

*These notes refer to the Scotland Act 1998 (c.46)
which received Royal Assent on 19th November 1998*

SCOTLAND ACT 1998

EXPLANATORY NOTES

COMMENTARY

SECTION 22: Standing orders

Purpose and Effect

This section requires the proceedings of the Scottish Parliament to be regulated by standing orders.

General

The matters which the Act requires to be dealt with in standing orders are:

the fixing of the date on which a constituency vacancy is to be treated as occurring (section 9(5));

the fixing of the date on which a regional vacancy is to be treated as occurring (section 10(7));

the appointment of four members to the Scottish Parliamentary Corporate Body (section 21(2));

regulation of the proceedings of the Parliament (section 22(1));

the form and manner of making of statements on whether a Bill is within the legislative competence of the Parliament (section 31(3));

stages of Bills (section 36(1));

reconsideration of Bills (section 36(4));

provision for final stage of Bill following its reconsideration (section 36(5));

consideration by the Parliament of financial reports and accounts laid before it (section 70(3));

who may move motions on tax-varying resolutions (section 74(5)); and

those matters which are listed in Schedule 3, namely preservation of order, the holding of proceedings in public, the reporting and publishing of proceedings, political allegiance of the Presiding Officer and deputies, committees and Bills requiring Crown consent.

The Act also mentions certain matters about which standing orders may make provision. These are:

the exercise of the Presiding Officer's functions by a deputy (section 19(5));

the participation of the Presiding Officer and his deputies in the proceedings of the Parliament (section 19(6));

power of committees or sub-committees to call for witnesses and documents (section 23(8));

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- administration of oath to persons giving evidence before Parliament (section 26(1));
- payment of allowances and expenses to persons attending Parliament to give evidence or producing documents (section 26(4));
- participation of Scottish Law Officers in the proceedings of the Parliament if they are not members (section 27(1));
- publication of statements on legislative competence in relation to Bills (section 31(3));
- provision for expediting proceedings in relation to a particular Bill (section 36(2));
- provision for different procedures for different types of Bills (section 36(3)); and
- the matters mentioned in Schedule 3, namely exclusion from proceedings of members contravening standing orders on preservation of order; withdrawal of rights and privileges of members of the Parliament; conditions of attendance of members of the public at proceedings; appointment of committees and sub-committees; and exclusion of non-members of committees and sub-committees from their proceedings.

In addition standing orders may cover such other matters as the Parliament may decide.

Before the Scotland Act was passed, the Secretary of State for Scotland established a Consultative Steering Group, consisting of various persons and representatives, including those from the four main political parties in Scotland. It reported on the working procedures of the Scottish Parliament. Its report informed the drafting of transitional standing orders in the Scotland Act 1998 (Transitory and Transitional Provisions) (Standing Orders and Parliamentary Publications) Order 1999 ([S.I. 1999/1095](#)). The form and structure of these Standing Orders were also influenced by the rules of procedures for the European Parliament. The Parliament adopted its own Standing Orders with effect from 17 December 1999 which were based largely on those in [S.I. 1999/1095](#). They are amended from time to time by the Parliament.

Parliamentary Consideration

<i>Stage</i>	<i>Date</i>	<i>Column</i>
CR	12-May-98	203
CR	12-May-98	231
LC	14-Jul-98	242

Details of Provisions

Subsection (1) provides that the proceedings of the Parliament are to be regulated by standing orders. “Proceedings”, in relation to the Parliament, is defined in section 126(1) as including proceedings of any committee or sub-committee.

Subsection (2) gives effect to Schedule 3 which lists various matters which the standing orders must or may include.