



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 18 December 2025  
SP Paper 945  
9th Report, 2025 (Session 6)

## **Standards, Procedures and Public Appointments Committee**

# **Complaint against Ash Regan MSP**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

---

All documents are available on the Scottish  
Parliament website at:  
<https://www.parliament.scot/documents>

For information on the Scottish Parliament contact  
Public Information on:  
Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

<b>Introduction</b>	<b>1</b>
<b>The complaint</b>	<b>2</b>
<b>Decision of the Committee</b>	<b>3</b>
<b>Conclusion</b>	<b>6</b>
<b>Additional observations</b>	<b>7</b>
<b>Annexe A: Report from the Ethical Standards Commissioner</b>	<b>8</b>
<b>Annexe B: Representations from Ash Regan MSP</b>	<b>9</b>
<b>Annexe C: Extract from minutes</b>	<b>12</b>

# Standards, Procedures and Public Appointments Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (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;
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters falling within the responsibility of the Minister for Parliamentary Business.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion."



[SPPA.Committee@parliament.scot](mailto:SPPA.Committee@parliament.scot)



0131 348 5176

# Committee Membership



**Convener**  
**Martin Whitfield**  
Scottish Labour



**Deputy Convener**  
**Ruth Maguire**  
Scottish National Party



**Emma Roddick**  
Scottish National Party



**Annie Wells**  
Scottish Conservative  
and Unionist Party



**Sue Webber**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meetings on 4, 11 and 18 December 2025, the Committee met to consider a report from the Ethical Standards Commissioner on a complaint by Alison Morris about Ash Regan MSP.
2. The Commissioner reported to the Committee on the complaint and the Committee has considered his report. Annexe A to this report contains the Commissioner's report and appendices.

## The complaint

3. The complaint was that Ash Regan had breached the terms of the Code of Conduct in relation to the provisions of Section 9 regarding disclosure. As set out at paragraph 6 of the Commissioner’s report, the complaint investigated was that:  
  
“The Respondent [Ash Regan] breached section 9.1 of the Code by disclosing details of her complaint or intention to complain about Maggie Chapman MSP prior to the lodging of the complaint with the Commissioner.”
4. The complaint related to a social media post made by Ash Regan MSP on X (formerly known as Twitter) following comments made by Maggie Chapman MSP following the publication on 16 April 2025 of the UK Supreme Court’s judgment in the case *For Women Scotland Ltd v The Scottish Ministers*.
5. On 22 April 2025 Ash Regan wrote to the Presiding Officer of the Scottish Parliament in relation to the comments made by Maggie Chapman, questioning whether they were compliant with the Code of Conduct. (The Committee notes that the provisions cited in that letter do not form part of the current Code of Conduct. We consider this further in our additional observations at the end of this report.)
6. In a subsequent post on X Ash Regan posted a copy of that letter along with the following text:  
  
“I’ve formally reported Maggie Chapman MSP to the Presiding Officer and Standards Committee following her dangerous dismissal of the Supreme Court’s ruling on the Equality Act as a ‘political attack’. MSPs have a duty to uphold the law, not undermine it.”
7. The Committee received a written representation from Ash Regan on the Commissioner’s report and this was considered at its meeting on 4 December 2025. At that meeting, the Committee determined that Ash Regan had breached the Code of Conduct. The Committee then offered a further opportunity to make representations to inform the Committee’s consideration of whether or not to recommend a sanction. A further written representation was received and considered by the Committee at its meeting on 11 December 2025. The Committee therefore continued its consideration on the basis of the further written representation. The written representations provided by Ash Regan are included as Annexe B to this report.
8. The complainer also considered that other provisions of the Code of Conduct, namely sections 7.5 and 7.6 had been breached by Ash Regan MSP. The Commissioner did not accept these complaints for investigation, and they are therefore not addressed further in the Commissioner’s report or in our report.

## Decision of the Committee

9. The Committee has considered carefully the Commissioner’s report, the representations made by and on behalf of Ash Regan and the terms of the Code of Conduct. The Committee is unanimous in its conclusions and decision. The Committee considers that the actions of Ash Regan MSP in posting on X about her letter to the Presiding Officer are covered by the relevant provision of the Code of Conduct for MSPs. The relevant provision in section 9.1 clearly applies to all members of the Scottish Parliament in relation to any complaint or intention to make a complaint. The Committee also considers that, in doing so, Ash Regan, breached the terms of paragraph 9.1 of the Code:

“Members must not disclose, communicate or discuss any complaint or intention to make a complaint to or with members of the press or other media prior to the lodging of the complaint or during Stages 1, 2 and 3 of the procedure for dealing with complaints (this procedure is set out in the guidance on the Code of Conduct (the Code)). Stage 3 is completed when the Standards, Procedures and Public Appointments Committee has made a report to the Parliament.”

10. In her representations to the Commissioner, Ash Regan asserted that not only did she not make a complaint but that she had no intention to make a complaint, noting:

“The correspondence cited is directed to the Presiding Officer and the Parliament's Standards, Procedures and Public Appointments Committee, expressly reporting a concern, not a complaint. In the closing paragraph, I request advice rather than action...”

When advised that I could escalate the matter as a formal complaint to the Ethical Standards Commission, I concluded such an escalation was better left to members of the public and I would continue to pursue the matter of parliamentary process through the committee effectiveness routes available to ensure that robust and transparent processes would be in place should such an issue arise again with any committee convenor or deputy convenor.”

11. The Commissioner comments on this position at paragraphs 33-39 of his report.
12. In representations to the Committee, Ash Regan has reiterated her position.
13. The Committee has considered the terms of Ash Regan’s letter to the Presiding Officer, her subsequent social media post and the terms of the Commissioner’s report.
14. The Committee is not persuaded by the proposition set forth by Ash Regan that she did not intend to make a complaint. The letter includes statements such as “formally raising concerns” and “respectfully request that this matter be considered by the relevant parliamentary authorities”. The letter also sets out Ash Regan’s view that she considered Maggie Chapman’s “remarks to be incompatible with the standards of conduct expected of all MSPs and particularly of those in committee leadership positions.”
15. The Committee further notes that, as referenced in the Commissioner's report, email correspondence to the Presiding Officer and to clerks to this Committee

referenced a “formal complaint.”

16. The Committee notes that neither the Presiding Officer nor the clerks to the Committee expressed a view as to whether the letter did or did not amount to a complaint. This approach is consistent with the determination of admissibility of any complaint being a matter for the authority responsible for taking such decisions.
17. The Committee considers that any objective reading of the letter, covering emails and social media post would be that there was, at the very least, an intention to make a complaint about the conduct of Maggie Chapman MSP.
18. The representations on behalf of Ash Regan, including those on the Commissioner’s draft report, contend that paragraph 9.1 of the Code does not apply on the basis that the Code regulates complaints about members and not complaints by members. It is argued that the relevant provision in 9.1 only applies to members who are the subject of a complaint and therefore “had no application to Ms Regan as the potential or intended complainer. It is said that in event that does not represent the true meaning of section 9.1, the section is ambiguous and as such lacks the necessary precision for any interference with freedom of expression. The member also seeks to rely on the enhanced protections afforded to certain forms of expression under Article 10 of the European Convention on Human Rights.
19. The interpretation of the Code set out in the representations made on behalf of Ash Regan on the Commissioner’s report does not accord with our approach to section 9.1 or that expressed by our predecessors in earlier sessions.<sup>i</sup> The Committee considers the relevant provision in section 9.1 to be clear and unambiguous in its application to all MSPs. The purpose of the Code of Conduct is to set “out the standards of conduct for members of the Scottish Parliament in relation to their Parliamentary duties as an MSP.” As such, the provisions in paragraph 9.1 do apply to complaints by Members. The representations for the member argue that the Code is holding members to a different standard to that applying to members of the public. The Committee considers that the purpose of the Code is important in this regard, as it sets standards that are for members of the Scottish Parliament and it does not have an overall purpose of regulating the conduct of members of the public in general. As with the other provisions of the Code of Conduct, section 9.1 has been agreed by the whole Parliament as a standard of conduct to which its members are held. The Committee recognises that there is an enhanced level of protection afforded under Article 10(1) to the expression of political opinions. Article 10(2) goes on to acknowledge that the freedom of expression of opinions afforded by Article 10 carries with it certain responsibilities and that there may be necessary interferences with the right in pursuance of the legitimate aims set out.
20. The relevant provision in section 9.1 of the Code of Conduct does not prevent a member from expressing their political opinions. In the instant case, the Committee notes that section 9.1 did not prevent, or would not prevent, the member from expressing her opinions in relation to matters of public debate or other elected representatives. Such matters are not the objective of this provision. The relevant provision in section 9.1 is specific to the complaints process, including the Commissioner’s investigations at Stages 1 and 2 (section 5(2) of the Scottish Parliamentary Standards Commissioner Act 2002 requires that Stages 1 and 2 of

---

<sup>i</sup> See the Session 4 SPPA Committee’s 7th Report, 2015 and the Session 5 SPPA Committee’s 2nd Report 2016 and 7<sup>th</sup> Report, 2018.

the complaints process take place in private).

21. More particularly, this provision seeks to prevent Members from disclosing any complaint or intention to make a complaint with members of the press or other media. This provision is aimed at protecting the integrity of the system for investigation and consideration of complaints about MSP conduct, a matter to which the effective conduct of the Commissioner's investigations and the position of all those involved in the complaints process are relevant. In so far as section 9.1 imposes a restriction on members' conduct, it goes no further than is necessary for that purpose.
22. The Committee agrees with the Commissioner's findings in fact and conclusion that there was a breach of the relevant provision of section 9.1 of the Code of Conduct in this case in that there was a disclosure of a complaint or intent to make a complaint on social media. For these reasons, the Committee has concluded that Ash Regan's conduct in posting her letter to the Presiding Officer on X constitutes a breach of paragraph 9.1 of the Code of Conduct.

## Conclusion

23. The Committee concluded that the breach of the Code of Conduct in this instance was sufficiently serious to merit the recommendation of a sanction. The Committee referred to the range of sanctions available to it, where a withdrawal of a member's rights and privileges is contemplated, as set out in paragraph 69 of the guidance on section 9 of the Code of Conduct.
24. On the basis of the facts and circumstances of this case, the Committee determined that the most appropriate sanction available to it was exclusion from the proceedings of the Parliament for a specified period of time.
25. In the interests of clarity, the Committee notes that its recommended sanction does not entail withdrawal of the Member's right of access to the Parliamentary complex or to any Parliamentary services or facilities.
26. The Committee considered a number of factors in what it considered to be the appropriate period of exclusion. This included whether there were any mitigations that could be taken into account.
27. The Committee agreed unanimously to recommend the imposition of a sanction of an exclusion from meetings of the Parliament and its committees on two sitting days, with those days being a Wednesday and a Thursday.
28. The Committee considers this period of exclusion to be proportionate in that the recommendation of any sanction is a serious matter. The Committee also considers that the period of exclusion would not be detrimental to the Parliament's opportunity to consider the general principles of a Members' Bill of which Ash Regan is the member in charge.

## Additional observations

29. As noted at paragraph 5 of this report, the letter from Ash Regan set out provision that were cited as being contained in the 9<sup>th</sup> Edition, 2023 of the Code of Conduct for MSPs.
30. The Committee is not aware of the origin of the provisions referred to in the letter to the Presiding Officer but would make clear that they do not form part of the Code of Conduct for MSPs, the terms of which are agreed to by the Parliament. The Committee further notes that there is no such document as the Code of Conduct for MSPs (9<sup>th</sup> Edition, 2023). The most recently agreed edition of the Code of Conduct is published on the Scottish Parliament's website and is the 8<sup>th</sup> Edition, 6 May 2021. The citation of a version of the Code that does not exist is of significant concern for two reasons:
  - That constituents and other stakeholders may have a misapprehension about the standards of conduct which MSPs are required to meet.
  - That MSPs themselves do not have sufficient awareness of the Code and the standards that they are required to meet across a range of their parliamentary duties.
31. The Committee takes this opportunity to remind all Members that the most recent version of the Code of Conduct as agreed by the Parliament will appear on the Scottish Parliament's website. Any versions of the Code accessed from other sources may not be correct and so should not be relied on. It is the responsibility of each Member to ensure that they are aware of and abide by the terms of the Code of Conduct. The Committee will further consider whether any action could be taken to ensure that awareness of the terms of the Code can be increased.

# Annexe A: Report from the Ethical Standards Commissioner

[Report from the Ethical Standards Commissioner](#)

# Annexe B: Representations from Ash Regan MSP

## **Representation from Ash Regan on the Commissioner's report considered at the SPPA Committee meeting on 4 December 2025**

Thank you for your correspondence regarding the Commissioner's report and for outlining the Standards, Procedures and Public Appointments Committee's intended timetable for consideration of the matter on 4th December 2025.

The legal advice provided in response to the Commissioner's investigation remains my position. Accordingly, I must reiterate that I do not accept the Commissioner's findings in fact or the conclusions reached in the report.

The Committee now has both my substantive response to the investigation into a "complaint" I did not make, along with my legal advice, to support its deliberations on 4th December, in consideration of the issues raised.

Should the Committee consider that my attendance is unnecessary, I would be grateful to be informed of the outcome in due course, together with any relevant procedural guidance regarding potential next steps.

Thank you again for keeping me informed and for the Committee's consideration of this matter. I look forward to receiving confirmation of the procedure from this point forward.

## **Representation from Ash Regan considered at the SPPA Committee meeting on 11 December 2025**

Thank you for the opportunity to provide further detail in response to the Ethical Standards Commissioner's conclusions regarding a complaint made against me. I welcome the opportunity to clarify the circumstances surrounding the advice I sought regarding concerns raised by many constituents. These concerns were also shared by the Faculty of Advocates and the Law Society of Scotland. They related to what was widely regarded as an attack on the Supreme Court judiciary by an MSP holding a depute convenor position in this Parliament.

MSPs must uphold the independence of the judiciary, as required by section 1 of the Judiciary and Courts (Scotland) Act 2008. I sought advice from the SPPA Committee and the Presiding Officer to fulfil that duty within parliamentary processes.

At no point did I submit, nor intend to submit, a complaint to the Ethical Standards Commissioner. Code 9.1, even if it applied beyond the subject of an existing complaint (which it appears not to from the reading of the 9.3 exemption), applies only where a MP makes or intends to make a complaint. The absence of any such subsequent complaint, even after both the SPPA committee and the Presiding Officer advised me of this process, provides clear evidence of my lack of intention to lodge a complaint. It was also apparent from the correspondence in my inbox that members of the public had already chosen to use the complaints route. This is entirely their right. Had I intended to lodge a complaint, I would simply have done so. Instead, I sought guidance on the parliamentary options available only to MSPs.

My sole intention was to address widely expressed concerns about the conduct of a committee officeholder, including concerns raised by the Law Society of Scotland and the Faculty of Advocates, as is my duty under section 1 of the Judiciary and Courts (Scotland) Act 2008. I left it to the public to raise any issue of the conduct of a democratically elected MSP via the Ethical Standards process, as they saw fit.

During the SPPA Committee's effectiveness review, for which I provided both written and oral evidence and I fully contributed to the debate, as I feel strongly, as was repeatedly emphasised, that committees are the bedrock of our legislative process. However, in Session 6, committee conveners and depute conveners are not elected by the Parliament in the same manner as Scottish Ministers. This lack of parity is reflected in the absence of equivalent sanctions or accountability mechanisms.

My inquiry on the matter, currently under your consideration, highlights this gap. Had the conduct in question been that of a minister, any MSP could have raised a vote of no confidence and sought cross-party support for a parliamentary vote. Where the behaviour concerns a convener or Depute Convener, only committee members may bring such a motion. In small committees, the Member concerned, who retains a vote, may use their own vote to prevent their own removal as a committee member, regardless of the severity of the breach of duty. This appears, including to the public from constituent correspondence, as an inadequate and indeed toothless process that fails to reflect the responsibility and associated accountability the public expects of those holding (depute) convenorship positions. This is especially concerning in matters as serious as an MSP's failure to meet their statutory duty to uphold the independence of the judiciary, in a committee where witnesses from the judiciary may be called.

The legal advice I have received confirms that the Code is ambiguous regarding 9.1's application: whether it applies only to MSPs who; are complained about; by those complaining, or, in my case; to those simply seeking advice. It is also clear that MSP from enhanced protection under the common law and Article 10 of the European Convention on Human Rights when speaking on matters of public interest. Upholding a complaint on the basis that my seeking advice somehow brought the complaints process into disrepute would, I believe, risk confusing and undermining the trust of the public in parliament itself. It would imply that MSPs are uniquely restricted from even discussing the process of seeking advice. These are restrictions that apply to no other part of society and cut across the enhanced protections afforded to elected representatives acting in the public interest.

Importantly, the advice I received at the time from both the SPPA Committee and the Presiding Officer confirms that my correspondence was not interpreted as a complaint but as requests for advice, which were gratefully received. The Presiding Officer explicitly stated that "a complaint can be made", language that clearly indicates that one had not in fact been made, and the PO did not indicate any assumption on my intention to do so. The SPPA Committee similarly advised that Section 9 of the Code describes the process for making a complaint and prohibits Members from disclosing a complaint or an intention to complain. Their response again demonstrates that my letter was understood as a request for parliamentary guidance, not the lodging of a complaint or a declaration of intent to do so.

After nearly ten years as an MSP and four years as a government minister, I know the complaints process and specifically chose not to use it, for reasons outlined. My sole aim was to identify any parliamentary mechanisms to fulfil my duty under section 1 of the Judiciary and Courts (Scotland) Act 2008. When SPPA did not advise of any such remedy available, beyond the Ethical Standards Complaints process, I intended to seek further

guidance from the EHRCJ Committee. While awaiting the Presiding Officer's response to my request for advice, I learned that an EHRCJ committee member had lodged a motion on 23 April to remove the MSP from their committee.

The legal opinion by Roddy Dunlop KC underlines the MSP Code's ambiguity in section 9.1; current limitations on committee removal procedures reveal the need for clearer accountability for conveners and depute conveners, to remove the need for MSPs like me to seek advice that highlights these gaps. My experience demonstrates this structural gap in accountability, which could serve to undermine public trust if unaddressed. I hope this gap in (depute) convenorship accountability is remedied in the next session of parliament.

My motivation, both in seeking advice and in addressing the Committee now, has been to fulfil the duties and legal obligations of an MSP, as elected representative for Edinburgh Eastern, to help sustain public confidence in Parliament and that of institutions such as the judiciary. As the Presiding Officer noted: "It is a great privilege to be an elected member... all Members take their responsibilities and legal obligations seriously." I fully agree.

For these reasons, and with legal support, I respectfully reject the Commissioner's conclusions. I trust the Committee will consider all evidence carefully.

# Annexe C: Extract from minutes

## **24th Meeting, 2025 (Session 6) Thursday 4 December 2025**

1. Decision on taking business in private: The Committee agreed to take item 3 in private.
3. Complaint (in private): The Committee undertook its initial consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland.

## **25th Meeting, 2025 (Session 6) Thursday 11 December 2025**

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

## **26th Meeting, 2025 (Session 6) Thursday 18 December 2025**

1. Decision on taking business in private: The Committee agreed to take items 4 and 5 in private.
2. Complaint (in private): The Committee concluded its consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland.
3. Complaint: The Committee announced its decision at Stage 3 on a report from the Commissioner for Ethical Standards in Public Life in Scotland.
4. Complaint (in private): The Committee considered and agreed its draft report.

