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Pàrlamaid na h-Alba

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Standards, Procedures and Public Appointments Committee

Standing Order Rule changes - Related to Gender Sensitive Audit recommendations on Parliamentary Bureau Membership, Election of Presiding Officer/Deputy Presiding Officers and SPCB Membership



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 Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion."



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Background

1. The [“A Parliament for All”: Report of the Parliament’s Gender Sensitive Audit](#) [Audit] was published in March 2023 and set out a series of recommendations regarding the participation and representation of women MSPs to deliver a ‘gender sensitive parliament’.
2. This report sets out the Committee’s proposal for Standing Order rule changes related to the Audit recommendations for Parliamentary Bureau Membership, Election of Presiding Officer/Deputy Presiding Officers and SPCB Membership.
3. The Audit states that achieving a ‘gender sensitive parliament’ is about more than making sure there is equality in the Parliament. It is about making sure women share opportunities for substantive participation within the institution once elected, and that gender equality is prioritised and mainstreamed across the work and outcomes of the Parliament.
4. The Presiding Officer wrote to the Standards Procedures and Public Appointments Convener on 2 March 2023 to highlight a number of the report’s recommendations for the Committee’s consideration. The recommendations highlighted to the Committee related to issues regarding the:
 - Provision of data on gender balance and participation in parliament
 - Introduction of quotas for women on Scottish Parliamentary Corporate Body, Parliamentary Bureau, Committee Membership, Committee Convenerships and Presiding Officers
 - Proxy voting
 - Parliamentary culture

Committee Consideration

5. The Committee has given detailed consideration to the Audit recommendations at a number of its committee meetings.
6. At its meeting on 26 October 2023 it took evidence on the Audit from Sarah Childs, Professor of Gender and Politics, University of Edinburgh, Meryl Kenny, Professor of Gender and Politics, University of Edinburgh, Susan Duffy, Group Head of Engagement and Communications, Scottish Parliament.
7. The Committee has also met and written to the Presiding Office to discuss the report's recommendations.
8. As detailed in the Committee's letter to the Presiding Officer of 12 November 2024 the Committee has delivered the Audit recommendation of the provision of a permanent proxy voting scheme. The Committee has also highlighted in our exchanges with the Presiding Officer recommendations which we consider require input or lead from other bodies within the Parliament.
9. Audit recommendations relating to the quota for committee membership and convenerships have been considered as part of the Committee's inquiry into Committee Effectiveness. The Committee's report '[Strengthening committee's effectiveness](#)' sets out a series of recommendations aimed to ensure progress is made towards delivery of greater gender balance on committees including that there should be no single sex committees.
10. To inform our proposals for rule changes related to the Audit recommendations for Parliamentary Bureau Membership, Election of Presiding Officer/Deputy Presiding Office and SPCB Membership we issued a consultation in January 2025 to the Presiding Officer, the Parliamentary Bureau and the political parties represented in the Parliament.
11. Responses were received from the Presiding Officer, Parliamentary Bureau, Scottish Conservative and Unionist Party, Scottish Green Party, Scottish Liberal Democratic Party and Scottish National Party.
12. The Committee considered these responses and agreed its approach to these rule changes at its meeting on 27 November 2025.

Committee Proposals

13. This report sets out the Committee's proposals for Standing Order rule changes related to the Audit recommendations for Parliamentary Bureau Membership, Election of Presiding Officer/Deputy Presiding Office and Scottish Parliamentary Corporate Body Membership.
14. In making these proposals for Standing Order rule changes we recognise as a committee the importance of having a 'gender sensitive parliament' where equality exists between men and women in relation to both representation and participation in the Parliament. We are keen to ensure that progress is made towards its delivery.
15. We also recognise that there are key factors that contribute to the delivery of a gender sensitive parliament, such as recruitment and selection of candidates by political parties and the choices of the electorate, that lie outwith the procedures of the Parliament. Ultimately the gender representation that parties have in the Parliament will determine whether gender equality can be achieved.
16. Our role as a committee has been to consider these Audit recommendations within the context of potential rule changes to Standing Orders, their practical application and operation and also to give consideration to whether there are any potential unforeseen consequences.
17. We propose these changes take effect from the start of the next parliamentary session.

Parliamentary Bureau Membership

Audit recommendation

18. The Audit recommends that the Committee propose an amendment to Standing Orders to specify there should be a minimum of 40% membership for women for the Parliamentary Bureau.

Committee consideration and recommendations

19. The Committee considered responses received on this issue and has concluded that it does not support the introduction of a rule requiring a minimum percentage membership for women.
20. Standing Orders Rule 5.2A sets out the current requirement in relation to a gender quota for Parliamentary Bureau membership. This currently states that each leader or group must "consult each other and have regard to gender balance". The Committee wishes to change the rules to strengthen the current requirements to increase the prospect of gender balance on the Bureau from the start of the next parliamentary session. The Committee recommends that the wording in Rule 5.2A is strengthened to reflect this and require each party leader or group to "consult each other and ensure that due regard to is given to achieving gender balance".

21. Standing Orders Rule 5.2.6A also sets out the requirement to consider gender balance when nominating of a new member should a current member ceases to hold office. The Committee believes that gender balance should also be considered in these circumstances and recommends wording consistent with the proposed wording change for Rule 5.2A in Rule 5.6A.
22. We note that having this requirement in relation to Parliamentary Bureau Membership provides a route for Members who may not consider that due regard has been given to achieving gender balance to question whether proper procedures have been followed.

Election of the Presiding Officer and Deputy Presiding Officers

Audit recommendation

23. The Audit recommends that the Committee propose the introduction of a formal quota for Presiding Officer/Deputy Presiding Officer – at least one man and one woman. The Audit states that this would recognise existing experience, and by formalising an existing Scottish Parliament norm, protects and further legitimises this for the future.

Committee consideration and recommendations

24. The Committee has agreed to recommend changes to Standing Orders to give effect to the Audit's proposals. The Committee has considered this change in relation to Chapter 3 of Standing Orders as they relate to:
 - The process for election of Deputy Presiding Officers
 - When there is a vacancy in the office of one of the Deputy Presiding Officers
 - Additional Deputy Presiding Officers
 - Available officers all from the same political party.
25. Rule 3.3. sets out the process for election of Deputy Presiding Officers. The proposed rule changes use the rules currently in place in relation to party balance as a model for a rule change in relation to gender balance.
26. Rule 3.3. also sets out the rules for a vacancy in the office of one of the Deputy Presiding Officers. The Committee recommends an addition to the rule to deliver this change in relation to gender balance where there is a vacancy in the office of one of the Deputy Presiding Officers.
27. Standing Orders also includes provision for election of additional Deputy Presiding Officers. No specific conditions in which the appointment of an additional deputy Presiding Officer might be required are set out in the Standing Orders. When the current Rules were proposed, 9th Report, 2013 (Session 4): Presiding Officer &

Deputy Presiding Officer Elections the then SPPA Committee explained that it—

” “felt that the rule changes on this should be minimal to allow for a range of possible situations in which a temporary deputy might be needed. The most likely reason for appointing an additional deputy is the illness of an existing postholder. However other situations may arise and we cannot guarantee that these could all be anticipated now.”

28. The current Standing Orders refer in some places to “available” officers. In proposing these Rules in 2013, the Session 4 SPPA Committee defined “available” officers as follows:

” “The available officers consist of the Presiding Officer and the two original deputies unless any of those three is unable to act and an additional deputy or deputies have been appointed. In that case, the available officers are defined as those of the Presiding Officer and deputies (including any additional deputies) as are for the time being able to act.”

29. The Committee recommends a rule change to give effect that any new additional Presiding Officer should take account of gender balance in relation to who are the ‘available officers’. This would mean in a scenario where the Presiding Officer is a woman and the two Deputy Presiding Officers are men if the Presiding Officer was absent for an extended period of time, such as due to a health issue, whilst it would be permissible for the two existing Deputy Presiding Officers to continue without any change if the decision was taken to appoint an additional deputy this individual would need to be a woman.

30. Rule 3.5A sets out the process for rectifying a situation where the available Presiding Officer and Deputy Presiding Officers are from the same political party. The Committee recommends a rule change that extends this to when available officers are of the same gender.

Scottish Parliamentary Corporate Body

Audit recommendation

31. The Audit recommends that the Committee propose an amendment to Standing Orders to specify there should be a minimum of 40% membership for women for the Scottish Parliamentary Corporate Body.

32. The Audit also recommends that Standing Orders should be changed to allow for an ‘acting’ SPCB member along similar lines to the rule change that allowed for acting Conveners.

Committee consideration and recommendations

33. As with the recommendation relating to Parliamentary Bureau membership, the Committee has considered the Audit recommendation and the views received on that recommendation. The Committee has concluded that it does not support the

introduction of a rule requiring a minimum percentage membership for women.

34. The Committee recommends changes to wording in Standing Orders Rule 3.7 to strengthen gender balance as an issue for consideration at the nomination stage for members.
35. The current rules state that any member can make a nomination for appointment to the SPCB and Standing Orders require that they have regard to gender balance in doing so. Standing Orders do not currently make provision for consultation with others prior to a nomination being submitted. The Committee does not consider that further provision regarding the process for consultation needs to be made in Standing Orders.
36. The Committee recommends strengthen the wording here to mirror the proposed rule change in nomination for Parliamentary Bureau membership.
37. In relation to the second recommendation – ‘acting’ SPCB membership – the Committee noted that the Scotland Act 1998 Act does not provide for temporary or acting members of the SPCB. Paragraph 1 of Schedule 2 of the 1998 Act sets out the terms of membership of the SPCB, which essentially means that once appointed to the SPCB that membership is retained until the person either resigns or is removed from office by resolution of the parliament (or ceases to be a member other than by virtue of dissolution).
38. The Committee noted that the SPCB is a legal entity which is able to enter into contracts, own property and take part in legal proceedings and is responsible, amongst other matters, for employing the Parliament's staff and managing its facilities and budget.
39. The Committee considered that given the status of the SPCB as a legal entity in its own right SPCB members are generally protected from personal liability, however there could be limited circumstances in which individual members could be personally liable.
40. The Committee also considered that membership of the SPCB is different to that of single office holders such as Conveners of committees. The SPCB can still make decisions if an SPCB member is absent.
41. Taking these matters into account the Committee considered that as members remain members of the SPCB unless they resign or are removed by resolution of the Parliament, as set out in the 1998 Act, this gives security of tenure for members of the SPCB and also certainty to members, the Parliament and the public given the important role of the SPCB. The Committee considered that having provisions in Standing Orders which could allow for acting members would be at odds with this given the importance of the role of membership of the SPCB, responsibilities and liabilities of the SPCB and the accountability of its members both potentially individually and as part of the SPCB as a distinct legal entity.
42. The Committee understands any change to this position would require consideration of possible changes to the Scotland Act 1998. The Committee does not wish to pursue this recommendation any further at present and has not proposed any changes to Standing Orders.

Conclusion

43. The Committee recommends to the Parliament the Standing Order rule changes at Annexe A of this report.

Annex A - Proposed Standing Order Rule Changes

Rule 3.3 Election of deputy Presiding Officers

In Rule 3.3.7 delete:

“where the Presiding Officer and the first deputy Presiding Officer represent the same political party, any candidate representing that party shall not be a candidate for election as the second deputy Presiding Officer.”

and replace with:

“:

(a) Where the Presiding Officer and the first deputy Presiding Officer represent the same political party, any candidate representing that party shall not be a candidate for election as the second deputy Presiding Officer; and

(b) Where the Presiding Officer and the first deputy Presiding Officer are the same gender, any candidate of that same gender shall not be a candidate for election as the second deputy Presiding Officer.”

In Rule 3.3.9 delete:

“where the elected Presiding Officer and a deputy Presiding Officer represent the same political party and there is a vacancy in the office of the other deputy Presiding Officer, a member representing that party is not eligible for nomination as a candidate for election as that other deputy Presiding Officer.”

and replace with:

“:

(a) where the elected Presiding Officer and a deputy Presiding Officer represent the same political party and there is a vacancy in the office of the other deputy Presiding Officer, a member representing that party is not eligible for nomination as a candidate for election as that other deputy Presiding Officer; and

(b) where the elected Presiding Officer and a deputy Presiding Officer are the same gender and there is a vacancy in the office of the other deputy Presiding Officer, a member of that same gender is not eligible for nomination as a candidate for election as that other deputy Presiding Officer.”

After Rule 3.3.10D insert:

"3.3.10DA. Where—

(a) all the available officers are of the same gender; or

(b) the election of a member of a particular gender as additional deputy Presiding Officer would result in all the available officers being of the same gender, a member representing

that party or of that gender is not eligible for nomination as a candidate for election as additional deputy Presiding Officer."

Rule 3.5A Available officers all from the same political party

In the heading for Rule 3.5A, insert at the end "or are the same gender"

In Rule 3.5A.1 after

"political party,"

insert

"or are the same gender,"

Rule 3.7: Election of members of the Parliamentary corporation

In Rule 3.7.A1. delete "have regard to gender balance" and replace with "ensure that due regard is given to achieving gender balance"

Rule 5.2: Members of the Parliamentary Bureau

In Rule 5.2.2A. delete:

"and have regard to gender balance in the membership of the Parliamentary Bureau in making those nominations."

and replace with:

"to ensure that due regard is given to achieving gender balance in the membership of the Parliamentary Bureau."

In Rule 5.2.6A delete:

"regard to gender balance in the membership of the Parliamentary Bureau"

and replace with:

"due regard to achieving or retaining (as the case may be) gender balance in the membership of the Parliamentary Bureau."

Annexe B - Extract from the Committee's minutes

4th Meeting, 2023, (Session 6), Thursday 9 March 2023

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit - The Committee considered the recommendations in the report relevant to the Committee's remit and agreed to consider the recommendations in the report further.

11th Meeting, 2023, (Session 6), Thursday 1 June 2023

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit (In Private): The Committee considered the recommendations in the report relevant to the Committee's remit.

17th Meeting, 2023, (Session 6), Thursday 26 October 2023

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit - The Committee took evidence from Sarah Childs, Professor of Gender and Politics, Meryl Kenny, Professor of Gender and Politics, University of Edinburgh and Susan Duffy, Group Head of Engagement and Communications, Scottish Parliament.

3rd Meeting, 2024, (Session 6), Thursday 8 February 2024

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit (In Private): The Committee gave further consideration of recommendations in the Gender Sensitive Audit report.

15th Meeting, 2024, (Session 6), Thursday 30 May 2024

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit (In Private): The Committee gave further consideration of recommendations in the Gender Sensitive Audit report and agreed to write to the Presiding Officer.

22nd Meeting, 2024, (Session 6), Thursday 31 October 2024

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit (In Private):- The Committee gave further consideration to recommendations in the Gender Sensitive Audit report and agreed to write to the Presiding Officer.

25th Meeting, 2024, (Session 6), Thursday 28 November 2024

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit (In Private): The Committee considered draft Standing Order Rule changes and agreed to continue consideration at a future meeting.

1st Meeting, 2025, (Session 5), Thursday 16 January 2025

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit (In Private): The Committee considered draft Standing Order Rule changes and agreed to seek the views of

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the Presiding Officer, the Parliamentary Bureau and political parties represented in the Parliament.

23rd Meeting, 2025, (Session 6), Thursday 27 November 2025

'A Parliament for All': Report of the Parliament's Gender Sensitive Audit (In Private): The Committee considered a note from the Clerk.

3rd Meeting, 2026, (Session 6), Thursday 22 January 2026

Standing Order Rule Changes - Gender Sensitive Audit (In Private): The Committee considered a draft report and draft Standing Order Rule changes. The Committee agreed to consider changes by correspondence.

