

Citizen Participation and Public Petitions Committee

15th Meeting, 2022 (Session 6), Wednesday
9 November 2022

PE1949: Review the rules concerning Dual Mandate MSPs

Note by the Clerk

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| Petitioner | Alexander James Dickson |
| Petition summary | Calling on the Scottish Parliament to urge the Scottish Government to review the rules regarding 'Dual Mandate MSPs' and legislate to bring them in line with the Senedd and Stormont by preventing MSPs from holding a dual mandate, in time for the next Scottish Parliament elections. |
| Webpage | https://petitions.parliament.scot/petitions/PE1949 |

Introduction

1. This is a new petition that was lodged on 12 July 2022
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected not to collect signatures.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1949: Review the rules concerning Dual Mandate MSPs

Petitioner

Alexander James Dickson

Date lodged

12 July 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review the rules regarding 'Dual Mandate MSPs', and legislate to bring them in line with the Senedd and Stormont by preventing MSPs from holding a dual mandate, in time for the next Scottish Parliament elections.

Previous action

Written to my MSPs with my concerns

Background information

Since the formation of the Scottish Parliament MSPs have been allowed to take their seats at Holyrood whilst having a role in another local or national level of government. These 'Dual Mandates' consist of three categories MSPs who are also 1) MPs 2) Members of the Lords and 3) Regional Councillors.

Dual Mandate MSPs are recorded in the Scottish Parliament's Information Centre from Session 1 up to Session 6. In Session 1 there were 14 MSPs elected who were sitting MPs but since very few have fallen into this category. MSPs who have been elected to the House of Lords can take a leave of absence from the Lords but the rules for the Scottish Parliament do not dictate that this has to be done.

At the start of Session 6 there were 18 elected MSPs who were also Regional Councillors.

In The Senedd when a member is elected they have eight days to resign as a sitting MP. They have to take a leave of absence from a seat they may hold in the Lords, and if a Regional Councillor they can remain in post provided the expected day of the next Regional Election is within 372 days.

In The Northern Ireland Assembly members are not permitted to have any Dual Mandates.

The Committee in considering these matters should take into account the situation in the Senedd and Stormont and how our present rules are now outdated and in need of revision.

Should changes be brought forward to amend the parameters around Dual Mandates they should coincide with the election for Session 7.

Annexe B

Briefing for the Citizen Participation and Public Petitions Committee on petition PE1949: Review the rules concerning Dual Mandate MSPs

Brief overview of issues raised by the petition

- The petition calls on the Scottish Parliament to urge the Scottish Government to bring forward legislation to prevent MSPs from holding a dual mandate.
- Dual mandate is the term used to describe MSPs who, in addition to their seat in the Scottish Parliament, also hold a seat in either the House of Commons (MPs), House of Lords (Peers) or represent a ward in their local council (councillors).
- Under the Wales Act 2014 the holding of dual mandates between the Senedd and the House of Commons is banned.
 - An existing MP elected as an AM has 8 days grace to resign from the House of Commons; an existing AM elected as an MP must resign immediately from the Assembly. Those elected as an AM and MP in close proximity have 8 days to choose a seat.
- Similar provisions were made in the [Senedd and Elections \(Wales\) Act 2020](#) so that the following are disqualified from being a member of the Senedd (effective for Senedd elections held after 5 April 2021):
 - members of the House of Lords
 - members of the Scottish Parliament
 - members of the Northern Ireland Assembly
 - members of local authorities in Wales
- The [Northern Ireland \(Miscellaneous Provisions\) Act 2014](#) bans members of the Northern Ireland Assembly from also being members of the House of Commons. The Act also provides that

Assembly members are not allowed to be members of Dáil Éireann (the lower house of the Irish Parliament).

- The [Local Government Act \(Northern Ireland\) 2014](#) prohibits Councillors from being members of the Assembly, House of Commons, House of Lords or elected to any other legislature.

Relevant links

[A SPICe factsheet](#) on dual mandate MSPs is available

Sarah McKay, Senior Researcher

8 August 2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

Scottish Government submission of 19 August 2022

PE1949/A: Review the rules concerning Dual Mandate MSPs

This letter offers a response to the subject matter of Petition PE1949. The Government notes the petitioner's call to review the rules regarding 'Dual Mandate MSPs', and legislate to bring them in line with the Senedd and Stormont by preventing MSPs from holding a dual mandate, in time for the next Scottish Parliament elections. The Government has consistently held the view that the Parliament is responsible for all matters relevant to its internal operation, including the terms for seeking its membership.