

SCHEDULE

STANDING ORDERS OF THE SCOTTISH PARLIAMENT

CHAPTER 4:

THE SCOTTISH EXECUTIVE

Rule 4.1 Nomination of First Minister

1. The nomination of a member for appointment as First Minister under section 46(1) shall be conducted in accordance with the following provisions.

2. The date and time for the voting period to select a nominee shall be determined—

(a) in the case of a selection following a general election when the Parliamentary Bureau has not been established, by the Presiding Officer, provided that the date of the first such voting period shall not be later than 14 days after the date of the general election; and

(b) in any other case, by the Parliament on a motion of the Parliamentary Bureau,

and the date and time of the voting period shall be notified to members.

3. Any member may, not later than 30 minutes before the time appointed for the voting period for selection of a nominee, nominate a candidate for appointment as First Minister by submitting a written nomination to the Clerk.

4. A nomination shall be valid only if it is seconded by another member.

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

6. At the time appointed for the voting period to select a nominee, the Presiding Officer shall announce the name or names of the candidate or candidates and the nominee shall then be selected in accordance with Rule 11.10.

Rule 4.2 Designation of person to exercise functions of First Minister

1. The Presiding Officer shall notify the Parliament of the name of any person whom he or she has designated to exercise the functions of the First Minister under section 45(4).

Rule 4.3 Appointment of Scottish Law Officers

1. The agreement of the Parliament to the First Minister's recommendation to Her Majesty for the appointment of a person as Lord Advocate or Solicitor General for Scotland under section 48(1) shall be sought on a motion of the First Minister that a person specified in the motion be so recommended. The provisions of Rules 8.2.5 and 8.2.6 shall not apply to such a motion.

2. Such a motion may relate to one or both of the appointments to be recommended.

3. Before the Presiding Officer puts to the Parliament the question on a motion relating to both appointments, the motion may be amended without notice but only to delete that part of the motion relating to one of the appointments.

4. 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

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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 4.4 Removal of Scottish Law Officers

1. The provisions of Rule 4.3 shall apply, with such modifications as are appropriate, in relation to a recommendation for the removal of a person as Lord Advocate or Solicitor General for Scotland as they apply in relation to a recommendation for an appointment.

Rule 4.5 Participation of Scottish Law Officers in proceedings

1. This Rule applies where the Lord Advocate or Solicitor General for Scotland (“the Scottish Law Officer”) is not a member of the Parliament.

2. The Scottish Law Officer may (subject always to the provision in section 27(1)(a) preventing him or her from voting) participate in any of the proceedings of the Parliament as fully as any member but he or she may not be appointed as a member of the Parliamentary corporation or the Parliamentary Bureau.

3. These Rules shall apply to the Scottish Law Officer, when he or she is participating in any proceedings of the Parliament, as if he or she were a member of the Parliament.

4. Paragraphs 2 and 3 are without prejudice to section 27(2) (application of rules regarding members' interests) and section 27(3) (questions and documents relating to operation of system of criminal prosecution).

Rule 4.6 Appointment of other Scottish Ministers

1. Where the First Minister proposes to appoint any Minister or Ministers under section 47(1), he or she shall, before seeking Her Majesty’s approval for any appointment, seek the agreement of the Parliament to his or her proposal in accordance with the following provisions.

2. He or she shall by motion seek the agreement of the Parliament to the appointment of either–
- (a) an individual member to be a Minister; or
 - (b) a group of 2 or more members to be Ministers.

The provisions of Rules 8.2.5 and 8.2.6 shall not apply to such a motion.

3. Before the Presiding Officer puts to the Parliament the question on a motion relating to a group of members, the motion may be amended but only to delete that part of the motion relating to a particular member or members.

4. 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 4.7 Appointment of junior Scottish Ministers

1. The provisions of Rule 4.6 shall apply, with such modifications as are appropriate, where the First Minister proposes to appoint one or more junior Scottish Ministers under section 49(1).

Rule 4.8 Resignation of Ministers

1. If the First Minister tenders his or her resignation to Her Majesty under section 45(2), the Presiding Officer shall, if the resignation is accepted by Her Majesty, notify the Parliament.

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2. Where any other member of the Scottish Executive or a junior Scottish Minister resigns, the Presiding Officer shall notify the resignation to the Parliament.