



The Scottish Parliament  
Pàrlamaid na h-Alba

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# Standards, Procedures and Public Appointments Committee Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

## Complaint against Rachael Hamilton MSP



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# Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters relating to Scottish general elections falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/standards-committee.aspx>



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# Committee Membership



**Convener**  
**Bill Kidd**  
Scottish National Party



**Deputy Convener**  
**Mark Ruskell**  
Scottish Green Party



**Jamie Halcro Johnston**  
Scottish Conservative  
and Unionist Party



**Tom Mason**  
Scottish Conservative  
and Unionist Party



**Gil Paterson**  
Scottish National Party



**Elaine Smith**  
Scottish Labour



**Maureen Watt**  
Scottish National Party

# Introduction

1. The Committee met on 25 April and 2 May 2019 to consider a complaint from Kenny McCartney about Rachael Hamilton MSP. The complaint was that Rachael Hamilton failed to make an oral declaration of a registered interest when asking a Parliamentary Question.
2. The Commissioner for Ethical Standards in Public Life in Scotland investigated the complaint and found that Rachael Hamilton had not breached the Code of Conduct for MSPs.

## Decisions of the Committee

3. The Committee is unanimous in the decision reached on the complaint. It agrees with the findings in fact and conclusion of the Commissioner that Ms Hamilton did not breach the statutory or the Code of Conduct requirement to make an oral declaration of her interests in relation to the Parliamentary Question that she asked on 29 November 2018 at First Minister's Questions.

## Conclusion

4. It is unsatisfactory that details about this complaint appeared in the media before the Committee had received a copy of the Commissioner's report and undertaken its consideration. This is not the first time this has happened. The Committee must be able to carry out its work without external comment. We intend, therefore, to reflect on whether any further improvements can be made to protect the confidentiality of the complaints process.

# Annexe A - Extracts from Minutes

## 6th Meeting, 2019 (Session 5), Thursday 25 April 2019

**Decision on taking business in private:** The Committee agreed to take items 4 and 5 in private.

**Decision on taking business in private:** The Committee agreed to take future consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland, and its own draft report on the complaint, in private at future meetings.

**Complaint (in private):** The Committee undertook its initial consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland.

## 7th Meeting, 2019 (Session 5), Thursday 2 May 2019

**Complaint (in private):** The Committee continued its consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland.

**Complaint:** The Committee announced its decision at Stage 3 on a report from the Commissioner for Ethical Standards in Public Life in Scotland.

**Complaint (in private):** The Committee agreed its draft report.

# **Annexe B - Report from the Commissioner for Ethical Standards in Public Life in Scotland**

[Link to the Report from the Commissioner for Ethical Standards in Public Life in Scotland  
\(3.8MB pdf\)](#)

