



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *Presiding Officer and administration*

#### **19 Presiding Officer.**

- (1) The Parliament shall, <sup>F1</sup>... following a general election, elect from among its members a Presiding Officer and two deputies.
- [<sup>F2</sup>(1A) The Parliament must do so—
- (a) before it conducts any other proceedings, except the taking by its members of the oath of allegiance (see section 84), and
  - (b) in any event, within the period of 14 days beginning immediately after the day of the poll at the election.
- (1B) The Parliament may, at any time, elect from among its members one or more additional deputies.]
- (2) A person elected Presiding Officer or deputy shall hold office until the conclusion of the next election for Presiding Officer under subsection (1) unless he previously resigns, ceases to be a member of the Parliament otherwise than by virtue of a dissolution or is removed from office by resolution of the Parliament.
- [<sup>F3</sup>(2A) But standing orders may make provision for additional deputies to hold office for a shorter time than provided by subsection (2).]
- (3) If the Presiding Officer or a deputy [<sup>F4</sup>electd under subsection (1)] ceases to hold office before the Parliament is dissolved, the Parliament shall elect another from among its members to fill his place.
- (4) The Presiding Officer's functions may be exercised by a deputy if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.

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*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Presiding Officer and administration. (See end of Document for details)*

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- (5) The Presiding Officer may (subject to standing orders) authorise any deputy to exercise functions on his behalf.
- (6) Standing orders may include provision as to the participation (including voting) of the Presiding Officer and deputies in the proceedings of the Parliament.
- (7) The validity of any act of the Presiding Officer or a deputy is not affected by any defect in his election.

#### Textual Amendments

- F1** Words in s. 19(1) omitted (3.7.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), **ss. 4(2)**, 44(5); S.I. 2012/1710, art. 2(a)
- F2** S. 19(1A)(1B) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 4(3)**, 44(5); S.I. 2012/1710, art. 2(a)
- F3** S. 19(2A) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 4(4)**, 44(5); S.I. 2012/1710, art. 2(a)
- F4** Words in s. 19(3) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 4(5)**, 44(5); S.I. 2012/1710, art. 2(a)

#### Modifications etc. (not altering text)

- C1** [S. 19\(1A\)\(b\)](#) modified (30.1.2021) by [Scottish General Election \(Coronavirus\) Act 2021 \(asp 5\)](#), **ss. 10, 15** (with s. 12)

## 20 Clerk of the Parliament.

- (1) There shall be a Clerk of the Parliament.
- (2) The Clerk shall be appointed by the Scottish Parliamentary Corporate Body (established under section 21).
- (3) The Clerk's functions may be exercised by any Assistant Clerk if the office of Clerk is vacant or the Clerk is for any reason unable to act.
- (4) The Clerk may authorise any Assistant Clerk or other member of the staff of the Parliament to exercise functions on his behalf.

#### Modifications etc. (not altering text)

- C2** S. 20(3) amended (6.5.1999)(*temp.*) by [S.I. 1999/1098](#), **art. 2(3)**

## 21 Scottish Parliamentary Corporate Body.

- (1) There shall be a body corporate to be known as “The Scottish Parliamentary Corporate Body” (referred to in this Act as the Parliamentary corporation) to perform the functions conferred on the corporation by virtue of this Act or any other enactment.
- (2) The members of the corporation shall be—
  - (a) the Presiding Officer, and
  - (b) [<sup>F5</sup>at least] four members of the Parliament appointed in accordance with standing orders.

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- (3) The corporation shall provide the Parliament, or ensure that the Parliament is provided, with the property, staff and services required for the Parliament's purposes.
- (4) The Parliament may give special or general directions to the corporation for the purpose of or in connection with the exercise of the corporation's functions.
- (5) Any property or liabilities acquired or incurred in relation to matters within the general responsibility of the corporation to which (apart from this subsection) the Parliament would be entitled or subject shall be treated for all purposes as property or (as the case may be) liabilities of the corporation.
- (6) Any expenses of the corporation shall be payable out of the Scottish Consolidated Fund.
- (7) Any sums received by the corporation shall be paid into that Fund, subject to any provision made by or under an Act of the Scottish Parliament for the disposal of or accounting for such sums.
- (8) Schedule 2 (which makes further provision about the corporation) shall have effect.

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#### Textual Amendments

- F5** Words in s. 21(2)(b) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 5, 44(5)**; [S.I. 2012/1710](#), **art. 2(b)**

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#### Modifications etc. (not altering text)

- C3** S. 21(6) restricted (6.5.1999) by [S.I. 1999/1082](#), **art. B2, Sch. 1 para. 8**  
S. 21(6) restricted (6.5.1999) by [S.I. 1999/1082](#), **art. R1, Sch. 6 para. 14(2)**
- C4** S. 21(7) modified (6.5.1999) (temp.) by [S.I. 1999/441](#), **arts. 1(5), 6**

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#### Commencement Information

- I1** S. 21 wholly in force at 6.5.1999: S. 21 not in force at Royal Assent, see s. 130; S. 21(1)-(7) in force at 6.5.1999 by [S.I. 1998/3178](#), **art. 2(2)**; s. 21(8) in force for certain purposes at 25.1.1999 and for all remaining purposes at 6.5.1998 by [S.I. 1998/3178](#), **art. 2(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Presiding Officer and administration.