisions were removed. To reassure Ms Webber, amendment 90 would change the long title of the bill to read, "An Act of the Scottish Parliament to make provisions about the recall of members of the Scottish Parliament." That is purely because, if the amendments that we have previously accepted and agreed to alongside the four amendments in the group in my name—amendments 85, 86, 87 and 90—it would remove the removal functions of the bill, so the bill would become entirely a recall bill, which the long title should reflect. That is what amendment 90 proposes.

The Convener: No other member has indicated that they wish to speak, so I call the minister.

Graeme Dey: The amendments take us in two different directions. Ms Webber's amendments 102 to 109 retain non-attendance as a trigger for removal of MSPs but redefine attendance to include virtual or electronic attendance. Mr Griffin's amendments 85 to 87 and amendment 90 take out the provisions on non-attendance as a trigger for removal entirely. Mr Griffin's amendments in the group would sit alongside his other amendments that propose to remove the criminal offence trigger for removal, which would make it a recall only bill. I prefer Mr Griffin's solution. The committee clearly stated that it was

"not persuaded that requiring physical attendance is the correct basis for removal of MSPs",

and it invited reconsideration of this element of the bill. Sue Webber's amendments include virtual attendance in the definition of attendance, which is an improvement on the original provisions, but it leaves untouched many of the problems that attach to the attendance provisions more widely. That is why I prefer Mr Griffin's amendments, which seek to remove from the bill all provisions for non-attendance as a trigger for removal.

Although I understand entirely where Sue Webber is coming from, her amendments would not solve the issues that have been raised during stage 1 about how attendance would be monitored and how determining whether a member has a reasonable explanation for non-attendance would work in practice. Those issues would still remain. As I said during stage 1, although it is primarily a matter for the Parliament, we should not be creating a system that requires a committee of the Parliament to seek, hold and make judgments on personal information about MSPs and that of their family members, including the sort of explanation that should be determined as reasonable, with the prospect of the removal of an MSP as the ultimate outcome. I maintain that position, even if attendance is redefined to include virtual attendance. I urge the committee to support Mark Griffin's amendments.

11:00

Graham Simpson: Once again, I thank Mark Griffin for discussing his amendments with me. We had a very useful chat the other day about them, and we agree on many things.

There is no point in rehearsing the arguments that have already been made in the committee and in the chamber. I am being pragmatic—you need to know when to give up. The committee does not agree with me on the issue. I have a very strong view that MSPs should come into the Parliament if they are able to do so, and that view will not change.

We might have to revisit the issue. I do not agree with the approaches that are being suggested, but, on a practical level, I think that Mr Griffin's approach is cleaner. As I said at the end of the stage 1 debate, we might as well completely remove the provisions from the bill, and then I or anyone who is elected in the next parliamentary session can revisit the issue if we want to. However, for today, I back Mr Griffin's approach.

The Convener: I call Sue Webber to wind up the debate and to press or withdraw amendment 102.

Sue Webber: I lodged my amendments in the group to test the water. There has been much debate in this parliamentary session about the role of hybrid involvement and the second-tier element. People sometimes think that members who participate remotely are not engaging, even though, as platforms have evolved, we now have mechanisms to allow those members to intervene in debates and so on.

As I said, I lodged my amendments to test the water and see how people feel. I get the sense that it might be cleaner, as the member who introduced the bill, the minister and Mr Griffin have said, to completely remove the provisions on attendance. However, we need to be mindful that, visually, the public expect us to be in the Parliament. We must look outwardly and think about how members of the public view us and how we participate in this building as their MSPs.

I was just testing the water, so I will not press amendment 102.

Amendment 102, by agreement, withdrawn.

Amendment 85 moved—[Mark Griffin]—and agreed to.

Section 27—Standing orders to set process for removal for non-attendance

Amendments 103 to 109 not moved.

Amendment 86 moved—[Mark Griffin]—and agreed to.

Section 28—Minor and consequential provision

Amendment 87 moved—[Mark Griffin]—and agreed to.

After section 28

The Convener: The next group is entitled "Review of removal: protection of vulnerable groups". Amendment 124, in the name of Alex Cole-Hamilton, is the only amendment in the group.

Alex Cole-Hamilton (Edinburgh Western) (LD): First and foremost, I thank the committee for permitting me to speak to amendment 124.

At the outset, let me take head-on the perception of incongruity between the intent of my amendment and the bill's aims and scope. The committee is deliberating the means by which our constituents could legally recall a member of this Parliament if the conduct of that member fell below a threshold meaning that it was no longer fit and proper for that member to serve in this Parliament. I believe that, should a member of this Parliament be barred from working with children or vulnerable adults, they do not meet the standards that should be required of our democratic representatives and that that, in itself, should meet the threshold for recall.

The only means that we have of verifying that someone is not barred from working with children or vulnerable adults is subjecting them to the disclosure regime that operates under the auspices of the Protection of Vulnerable Groups (Scotland) Act 2007.

The act is very clear. It is an offence to require a PVG—protecting vulnerable groups—check of someone who is not deemed to hold a regulated position. MSPs were excluded from the scheme at the time that the act was first designed and implemented. They are not deemed to hold a regulated position, so there is no voluntary route to give effect to this.

I have had discussions with members who ask why we cannot take this on ourselves and undertake a check voluntarily. The act simply does not allow that—in fact, it makes an offence to do so. Similarly, the Scottish Parliamentary Corporate Body could not just build it into the induction of new MSPs—it would still be an offence. We will need to change the attendant laws that govern this if we are to give effect to it, and my amendment seeks to begin that process.

Before politics, I worked for more than 19 years in youth work, children's rights and youth policy. In that context, I was invited to join the voluntary sector issues unit of the protection of vulnerable groups implementation board of the Scottish Government. I was closely involved in the development of the legislation prior to its introduction in 2007 and in its subsequent implementation. Since then, the PVG scheme has, through disclosure, provided some level of protection and assurance in relation to people who hold a regulated position through their work or volunteering responsibilities and, as such, have unsupervised contact with either children or vulnerable adults, or both.

As the act makes it an offence to require a check of someone who does not hold particular responsibilities, the professional roles and volunteering activities that do require a check to be carried out are explicitly listed in it. Although the reasoning for that is clear, it leads to an inflexibility in the application of the scheme when it comes to those who hold elected office. To my knowledge, PVG checks are only required of local councillors who are involved in particular functions around the role of corporate parent of looked-after children and other education-related activities.

However, discussions in the early days of the implementation of the act should have considered the issue more broadly, including as it related to

politicians. We know from bitter experience that those who would harm children or vulnerable adults will seek out positions in our society that confer power, influence and opportunity. It is my contention that in our role as MSPs we have all of those. Consider the times that we offer work experience to high school students. On more than one occasion, pressure of time and circumstance has seen me ferry a work experience volunteer from the constituency office to this Parliament or to a visit in the constituency. I have never regarded that as inappropriate, as I have disclosure checks for other roles that I have held, but even if I did not, nobody in Parliament—the corporate body or staff—has ever advised me against doing it.

Many times in my 10 years as an MSP, a vulnerable adult who has come to my constituency surgery has asked for my time in private and has asked me to ask the caseworker to leave the room because of the intimacy of what they want to discuss. It is very difficult to refuse such a request. Obviously, we take steps to protect ourselves and our constituents by keeping doors open and such things, but the fact is that those circumstances remain.

Graham Simpson: I will comment on the amendment later, but has the member done any consultation on the issue?

Alex Cole-Hamilton: I was just coming to that. Graham Simpson makes a good point. I raised this issue in the previous session of Parliament, when we were making minor amendments to the 2007 act and, by extension, the disclosure scheme. It was a leviathan then, and it is a leviathan now. I recognise that this committee has not taken evidence on the matter, nor have I undertaken a public consultation around it, nor does the scope of the bill lend itself to the not insubstantial level of amendment to the act and its attendant ecosystem that would be required.

Instead, that is why I have taken the very light-touch approach of proposing that a review be instructed to begin the process of consultation. I believe that that would signal our intent as a Parliament to get this right, with the goal of introducing a checking regime. It might not be an amendment of the existing PVG scheme; it may be a new bespoke scheme, depending on legislation on human rights and access to democracy.

However, we need to signal to the public and to our watching constituents that we take the issue seriously and that we are not waiting for something terrible to happen before we act. We can reassure our constituents that, by the election of 2031—goodness, that feels a long way away but it will come on us very soon—members who are elected to the Parliament will be subject, perhaps prior to the election, to scrutiny through such a scheme. That will reassure people that every member of the Parliament is fit and proper—in respect of information that is held by the police, which is what these checks discern—to work with children and vulnerable adults.

Ruth Maguire: Will the member take an intervention?

Emma Roddick: Will the member take an intervention?

Alex Cole-Hamilton: Goodness. Yes.

The Convener: A number of people want to intervene.

Alex Cole-Hamilton: I think that I heard Emma Roddick first and then Ruth Maguire. Sorry—it is up to you, convener.

The Convener: I will call Ruth Maguire first.

Ruth Maguire: I do not disagree with the intention or what Alex Cole-Hamilton says. However, does he acknowledge that we will have to be careful because, if we have a PVG scheme or PVG-type scheme, safeguarding and appropriate ways of working will still be required? If someone has been checked and passes—if that is the correct word—those checks, all that that gives is a snapshot. It says that the person has not committed certain crimes up to that time. It does not mean that—sorry, I am finding this difficult to explain.

Alex Cole-Hamilton said that he has had a PVG check and that sometimes people ask to speak to him alone. He would still have to be conscious that doors should be open, for his protection and for the individual's protection. We need to be clear that no one thing will fix any potential worries that anyone ever has. Do you understand what I mean?

Alex Cole-Hamilton: Yes, I do. Ruth Maguire's intervention speaks to a mantra that we had in the early days of PVG, when I was in the voluntary sector issues unit. That was that PVG and disclosure are not a substitute for appropriate and safe measures in the normal course of recruiting applicants to positions. This should not be an either/or; my proposal should be complementary to the steps that I hope that all political parties take in vetting, approving and training their candidates. However, it is an important step that would give reassurance.

I believe that Emma Roddick also wants to come in.

Emma Roddick: Yes. I agree with Ruth Maguire. There is something really important here, but it is part of a wider piece of necessary work, and perhaps we will not be able to capture that in an amendment today.

Alex Cole-Hamilton mentioned the example of a young person getting work experience by working for an MSP. In my experience, such young people—they are sometimes children—are far more likely to spend the bulk of their time during that experience with our staff, who work on our behalf. I imagine that any effective move to better safeguard people in the parliamentary estate and constituency offices would need to include MSP staff.

Alex Cole-Hamilton: I had a helpful discussion with the member in charge of the bill yesterday, in which he raised the point that vulnerable constituents will often be met in our absence by our casework staff, and sometimes in isolation. Similarly, people on work experience, who cannot be shadowing us every moment of every day, will sometimes be left unsupervised with our constituency staff. I had not considered that factor before yesterday, but I absolutely agree that we should think about other people in the Parliament.

I will finish with this. The PVG and disclosure process is not foolproof, but it is all that we have for verifying the evidence or relevant information that the police hold about people. When I first raised the issue in the previous session of Parliament, members of the press and general public were astonished to learn that such checks did not apply to us already. I contend that the case for our inclusion and the inclusion of our staff in such a scheme is fast becoming unanswerable.

I move amendment 124.

11:15

The Convener: As no other member has indicated a desire to speak, I call the minister.

Graeme Dey: It is useful to have a bit of time to explore this really important issue. Mr Cole-Hamilton raises a serious and complex issue, as he did in the chamber previously. I undertook then to discuss the issue with him, and I was pleased that we were able to do so. I think that we both agree that this matter is too complex to deal with in the time available via amendments to the bill—and beyond, of course—but we absolutely agree that the Parliament needs to consider it seriously.

My concern with the amendment as drafted is that, although I absolutely agree with the principle of it, it would place a duty on the Scottish ministers to undertake a review within one year of royal assent. That deadline would be impacted by the Scottish Parliament election in May 2026, with all the upheaval that that creates, and it would be a difficult timetable to meet. That could be detrimental to the review itself in that it would reduce the time available to consult stakeholders and consider the issues fully. I am struck by Emma Roddick's point about including staff, not just MSPs.

We would need a deadline that went beyond the one suggested—perhaps 24 months—and I would be happy to work with Mr Cole-Hamilton on a stage 3 amendment if he was agreeable to doing so. I ask the member not to press the amendment but to work with me on something for stage 3.

I think that we would all recognise that the bill might not pass stage 3, and it is important that I take the opportunity today to send a signal to reinforce my point about how seriously the issue must be taken.

I inform the committee that the Government is already planning a consultation on electoral reform, which will cover a variety of topics, including the restatement of the criteria that disqualify people from being MSPs. The consultation would take place early in the next session of Parliament, and it will be for whatever Government is formed. For my part, on behalf of this Government, I am happy to say that, if we were to be returned, we would include in it consideration of some form of disclosure checks for elected representatives. Again, to be clear, I am not simply talking about asking whether there should be disclosure checks—I am sure that everyone would agree that there should be—but about exploring the details of what those should be.

To reiterate, we can view that as an insurance policy, should the bill not pass. However, we are dealing with the bill that is in front of us. If the member is willing to withdraw his amendment, I commit the Government to working with him to bring back an amendment at stage 3. That would perhaps capture what we have heard today and send a clear message about the recognition on the part of the Parliament that something needs to happen in this regard.

Graham Simpson: I thank Alex Cole-Hamilton for giving me some of his time yesterday to discuss the issue. As he mentioned, I raised the issue of staff, and I think that that got him thinking. He is really on to something—he has raised a really important issue that should be tackled. I am pleased to hear that the Government will consult on this and on other matters.

I do not think—and I think that Alex Cole-Hamilton accepts this—that we can deal with the issue in any great detail in the bill, but I look forward to seeing something at stage 3. I therefore urge him not to press his amendment.

The Convener: I call Alex Cole-Hamilton to wind up and to press or withdraw amendment 124.

Alex Cole-Hamilton: I put on record my thanks to the minister for giving me time to explore the

issue with him and his officials, and to the member in charge of the bill.

I am content with the minister's proposal. I look forward to working further with the Government on producing a stage 3 amendment, so I seek permission to withdraw my amendment.

Amendment 124, by agreement, withdrawn.

Section 29 agreed to.

Section 30—Regulation-making powers

The Convener: Amendment 88, in the name of the minister, is grouped with amendment 89.

Graeme Dey: The amendments in this group will make changes to the commencement provisions so that the Scottish ministers have discretion to decide when the bill as a whole, or component parts of it, should be commenced. They will remove the provision that the bill comes into force six months after royal assent.

The bill grants a number of secondary legislation powers that allow ministers to make regulations setting out the detail of how recall processes will operate. We will have our own views on what should and should not be left to secondary legislation—I understand that. I hope that the committee, Mr Simpson and the other members who are here today recognise the complexity of the issues that the bill requires to be covered by regulation, and the necessity of getting right the rules of the recall process.

I hope, in turn, that we are all agreed that a fixed commencement period of six months is not a viable timescale in which to complete the work required, not least because this parliamentary session will soon end and the necessary work to get a new session up and running will slow down the progress of substantive work.

If the bill receives royal assent before the summer, that could impact on the time for officials to consult stakeholders such as the Electoral Commission and the Electoral Management Board.

The committee's stage 1 report welcomed Mr Simpson's willingness to discuss a "realistic timescale for implementation" with the Scottish Government. We have discussed that, as the committee expected, and I think we have made some progress. Unfortunately, however, I do not think that we have reached a point of complete agreement.

In reaching the position that underpins my amendments, I have borne in mind the second part of the committee's recommendation, that

"any new proposed timescale will be one which the Scottish Government is confident it can meet, and which will afford electoral administrators, regulators and the Scottish Parliament sufficient time to fulfil the tasks and responsibilities delegated by secondary legislation."

It is the Government's view that we should not have a fixed date for that. We cannot run the risk of a fixed commencement date causing the recall system to come into effect in a way that means that MSPs could be subject to the recall process before any rules are set for that process. That would cause severe damage to the credibility of any recall process and its result.

In her remarks during the stage 1 debate, Sue Webber said:

"the overarching objective of a recall provision is to enhance the trust that citizens have in their elected politicians".—[*Official Report*, 13 November 2025; c 81.]

A recall process cannot achieve that goal if its rules are not carefully considered and complete, nor can we unduly constrain the work that will need to be done by electoral administrators and members of the Parliament, who will have a key role in ensuring that the measures in the bill work on the ground.

I will give the same commitment as my predecessor in this post did: that the Government will work to implement the regulations as soon as possible. We are not looking for heel dragging on the part of anyone. However, we need the flexibility that comes with delegated commencement powers, so that we avoid the risk that comes with a fixed commencement date.

I ask the committee to support both of the amendments in this group.

I move amendment 88.

Graham Simpson: This is quite a common tension between members of the Parliament and ministers: some of us will always try to force the Government to bring in regulations quicker than the Government might be comfortable with. In this case, I accept that my original proposal of six months was too challenging for any Government, even the present one. I am content to go along with the minister on that.

The Convener: Do you wish to wind up on this group, minister?

Graeme Dey: I am content just to proceed.

Amendment 88 agreed to.

Section 30, as amended, agreed to.

Section 31—Commencement

Amendment 89 moved—[Graeme Dey]—and agreed to.

Section 31, as amended, agreed to.

Section 32 agreed to.

Long Title

Amendment 90 moved—[Mark Griffin].

The Convener: The question is, that amendment 90 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

Against

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

The Convener: The result of the division is: For 3, Against 2, Abstentions 0.

Amendment 90 agreed to.

Long Title agreed to.

The Convener: That ends stage 2 consideration of the bill. Thank you, all.

Meeting closed at 11:24.

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