

PARLIAMENTARY BUREAU

REFERRAL OF DRAFT PROPOSAL FOR THE REMOVAL FROM OFFICE AND RECALL (MEMBERS OF THE SCOTTISH PARLIAMENT) (SCOTLAND) BILL

1. A draft proposal for a Removal from office and recall (Members of the Scottish Parliament) Bill was lodged on 19 January 2022 by Graham Simpson MSP.
2. The proposal is for a bill to introduce new measures on removing an MSP from office, including additional grounds for removal and new processes for removal, such as recall. Proposed new grounds for removal include where an MSP does not participate in parliamentary proceedings for a given period without valid reason or receives a prison sentence lower than the current threshold for automatic removal.
3. The member lodged a consultation document on 19 January 2022. The consultation opened on 20 January 2022 and will close on 13 April 2022. The Bureau is therefore invited to consider which committee to refer the draft proposal and consultation document to.
4. The proposal falls within the remits of the following committees

Committee	Remit and relevance
Equalities, Human Rights and Civil Justice	<p>The Committee's remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—</p> <ul style="list-style-type: none"> • matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament • human rights, including Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom • matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans <p>The right to free elections is enshrined in Article 3 of Protocol 1 of the European Convention on Human Rights. The provisions in this Bill would place an element of restriction on that right. As such this committee's remit is engaged.</p>

Standards, Procedures and Public Appointments Committee	<p>The Committee's remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A):</p> <ul style="list-style-type: none"> • the practice and procedures of the Parliament in relation to its business • 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 • the adoption, amendment and application of any Code of Conduct for members • matters relating to public appointments in Scotland • matters relating to the regulation of lobbying • matters relating to local government elections, Scottish general elections, implementation of the Referendums (Scotland) Act 2020 and Freedom of Information and open government falling within the responsibility of the Minister for Parliamentary Business. <p>The Bill proposal relates to the conduct of Members of the Scottish Parliament, and touches on other areas within the committee's remit such as issues around elections and who is entitled to stand in them. Furthermore, this committee would be expected to have a role in implementing processes that the draft proposal would seek to establish. For those reasons, this committee's remit is engaged.</p>
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5. The proposal engages the remits of the two committees mentioned above. It is considered that the Standards, Procedures and Public Appointments Committee has the greater interest in this Member's Bill proposal. As such it is recommended that the Bureau refer the proposal to the Standards, Procedures and Public Appointments Committee, for information only.

Recommendation

6. The Bureau is invited to refer the draft proposal on the Removal from Office and Recall (Members of the Scottish Parliament) Bill to the Standards, Procedures and Public Appointments Committee.