



The Scottish Parliament  
Pàrlamaid na h-Alba

Martin Whitfield MSP  
Convener  
SPPA Committee  
Scottish Parliament  
EH99 1SP

Graham Simpson MSP

**18 February 2026**

Dear Martin

## **Scottish Parliament (Recall and Removal of Members) Bill**

I am writing to update the Committee, and all MSPs, prior to Stage 3 of the Scottish Parliament (Recall and Removal of Members) Bill following my letter to you of 9 February 2026<sup>1</sup>. I listened carefully to the contributions during the Stage 1 debate and during Stage 2 proceedings on the need to treat MSPs the same in a recall process as far as possible. Given constituency and regional MSPs are elected using different systems, they must be replaced using different systems. Treating MSPs in exactly the same way is therefore not possible. What can be delivered is a system that treats constituency and regional MSPs fairly and with parity of esteem tailored to Scotland.

Work began on this in 2021 when I sought international comparisons on recall processes from SPICe, then a full public consultation<sup>2</sup> and meetings with a series of academics with expertise on electoral law followed. The resulting Bill is closely based on the Recall of MPs Act 2015<sup>3</sup> to ensure existing established processes were drawn upon.

The Electoral Commission's work and engagement with the process has strengthened the policy, including ensuring the Bill's provisions on constituency MSPs reflect the Commission's recommendations on improving the operation of the 2015 Act. On their advice specific question wordings do not feature in my Bill as user

<sup>1</sup> <https://www.parliament.scot/-/media/files/committees/standards-procedures-and-public-appointments-committee/correspondence/2026/letter-from-graham-simpson-msp-dated-9-february-2026.pdf>

<sup>2</sup> [Proposed Removal from Office and Recall Scottish Parliament Bill | Scottish Parliament Website](#)

<sup>3</sup> [Recall of MPs Act 2015](#)

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testing of wordings is extremely valuable before finalising wordings and the contents of supporting materials.<sup>4</sup>

The Electoral Management Board have also provided very valuable insight including on realistic financial estimates and suggesting at Stage 1 the model for the recall of regional MSPs that I have adopted. The Senedd Cymru (Member Accountability and Elections) Bill,<sup>5</sup> which seeks to introduce a recall process for members elected in a very similar way to regional MSPs in Scotland, has also been the basis of the regional recall poll for MSPs.

Drawing from the UK model for constituency MSPs and the Welsh model for regional MSPs, my officials have worked painstakingly to ensure that the two processes operate in a way that is fair and treats MSPs with parity of esteem. For example, the campaigning time available before a signing period closes for the constituency petition process and before a vote requires to be cast in the regional recall poll process is intended to be a comparable length. The amount of time the electorate has to consider their decisions is therefore of comparable length.

The move to the regional recall poll process was under detailed development from towards the end of Stage 1 scrutiny indeed I wrote to the Committee at the end of Stage 1 in November last year. The new process is simpler, quicker, cheaper for the taxpayer and more closely reflects established electoral processes. Indeed, numerous amendments including those lodged by the Minister for Parliamentary Business and Veterans reflect specific requests from the Electoral Commission on the detail of how the process will operate to ensure it reflects electoral law and existing recall processes.

I welcome the cross party support for the policy, with the Committee unanimously at Stage 2 supporting my amendments that set out the new regional poll process. 73 of my amendments were agreed in total.<sup>6</sup>

The process for developing these amendments has been to tight timescales but extremely rigorous. I set out my policy to the Scottish Government, Scottish Government officials with expertise in electoral law then developed policy instructions. Amendments for stage 2 were then drafted by Parliament Counsel Office drafters working for the Scottish Government and another series was drafted by my drafter, a Parliamentary Counsel Office drafter, instructed by NGBU.

I appreciate the Scottish Government had concerns on the level of detail in my amendment 65 at Stage 2,<sup>7</sup> and that Committee members all agreed with that position. This was the only amendment of mine disagreed to at Stage 2. Section 21 establishes regulation making powers which would allow the running of the regional recall poll process to be set out by regulations. It is a wide power, similar in its terms

<sup>4</sup> To give members a sense of the types of wordings that could be used for constituency and regional MSPs, please see [section 9](#) of the Recall of MPs UK Act and [section 10](#) of the Senedd Cymru (Member Accountability and Elections) Bill.

<sup>5</sup> The Bill is currently at Stage 3: [Senedd Cymru \(Member Accountability and Elections\) Bill](#)

<sup>6</sup> [Minutes for Standards, Procedures and Public Appointments Committee 4th Meeting, 2026 Thursday, January 29, 2026 | Scottish Parliament Website](#)

<sup>7</sup> [Minutes for Standards, Procedures and Public Appointments Committee 4th Meeting, 2026 Thursday, January 29, 2026 | Scottish Parliament Website](#)

to Section 12 of the Scotland Act 1998 which allows the Scottish Ministers to make provision by order about, amongst other things, elections to the Scottish Parliament. The Minister for Parliamentary Business and Veterans set out at Stage 2 that without sufficient detail on the face of the Bill the Scottish Government would need to deliberate and decide on the detail of the process in developing the regulations under Section 21. He stated: “Instead of the Parliament taking decisions on how the process ought to work, those decisions would be placed with Scottish ministers, which we are not comfortable with.”<sup>8</sup>

I therefore instructed and have lodged at Stage 3 a series of detailed amendments<sup>9,10</sup> that provide far more detail on the face of the Bill. These amendments cover all of the content raised by the Minister in his letter to you of 5 February<sup>11</sup> that he suggested could usefully be in the amendments. More broadly these amendments enable Parliament to agree the detail of the process on the face of the Bill. I consider that this fully addresses the Committee’s and the Minister’s concerns at Stage 2. The amendments reflect insofar as possible existing electoral law and give all those deliberating at Stage 3 on the regional process, and the Bill as a whole, a clear sense of how the process will operate.

I consider I have done everything I can to enable the Scottish Government to move from its in principle position of supporting a recall process at Stage 1 to actual support when the Bill is voted upon at Stage 3.

I know there have been suggestions by the Scottish Government that this Bill could be revisited as a committee bill next session to consider this matter further.<sup>12</sup> There is a capacity issue for a committee to pursue a committee bill next session and also the challenging position any future SPPA Committee would have in legislating on a process that it would have a key role in when enacted.

The SNP, if in Government, has made clear it will not legislate in future sessions in this area as it considers this a matter for Parliament even though the UK Government and the Welsh Government have legislated.

I hope the work set out above including extensive drawing on other legislation and stakeholder expertise, reassures all MSPs that the policy is well founded, well drafted, and carefully tailored to the Scottish Parliament’s electoral processes and the need to treat all MSPs with parity of esteem. I consider that missing this opportunity and returning to this next session would be an unnecessary delay putting back the establishment of a recall process by years at unnecessary cost to the taxpayer.

I would welcome a discussion with any member of Parliament before Stage 3 takes place on Tuesday or, in relation to any detail in the bill or my amendments, please

<sup>8</sup> [Meeting of the Parliament: pa/29/01/2026 | Scottish Parliament Website](#)

<sup>9</sup> [Daily list of amendments for 16 February 2026](#)

<sup>10</sup> [Daily list of amendments for 17 February 2026](#)

<sup>11</sup> [The Scottish Parliament Recall and Removal of Members Bill dated 5 February 2026 | Scottish Parliament Website](#)

<sup>12</sup> I also note Parliament has voted for the FOI Bill from Katy Clark MSP at Stage 1 and this is likely to be a committee bill initiated early in the next session.

contact the lead official on the Bill, Roz Thomson, Head of the Non-Government Bills Unit at [roz.thomson@parliament.scot](mailto:roz.thomson@parliament.scot)

Yours sincerely,

**Graham Simpson MSP**