

SCHEDULE

STANDING ORDERS OF THE SCOTTISH PARLIAMENT

CHAPTER 12: COMMITTEE PROCEDURES

Rule 12.1 Conveners of committees

1. Each committee shall have a convener who shall convene and chair the meetings of the committee.
2. The Parliament shall decide, for each committee, on a motion of the Parliamentary Bureau—
 - (a) the political party whose members shall be eligible to be convener or, as the case may be, the deputy convener of the committee; or
 - (b) that the convener or, as the case may be, the deputy convener shall be chosen from the members not representing any political party.
3. In making a proposal under paragraph 2, the Parliamentary Bureau shall have regard to the balance of political parties in the Parliament.
4. At the first meeting of a committee after it is established by the Parliament, members of the committee shall choose a convener. That meeting shall be chaired until a convener is chosen by the oldest member of the committee who is present at the meeting. Once a convener is chosen, he or she shall take the chair.
5. The convener of a committee shall be a member of that committee who shall be chosen in accordance with the decision of the Parliament under paragraph 2.
6. The convener of a committee shall hold office for the duration of the committee unless—
 - (a) he or she resigns from that office by intimating his or her resignation to the Clerk;
 - (b) he or she is removed from that office by a decision taken by an absolute majority of the committee; or
 - (c) he or she ceases to be a member of the Parliament or of that committee otherwise than by virtue of a dissolution.
7. Where the convener of a committee ceases to hold office, the committee shall choose another member of the committee to be the convener in accordance with the decision of the Parliament under paragraph 2. If it is not possible for the committee to choose a convener in accordance with that decision, the Parliament shall, on a motion of the Parliamentary Bureau, make a further decision under paragraph 2 in relation to the committee, and the choice of a convener in accordance with paragraph 5 shall proceed accordingly.
8. Each committee shall have a deputy convener who shall be a member of that committee who is chosen by the members of that committee in accordance with the decision of the Parliament under paragraph 2. Paragraphs 6 and 7 shall apply to the deputy convener of a committee as they apply to the convener of a committee with such modifications as are appropriate.
9. Where the convener is not available for any meeting of the committee, or leaves the chair for part of any meeting, that meeting, or that part of the meeting, shall be chaired by the deputy convener.
10. Where the office of convener is vacant, a meeting of the committee shall be convened by the deputy convener and chaired by him or her until a convener is chosen. Where the offices of convener and deputy convener are both vacant, a meeting of the committee shall be convened and

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chaired by the oldest member of the committee present at that meeting and chaired by him or her until a convener is chosen.

11. When the deputy convener or oldest member of the committee convenes or chairs a meeting of a committee he or she shall have all the functions of a convener under these Rules for the purposes of conducting the business of that meeting.

12. This Rule is subject to any other Rule making express provision about conveners of committees.

Rule 12.2 Procedure in committee

1. A committee shall not commence consideration of any business or vote if the number of committee members present (including the convener, or deputy convener if he or she is in the chair) is fewer than 3.

2. Any member of the Parliament may attend any meeting, or part of a meeting, of any committee of which he or she is not a member which is held in public but he or she may participate in the proceedings of the committee only if invited to do so by the convener and may not vote.

3. Where a committee is considering any of the business mentioned in Rule 6.2.2(b), (c) or (d), the following persons (if not members of the committee) shall be entitled to participate in the proceedings of the committee but may not vote, namely—

- (a) the member of the Scottish Executive or junior Scottish Minister who has general responsibility for the matter with which the business is concerned; and
- (b) in the case of a Member's Bill, the member in charge of the Bill.

Rule 12.3 Committee meetings

1. A committee shall meet to consider such business on such days and at such times as it may from time to time decide, subject to any timetable specified in the business programme. The convener shall notify the Clerk and the Clerk shall notify members in the Business Bulletin of the agenda for each meeting.

2. A committee shall meet in Scotland at such place as it may decide, with the approval of the Parliamentary Bureau.

3. A committee meeting shall not be held at the same time as a meeting of the Parliament but may be held on any day whether a sitting day or not and whether within or outwith the normal Parliamentary week. Committee meetings shall not normally be held when the Parliament is in recess.

4. Committee meetings shall be held in public except as mentioned in paragraph 5.

5. All or part of a meeting of a committee may be held in private if the committee so decides. Any meeting at which a committee is considering any of the business mentioned in Rule 6.2.2(b), (c) or (d) shall be held in public except where, for the purpose of taking evidence, the committee decides that it is appropriate that the meeting, or part of the meeting, should be held in private.

Rule 12.4 Witnesses and documents

1. A committee may, in connection with any competent matter, invite any person—

- (a) to attend its proceedings for the purpose of giving evidence; or
- (b) to produce documents in that person's custody or under that person's control,

and may exercise the power conferred upon the Parliament by section 23 (power to call for witnesses and documents) to require any person to do so but subject to and in accordance with the terms of sections 23 and 24 (notice provisions in relation to witnesses and documents).

2. For the purposes of section 26(1), the convener of a committee may administer an oath or solemn affirmation to any person giving evidence in its proceedings and require that person to take an oath or make a solemn affirmation.

3. The committee shall arrange for the Parliamentary corporation to pay to persons whom it requires, and may arrange for the Parliamentary corporation to pay to persons whom it invites to attend its proceedings to give evidence or to produce any documents, such allowances and expenses as may be determined by the Parliament.

Rule 12.5 Sub-committees

1. A committee may establish one or more sub-committees with the approval of the Parliament on a motion of the Parliamentary Bureau.

2. The remit of any sub-committee of a committee shall be such as is approved by the Parliament, on a motion of the Parliamentary Bureau, but shall not include any matter outwith the remit of that committee.

3. The membership of any sub-committee shall be determined by the Parliament on a motion of the Parliamentary Bureau. The membership of a sub-committee of a committee shall be proposed by that committee to the Parliamentary Bureau. Normally only members of the committee may be members of a sub-committee of that committee but, if the committee so decides, members of other committees may be appointed as members of a sub-committee.

4. In considering the membership of a sub-committee, the committee shall have regard to the balance of political parties in the Parliament.

5. The convener of a sub-committee shall be a member of that sub-committee who shall be chosen by the members of the sub-committee.

6. The duration of a sub-committee shall be determined by the Parliament on a motion of the Parliamentary Bureau.

7. A sub-committee shall report to the committee which established it.

8. Rules 6.3.5, 6.3.6, 12.1.7 to 12.1.10, 12.2 to 12.4 and 12.6 shall apply in relation to the establishment, procedure and meetings of a sub-committee as they apply in relation to committees with such modifications as are appropriate.

Rule 12.6 Reporters

1. Any committee may appoint a committee member (referred to as “a reporter”) to report to it upon any competent matter within such time limit as the committee may determine. A committee may appoint different reporters to report to it upon different competent matters.

Rule 12.7 Advisers

1. A committee may, with the approval of the Parliamentary Bureau, issue directions to the Parliamentary corporation in connection with the appointment by the Parliamentary corporation of any person to inquire into and advise the committee or any sub-committee upon any competent matter. Different advisers may be appointed for different competent matters.

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Rule 12.8 Reports of committees

1. Where a committee is to report any matter to the Parliament or another committee, it shall do so by lodging the report with the Clerk.
2. Where the report is addressed to the Parliament, the Clerk shall notify members that the report has been lodged. Where the report is addressed to another committee, the Clerk shall notify that committee that the report has been lodged.
3. Any committee report lodged with the Clerk shall be published by the Clerk.

Rule 12.9 Annual reports

1. Each committee shall, as soon as practicable after the end of each Parliamentary year, submit a report to the Parliament containing details of its activities during that Parliamentary year, including details of its meetings and the number of times the committee has met in private. In the case of the Parliamentary year ending on the dissolution of the Parliament before an ordinary general election, each committee shall submit such a report before the Parliament is dissolved.

Rule 12.10 Travelling outwith the United Kingdom

1. A member of a committee who wishes to travel outwith the United Kingdom in connection with any competent matter which is before that committee shall require the prior approval of the Parliamentary Bureau.