

SCHEDULE

STANDING ORDERS OF THE SCOTTISH PARLIAMENT

CHAPTER 1

MEMBERS

Rule 1.1 The Scottish Parliament

1. The Scottish Parliament is established by the Scotland Act 1998.
2. The members of the Parliament returned for each constituency or region shall be known as members of the Scottish Parliament (MSPs) and are referred to in these Rules as members.

Rule 1.2 Oath of allegiance

1. Every person who is returned as a member shall take the oath of allegiance or shall make his or her solemn affirmation at a meeting of the Parliament before the Clerk. A member shall not take part in any other proceedings of the Parliament until he or she has done so.

2. A member may, immediately after taking the oath or making his or her solemn affirmation, repeat the oath or affirmation in a language other than English.

3. The member shall then sign a register kept by the Clerk for the purpose indicating that he or she has taken the oath or, as the case may be, made a solemn affirmation.

4. The Parliament's power under section 84(3) (where a member fails to take the oath of allegiance) to decide, before the end of the period of two months within which a member must take the oath or make a solemn affirmation, to allow him or her a longer period to do so is exercisable on a motion of any member. The motion is valid only if it is seconded by another member.

5. In these Rules, "oath of allegiance" means the oath in the form provided in section 2 of the Promissory Oaths Act 1868(1) and "solemn affirmation" means the affirmation in the form provided in section 6(1) of the Oaths Act 1978(2).

Rule 1.3 Term of office

1. The term of office of a member begins on the day on which the member is declared to be returned and ends with the dissolution of the Parliament or, if earlier, that member's death or resignation.

2. A member may at any time resign his or her seat by giving notice in writing to the Presiding Officer.

3. A member may also cease to be a member in accordance with section 17(1) or (2) (where a member is or becomes disqualified) or section 84(3) (where a member fails to take the oath of allegiance).

Rule 1.4 Disqualification

1. The Presiding Officer shall notify the Parliament where a person is, or is alleged to be, disqualified from being a member (either generally or for a particular constituency or region) on any

(1) 1868 c. 72.

(2) 1978 c. 19.

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ground other than one falling within section 15(1)(b) (disqualification otherwise than under House of Commons Disqualification Act 1975).

2. Any member may, within 3 sitting days of such notification, by motion propose that the Parliament disregard the disqualification because it is considered that the ground has been removed and that it is proper to disregard the disqualification. The motion is valid only if it is seconded by another member.

Rule 1.5 Vacancies

1. For the purposes of section 9 (constituency vacancies), the date on which a vacancy in the seat of a constituency member is to be treated as occurring shall be determined in accordance with paragraph 2. The Presiding Officer shall notify the Parliament of that date.

2. The date on which a constituency vacancy is to be treated as occurring is—
- (a) in the case of a vacancy arising on the death of a member, the date of death;
 - (b) in the case of a vacancy arising on the resignation of a member, the date on which written notice of the resignation is given to the Presiding Officer;
 - (c) in the case of a vacancy arising under section 17(1) (effect of disqualification where a disqualified person is returned), the date on which the person concerned was returned as a member;
 - (d) in the case of a vacancy arising under section 17(2) (effect of disqualification where a member becomes disqualified), the date on which the member became disqualified;
 - (e) in the case of a vacancy arising under section 84(3) (failure of member to take the oath of allegiance), the expiry of the period of 2 months beginning with the day on which he or she was returned or such longer period as the Parliament may have allowed; or
 - (f) in any other case, such date as the Presiding Officer may determine.

3. If, in any of the cases mentioned in paragraph 2(a) and (c) to (e), the vacancy does not come to the notice of the Presiding Officer within the period of one month beginning with its occurrence, the Presiding Officer shall notify the Parliament of the date when the vacancy did come to his or her notice.

4. For the purposes of section 10 (regional vacancies), the date on which a vacancy in the seat of a regional member is to be treated as occurring shall be determined by the Presiding Officer. The Presiding Officer shall notify the Parliament of that date.

Rule 1.6 Code of Conduct

1. The Parliament may, on a motion of the Standards Committee, lay down a Code of Conduct for members. The Parliamentary corporation shall arrange for the Code of Conduct to be printed and published.

Rule 1.7 Withdrawal of rights and privileges

1. The Parliament may, on a motion of the Standards Committee, withdraw from a member his or her rights and privileges as a member to such extent and for such period as are specified in the motion.