

## Cross-Party Groups – Proposed Modification of Membership Requirements

### Purpose of paper

1. This paper invites the Committee to consider modifying a rule about MSP membership of Cross-Party Groups (CPGs): what the code calls “the party representation requirement”. Rules about CPGs are set out in [Section 6](#) of the Code of Conduct for MSPs.

### What the Code says on party representation requirement

2. Section 6.9 of the Code explains that a new CPG “must have at least 5 MSP members including at least one MSP from each of the parties or groups represented on the Parliamentary Bureau”.
3. There is a mechanism within section 6 (at 6.26) to allow for the re-registration of CPGs that were active at dissolution. Certain criteria must be met. Among these are the party representation requirement, which is identical to that for a new CPG.
4. Normally rules set out in the Code of Conduct may only be changed if the Parliament agrees to them on a resolution from the SPPA Committee, which itself will usually come after a period of scrutiny. However, section 6.9 of the Code goes on to say that this “party representation requirement may be modified or waived by the [SPPA] Committee in certain circumstances”.
5. This is the only instance in Section 6 where the Committee has express authority to waive or modify a formal requirement about CPGs. It means the Committee has authority to expedite changes to the “default” rules about political membership of CPGs where they might not appear a good fit for current circumstances, especially current party balance in the Chamber and Bureau.

### Current situation and precedent

6. The party representation requirement has been considered problematic in prior sessions in that prospective CPGs had difficulties finding full cross-party representation. Previous SPPA Committees have accordingly used their power to modify. For example, in sessions 5 and 6, the then SPPA Committee provided that CPGs had to comprise MSPs from at least *three* of the parties or groups represented on the Parliamentary Bureau. In practice, this meant CPGs had to have MSPs from a *majority* of the parties or groups on the Bureau.
7. The 7 May elections mean that, for the first time, there are 6 party groups on the Bureau. If the party representation requirement were not modified this would raise the bar on membership, with the reference to a CPG having “at least 5” MSP members becoming obsolete: 5 would have to be read as 6. Clerks have

already had informal representations from people looking to set up or restart CPGs that the requirement is likely to be problematic.

## Decision and more strategic considerations around CPGs

8. Clerks are aware that a significant number of Session 6 CPGs are keen to re-start and there is a growing list of prospective new CPGs. An additional consideration is that anyone looking to re-register a Session 6 CPG must do so within 120 days of this Session commencing. Otherwise, they must re-start from scratch.<sup>1</sup> By taking a decision now (at around the same time as its predecessors have tended to do) the Committee would be giving certainty and clarity – and the green light for CPGs to get administrative and membership arrangements in place over the summer recess.
9. Determining exactly how to modify the party representation requirement is not an exact science. Without change, the current bar will be too high for a significant number of CPGs to meet. At the same time, it is implicit in having a CPG system that each CPG must demonstrably have *adequate* cross-party support: what this means of course being a judgment call. The Convener, after discussion with the clerks is minded to propose that the requirement be “**at least 5 MSP members including at least one MSP from four of the parties or groups represented on the Parliamentary Bureau**”<sup>2</sup> and seeks Members’ views on this.
10. A decision on this matter now does not of course preclude the Committee from taking a more strategic and considered view on the rules around CPGs as the session goes on. It also has a role in assessing applications for proposed new CPGs and in considering the re-registration of some Session 6 CPGs, following an initial sift by the Convener and clerks. (see further the work programme paper for this meeting). In its legacy report, the last SPPA Committee expressed concerns about some aspects of the CPG system, concluding—

“As CPGs start to seek to re-register or form in the new Session, we recommend that our successors allow time to take informed decisions about whether to accord recognition to CPGs, including consideration of any previous compliance issues. This will aid in allowing a sustainable number of CPGs to be established and to ensure compliance with the Code.”

11. **Does the Committee agree to modify the party representation requirement for new and re-registering CPGs as proposed in paragraph 9?**

### Clerks to the Committee

June 2026

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<sup>1</sup> The 120-day clock is, however, stopped over summer recess.

<sup>2</sup> An alternative form of words to achieve the same end would be to make the requirement that MSP membership includes “at least one MSP from a majority of the parties or groups represented on the Bureau” (which would of course currently be four). This would arguably be a more durable rule as it would preserve the principle of requiring membership from a majority of groups, regardless of changes on the Bureau as the session goes on. It is arguably a slightly less clear to interpret rule. If the Committee went with the proposed wording in paragraph 9, and there were changes to the number of groups on the Bureau, the Committee could of course agree to change the wording again.