

Parliamentary Bureau – Amendments to the Scottish Parliament salaries scheme

Introduction

1. This paper invites the Parliamentary Bureau to schedule consideration of Scottish Parliamentary Corporate Body motion proposing amendments to the Scottish Parliament Salaries Scheme ('the Salaries Scheme').
2. The amendments implement the provisions of three Scottish Statutory Instruments made under the Scottish Elections (Representation and Reform) Act 2025 and take effect from the day of the Scottish Parliament Election in 2026.
3. The regulations introduce the following provisions and require changes to the Salaries Scheme:
 - Prevent an MSP from holding, simultaneously, membership of the House of Commons (i.e. as a Member of Parliament (MP), a council constituted under section 2 of the Local Government etc (Scotland) Act 1994 (i.e. a councillor) or the House of Lords.
 - Provides relief from disqualification within specified grace periods, following which they will be disqualified as a Member of the Scottish Parliament if they continue to hold membership of the House of Commons, House of Lords or a council.

Background

4. A copy of the draft SPCB motion for a resolution for the Salaries Scheme is attached at Annex A.
5. The regulations introduce the following provisions and require changes to the Salaries Scheme:

The Scottish Parliament (Disqualification of Members of the House of Commons) Regulations 2025

- The amendment to the Scotland Act 1998 disqualifies any person who is a member of the House of Commons from simultaneously being a member of the Scottish Parliament.
- A limited exception applies for individuals holding a dual mandate, allowing a short grace period of 49 days before disqualification takes effect. During the grace period, the Scottish Parliament must not pay a salary for any time the individual also serves as a Member of the House of Commons.
- This restriction does not affect salaries payable to members in certain official capacities, including the First Minister, Scottish Ministers (including junior ministers), the Lord Advocate, the Solicitor General for Scotland, the Presiding Officer, or Deputy Presiding Officers.

The Scottish Parliament (Disqualification of Councillors) Regulations 2025

- The amendment to the Scotland Act 1998 disqualifies a person who is a councillor on a Scottish council from being a member of the Parliament subject to some exceptions. It requires the Parliament to ensure that the amount of salary payable to a member of the Parliament is reduced by the amount payable to them in their role as a councillor for the same period.
- The exceptions include a 49-day grace period following the election of a councillor as a member of the Parliament. A further exception applies where the next council election is due to take place within 372 days, in which case the councillor may continue to sit as a member of the Scottish Parliament until that election.

The Scottish Parliament (Disqualification of Members of the House of Lords) Regulations 2025

- The amendment to the Scotland Act disqualifies a person who is a Member of the House of Lords from being a member of the Parliament, but it does not alter the existing remuneration arrangements for members who are also members of the House of Lords because they do not currently receive any salary for that role. In accordance with the Salaries Scheme, the annual salary payable to such members continues to be reduced by two thirds. The provision is restated to reflect the absence of any legislative requirement for change and to maintain consistency within the Scheme.

6. A copy of the resolution for the Salaries Scheme is attached at Annex A and the Explanatory Note prepared by the Legal Services Team is attached at Annex B.

Recommendation

7. The Parliamentary Bureau is invited to agree to parliamentary time being made available for the motion to be considered in February 2026.

People, Communication and Inclusion Directorate
February 2026

Annex A – Draft SPCB Motion

Amendments to the Scottish Parliament Salaries Scheme

Jackson Carlaw MSP, on behalf of the Scottish Parliamentary Corporate Body:

That the Parliament, in exercise of the powers conferred by sections 81(1), 81(5)(b) and 83(5) of the Scotland Act 1998 resolves that with effect from the day of the poll at the first general election for membership of the Parliament following the day on which this Resolution is approved, the Scottish Parliament Salaries Scheme is amended as follows:

(a) for paragraph 2(2) substitute –

“For any period during which a salary is payable to a member of the Parliament pursuant to a resolution of the House of Lords relating to the remuneration of members of that House, the yearly rate of the salary payable by virtue of this Scheme to that member for that period shall be reduced by two-thirds.”

(b) after paragraph 2(2) insert –

“(2A) No salary shall be paid to a member of the Parliament in respect of any period in which the member is or was also a member of the House of Commons. This does not apply to any salary payable to a member of the Parliament in their capacity as the First Minister, a Scottish Minister, a junior Scottish Minister, the Lord Advocate, the Solicitor General for Scotland, the Presiding Officer or a Deputy Presiding Officer.

(2B) If remuneration is also payable to a member of the Parliament in respect of the same period under regulations made under section 11(1) of the Local Governance (Scotland) Act 2004 then the amount of salary payable to the member shall be reduced by the amount specified as payable to a councillor (who is not designated the Leader of the Council, the Civic Head or a senior councillor) by those regulations made under section 11(1) of the 2004 Act.”

(c) in paragraph 2(1), after “sub-paragraph (2)” add “, (2A) and (2B)”.

Annex B

Explanatory Note Accompanying Draft Resolution to Amend the Scottish Parliament Salaries Scheme

Purpose and background to the resolution

1. The draft resolution makes changes to the Scottish Parliament Salaries Scheme. Link: [MSP salaries | Scottish Parliament Website](#) [MSP Salaries Scheme](#)
2. These changes implement the provisions of two Scottish Statutory Instruments made under the Scottish Elections (Representation and Reform) Act 2025.

When the resolution will take effect

3. The changes to the Scheme will take effect from the day of the poll at the first general election for membership of the Parliament following the approval of this resolution. This follows the same timing for when the provisions of the SSIs will have legal effect.

Provisions of the resolution

Paragraph (a)

4. Paragraph 2(2) of the Scheme provides for a two thirds reduction of salary for members of the Parliament who are also in receipt of salary or remuneration as a member of the House of Commons, the House of Lords or the European Parliament.
5. Paragraph (a) of the draft resolution replaces paragraph 2(2) of the Scheme so that it restates only the provision relating to membership of the House of Lords. Remuneration for members who are also in the House of Lords remains unchanged, as there is no legislative requirement to remove or change it; restating this upholds the current Scheme provision.
6. Although there is no legislative requirement to remove the provision relating to members of the European Parliament, the provision has become redundant so the opportunity to remove it is being taken in this draft resolution.

Paragraph (b) – new paragraph 2(2A) of the Scheme

7. The Scottish Parliament (Disqualification of Members of the House of Commons) Regulations 2025 amend the Scotland Act 1998 so that a person who is a member of the House of Commons is disqualified from being a member of the Parliament. It provides for some exceptions to that, for example, a short period of grace should they have a dual mandate.

8. One of the changes made to the Scotland Act 1998 by those regulations requires that the Parliament makes no payment of salary for any period during which a member is also a member of the House of Commons.

9. New paragraph 2(2A) of the Scheme, as added by paragraph (b) of the draft resolution, addresses this requirement. The 'no payment' requirement does not apply to the additional salary that is paid to holders of the following roles:

- (a) the First Minister,
- (b) a Minister or junior Scottish Minister,
- (c) the Lord Advocate or Solicitor General for Scotland,
- (d) the Presiding Officer or a Deputy Presiding Officer.

This is in accordance with the changes to the Scotland Act 1998 made by those regulations.

10. It is worth noting that this provision replaces the current two thirds reduction that is found in paragraph 2(2) of the Scheme and which, as noted above, is being removed from that paragraph by the draft resolution.

(link to regulations: <https://www.legislation.gov.uk/ssi/2025/307/contents/made>)
Paragraph (b) – new paragraph 2(2B) of the Scheme

11. The Scottish Parliament (Disqualification of Councillors) Regulations 2025 amend the Scotland Act 1998 so that a person who is a councillor on a Scottish council is disqualified from being a member of the Parliament subject to some exceptions.

12. One of the changes made to the Scotland Act 1998 by those regulations requires that the Parliament must ensure that the amount of salary payable to a member of the Parliament is reduced by the amount payable to them in their role as a councillor for the same period. This does not apply to a councillor designated as the Leader of the Council, the Civic Head or a senior councillor.

New paragraph 2(2B) of the draft resolution addresses this requirement.

(link to regulations: <https://www.legislation.gov.uk/ssi/2025/306/contents/made>)
Paragraph (c) – a consequential drafting change

13. Paragraph (c) of the resolution is a consequential drafting change which ensure that the new paragraphs 2(2A) and 2(2B) are referenced in the paragraph 2(1) of the Scheme. Paragraph 2(1) of the Scheme is the main provision of the Scheme which states that salaries are to be paid to members of the Parliament.

Legal Services
December 2026