

## SCHEDULE

### STANDING ORDERS OF THE SCOTTISH PARLIAMENT

## CHAPTER 3:

### OFFICERS OF THE PARLIAMENT

#### Rule 3.1 Presiding Officer and deputy Presiding Officers

1. The Presiding Officer shall—
  - (a) preside over any meeting of the Parliament except as provided in Rule 2.4 and 2.5 and, except where Rule 11.9 or 11.10 applies, exercise a casting vote in the event of a tie;
  - (b) convene and chair any meeting of the Parliamentary Bureau and exercise a casting vote in the event of a tie;
  - (c) determine any question as to the interpretation or application of these Rules and give a ruling on any such question; and
  - (d) represent the Parliament in discussions and exchanges with any parliamentary, governmental, administrative or other body, whether within or outwith the United Kingdom.
2. The Presiding Officer shall have such other functions as may be conferred upon him or her by the Act, by the Parliament or by these Rules.
3. In exercising any functions, the Presiding Officer and deputy Presiding Officers shall act impartially, taking account of the interests of all members equally.
4. The Presiding Officer's functions may be exercised by a deputy Presiding Officer if the office of Presiding Officer is vacant or if the Presiding Officer is for any reason unable to act.
5. The Presiding Officer may authorise a deputy Presiding Officer to exercise any of his or her functions on his or her behalf but shall not authorise him or her to sit in place of the Presiding Officer as a member of the Parliamentary corporation under section 21(2)(a).

#### Rule 3.2 Election of Presiding Officer

1. The Parliament shall, at its first meeting following a general election, elect from among its members a Presiding Officer.
2. If the Presiding Officer ceases to hold office before the Parliament is dissolved, the Parliament shall elect another from among its members.
3. In the case of the election of the Presiding Officer under paragraph 1, the voting period at the election ("the voting period") shall take place at such time during the first meeting as may be notified in the Business Bulletin or as may be appointed by the person chairing the meeting.
4. In the case of the election of a Presiding Officer under paragraph 2, the voting period shall take place on the day and at the time appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than fourteen days after the date on which the Presiding Officer ceased to hold office. If this is not possible because the Parliament is in recess at that time, the voting period shall take place on the day and at the time notified in the Business Bulletin.
5. For the purposes of paragraph 4, the date on which the Presiding Officer ceased to hold office shall be—

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- (a) in the case where he or she resigns, the date on which the resignation takes effect;
- (b) in the case where he or she is removed from office by resolution of the Parliament, the date on which he or she is so removed; or
- (c) in the case where he or she ceases to be a member of the Parliament, the date on which a vacancy is to be treated as occurring for the purposes of section 9 (constituency vacancies) or 10 (regional vacancies) in accordance with Rule 1.5.

6. A member may, at any time during the period which is not earlier than 2 hours and not later than 15 minutes before the time appointed for the beginning of the voting period, nominate a candidate for appointment as the Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

7. Where there are 2 elected deputy Presiding Officers who represent the same political party, a member representing that party is not eligible for nomination as a candidate for appointment as Presiding Officer. The person chairing the meeting shall reject any such nomination as being invalid.

8. A person nominated as a candidate must take the oath of allegiance or make a solemn affirmation before for the beginning of the voting period. If he or she has not done so, the person chairing the meeting shall reject his or her nomination.

9. At the beginning of the voting period, the person chairing the meeting shall announce the name or names of the candidate or candidates validly nominated and an election shall be held in accordance with Rule 11.9.

10. After the person chairing the meeting has declared the result of the election of the Presiding Officer, the elected Presiding Officer shall take the chair.

### **Rule 3.3 Election of deputy Presiding Officers**

1. The Parliament shall, at its first meeting following a general election, elect from among its members two deputy Presiding Officers.

2. If a deputy Presiding Officer ceases to hold office before the Parliament is dissolved, the Parliament shall elect another deputy Presiding Officer from among its members.

3. Where there is a vacancy in the office of Presiding Officer and in the office of a deputy Presiding Officer, the election of the Presiding Officer shall precede the election of the deputy Presiding Officer.

4. Where there are vacancies in the offices of both deputy Presiding Officers, consecutive elections shall be held for the offices.

5. In the case of the election of deputy Presiding Officers under paragraph 1, the voting period for the election of the first deputy Presiding Officer (“the first voting period”) shall take place at such time during the first meeting as may be appointed by the Presiding Officer, which shall be not earlier than 30 minutes after the Presiding Officer informed the Parliament as to when the first voting period is to take place. The voting period for the election of the second deputy Presiding Officer shall take place immediately after the completion of the first voting period.

6. Paragraph 5 shall also apply in any other case where there are vacancies in the offices of both deputy Presiding Officers except that, where the Parliament is not dissolved or is not in recess, the date and time for the first voting period shall be appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than 14 days after the date on which both those offices became vacant. If this is not possible because the Parliament is in recess at that time, the date and time for the first voting period shall be appointed by the Presiding Officer.

7. In the case of an election under paragraph 5 or 6, the candidates in the election for the second deputy Presiding Officer shall be the candidates not elected in the election for the first deputy

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Presiding Officer, except that, where the Presiding Officer and the first deputy Presiding Officer represent the same political party, any candidate representing that party shall not be a candidate for election as the second deputy Presiding Officer.

8. In the case where there is a vacancy in only one of the offices of deputy Presiding Officer, the voting period for the election of the deputy Presiding Officer shall take place on the date and at the time appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than 14 days after the date on which the office became vacant. If this is not possible because the Parliament is in recess at that time, the date and time for the voting period shall be appointed by the Presiding Officer.

9. In the case of an election under paragraph 8, where the elected Presiding Officer and a deputy Presiding Officer represent the same political party and there is a vacancy in the office of the other deputy Presiding Officer, a member representing that party is not eligible for nomination as a candidate for election as that other deputy Presiding Officer.

10. For the purposes of paragraphs 6 and 8, the date on which the deputy Presiding Officer ceased to hold office shall be—

- (a) in the case where he or she resigns, the date on which the resignation takes effect;
- (b) in the case where he or she is removed from office by resolution of the Parliament, the date on which he or she is so removed; or
- (c) in the case where he or she ceases to be a member of the Parliament, the date on which a vacancy is to be treated as occurring for the purposes of section 9 (constituency vacancies) or 10 (regional vacancies) in accordance with Rule 1.5.

11. The following paragraphs apply to an election in any of the cases mentioned in paragraphs 5, 6 and 8.

12. A member may at any time during the period which is not earlier than 30 minutes before and not later than 15 minutes before the beginning of the first voting period in the cases mentioned in paragraphs 5 and 6 and the voting period in the case mentioned in paragraph 8, nominate a candidate for appointment as deputy Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

13. A person nominated as a candidate must take the oath of allegiance or make a solemn affirmation before the time appointed for a voting period. If he or she has not done so, the Presiding Officer shall reject his or her nomination.

12. At the beginning of a voting period, the Presiding Officer shall announce the name or names of the candidate or candidates validly nominated and an election shall be held in accordance with Rule 11.9.

### **Rule 3.4 Resignation of Presiding Officer and deputy Presiding Officers**

1. The Presiding Officer or a deputy Presiding Officer may resign office by giving notice in writing to the Clerk.
2. The Clerk shall notify the Parliament of any such resignation.

### **Rule 3.5 Removal of Presiding Officer and deputy Presiding Officers**

1. A member may by motion propose that the Presiding Officer or a deputy Presiding Officer be removed from office. The motion is valid only if it is seconded by another member.
2. The Presiding Officer or deputy Presiding Officer is removed from office if the Parliament so decides by an absolute majority.

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### **Rule 3.6 Members of the Parliamentary corporation**

1. The four members of the Scottish Parliamentary Corporate Body (“the Parliamentary corporation”) referred to in section 21(2)(b) shall be appointed by the Presiding Officer either after an election in accordance with Rule 3.7 or in accordance with Rule 3.8. Those members are referred to as “appointed members”.

### **Rule 3.7 Election of members of the Parliamentary corporation**

1. Not later than 10 sitting days after a general election, the Parliament shall hold consecutive elections to elect the four appointed members of the Parliamentary corporation.

2. An election shall also be held to fill any vacancy which arises when an appointed member—
- (a) resigns;
  - (b) ceases to be a member of the Parliament otherwise than by virtue of a dissolution; or
  - (c) is removed from office by resolution of the Parliament.

3. In the case of an election under paragraph 1, the voting period for the election of the first appointed member (“the first voting period”) shall take place on such date and at such time as may be appointed by the Presiding Officer. The voting period for the election of the second and other appointed members under paragraph 1 shall take place immediately after the completion of the first voting period.

4. Paragraph 3 shall also apply in any other case where there are vacancies in the offices of more than one appointed member except that, where the Parliament is not dissolved or is not in recess, the date and time for the first voting period shall be appointed by the Parliament on a motion of the Parliamentary Bureau.

5. In the case of an election under paragraph 3 or 4, the candidates in the election for the second and other appointed members shall be the candidates not elected in the election for the first appointed member.

6. In the case where there is a vacancy in only one of the offices of an appointed member, the voting period for the election shall take place on the date and at the time appointed by the Parliament on a motion of the Parliamentary Bureau.

7. Any member may, not later than 30 minutes before the beginning of the first voting period in the cases mentioned in paragraphs 3 and 4 and the voting period in the case mentioned in paragraph 6, nominate a candidate for election by submitting a written nomination to the Clerk.

8. A nomination of a candidate shall be valid only if it is seconded by another member.

9. At the beginning of a voting period, the Presiding Officer shall announce the name or names of the candidate or candidates validly nominated and an election shall then be held in accordance with Rule 11.10.

10. The Presiding Officer shall appoint as a member of the Parliamentary corporation a member elected in accordance with this Rule.

### **Rule 3.8 Appointment of members of the Parliamentary corporation**

1. If any office of an appointed member is not filled in accordance with Rule 3.7, the Presiding Officer may appoint a member to that office and shall do so if the office remains vacant for more than 28 days. In calculating the period of 28 days for this purpose, no account shall be taken of any time when the Parliament is dissolved.

2. The Presiding Officer shall notify the Parliament of any appointment under paragraph 1.

### **Rule 3.9 Resignation of members of the Parliamentary corporation**

1. An appointed member may at any time resign office by giving notice in writing to the Presiding Officer.
2. The Presiding Officer shall notify the Parliament of the resignation.

### **Rule 3.10 Removal of members of the Parliamentary corporation**

1. A member may by motion propose that an appointed member be removed from office. The motion is valid only if it is seconded by another member.
2. An appointed member is removed from office as a member of the Parliamentary corporation if the Parliament so decides on such a motion.

### **Rule 3.11: Auditor General for Scotland**

1. If the office of Auditor General for Scotland is, or is expected to become, vacant, a panel (referred to as the “Selection Panel”) shall be established for the purpose of recommending a person for nomination by the Parliament to Her Majesty for appointment as Auditor General for Scotland.
2. The members of the Selection Panel shall be the Presiding Officer, the Convener of the Audit Committee and at least 4 but not more than 7 other members appointed by the Presiding Officer. In appointing members of the Selection Panel the Presiding Officer shall have regard to the balance of political parties in the Parliament.
3. The Selection Panel shall recommend to a meeting of the Parliament one person for nomination by the Parliament.
4. Any member of the Selection Panel may by motion propose that the Parliament nominates the person recommended by the Selection Panel.
5. Any debate on such a motion shall be restricted to 30 minutes. Each speaker may speak for no more than 5 minutes.
6. If there is a division on such a motion, the result is valid only if the number of members who voted is more than one quarter of the total number of seats for members. In calculating the number of members who have voted for this purpose, account shall be taken not only of those voting for or against the motion but also of those voting to abstain.

### **Rule 3.12 Removal of Auditor General for Scotland**

1. Any member may by motion propose that the Parliament resolve that a recommendation be made to Her Majesty for the removal from office of the Auditor General for Scotland.
2. If there is a division on such a motion, the motion shall be taken to be agreed to only if the number of members voting in favour is not less than two-thirds of the total number of seats for members of the Parliament.