

SCHEDULE

STANDING ORDERS OF THE SCOTTISH PARLIAMENT

CHAPTER 11: DECISIONS AND VOTING

Rule 11.1 Decisions of the Parliament

1. All decisions of the Parliament shall be taken by resolution.
2. A matter requiring a decision of the Parliament shall be decided by a question being put to a meeting of the Parliament by the Presiding Officer on the motion of a member. The question shall be that the motion is agreed to.
3. Where any question requires to be put to the Parliament, it shall be put in accordance with Rules 11.2 to 11.4.

Rule 11.2 Decision Time

1. Except as provided in Rule 11.3, the Presiding Officer shall put any question in relation to a motion during Decision Time on the day on which the motion is moved.
2. Decision Time is the period which normally begins at 17:00 where a meeting of the Parliament is held on Monday, Tuesday, Wednesday or Thursday and at 12:00 where a meeting of the Parliament is held on Friday and which ends when every decision which is to be taken during Decision Time has been taken.
3. Normally, Decision Time shall end not later than 30 minutes after it begins but, in accordance with Rule 2.2.4(a), it may continue, in order to complete any voting which is not adjourned to a later meeting under paragraph 5.
4. The Parliament may, on a motion of the Parliamentary Bureau, decide that Decision Time on a particular day or days shall begin at a time other than that mentioned in paragraph 2.
5. The Parliament may, on a motion of any member moved without notice not more than 30 minutes after the beginning of Decision Time, decide that decisions which have not been taken by the time the motion is moved are to be taken at a later meeting of the Parliament. Members shall be notified of the day and time when such decisions are to be taken.
6. Where—
 - (a) a motion is listed on the daily business list for consideration before Decision Time; but
 - (b) that motion has not been moved before Decision Time begins,

the Presiding Officer may allow the motion, and any amendment to it, to be moved at the beginning of Decision Time.

Rule 11.3 Decisions at times other than Decision Time

1. In the following cases the Presiding Officer shall, subject to paragraph 3, put the question immediately after he or she has closed the debate on the motion in relation to that question or, if there is no debate on the motion, immediately after the motion is moved—
 - (a) a motion seeking the agreement of the Parliament to the First Minister's recommendation for the appointment of a person as Lord Advocate or Solicitor General for Scotland under

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Rule 4.3 or for the removal of a person as Lord Advocate or Solicitor General for Scotland under Rule 4.4;

- (b) a motion seeking the agreement of the Parliament that a person be appointed a Minister under Rule 4.6 or a junior Scottish Minister under Rule 4.7;
- (c) a business motion;
- (d) a motion for the closure of a debate;
- (e) a motion for the adjournment of a debate;
- (f) a motion under Rule 9.6.5;
- (g) a motion under Rule 9.8.5 or 9.8.6;
- (h) a motion in relation to an Emergency Bill;
- (i) a motion for the exclusion of a member;
- (j) a motion for the adjournment or closure of a meeting of the Parliament; and
- (k) a motion on Members' Business.

2. The Presiding Officer shall put the question on an amendment to a Bill immediately after the debate on that amendment or, if there is no debate, immediately after the amendment is moved.

3. Decisions may, at the discretion of the Presiding Officer, be taken at a time other than Decision Time or the times mentioned in paragraphs 1 and 2. Members shall be notified of any such time.

Rule 11.4 Order in which questions are put

1. At Decision Time or any alternative time mentioned in Rule 11.3, questions on motions shall be put in the order in which the motions were moved.

2. Questions on amendments to a motion shall be put in the order in which those amendments were moved. The Presiding Officer shall, before putting the question under paragraph 1, put, in turn, each question that an amendment to the motion be agreed to.

3. If any member disagrees with the question put under paragraph 1 or 2, there shall immediately be a division.

4. The provisions of this Rule shall apply to amendments to amendments with such modifications as are appropriate.

Rule 11.5 Right to vote

1. Only members have a right to vote at a meeting of the Parliament. A member is not obliged to vote.

2. A member shall vote only in person and shall not vote on behalf of any other member.

3. A member may vote although he or she did not hear the question put.

4. A member shall vote only once on any question.

5. Except in the case of a vote of an election or a selection process under Rule 11.9 or 11.10 the Presiding Officer shall exercise a casting vote in the event of a tie in any vote at a meeting of the Parliament, but he or she shall not otherwise vote in the Parliament.

Rule 11.6 Divisions

1. A division shall be held where it is required by Rule 11.4.3 and shall be conducted in accordance with the following provisions.

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2. The Presiding Officer shall repeat the question. The Presiding Officer shall then ask members to vote within a specified period of time.

3. Once the Presiding Officer has repeated the question, no-one except the Presiding Officer may speak until the Presiding Officer has declared that the specified period of time has ended.

4. Points of order concerning the validity of the division may be raised only after the Presiding Officer has declared that the specified period of time has ended.

5. The Presiding Officer shall establish the numerical result of the division and shall announce the numbers of votes for and against and the number of votes to abstain.

6. In the event of a tie, the Presiding Officer shall exercise his or her casting vote.

Rule 11.7 Manner of voting

1. Normally members shall vote at a meeting of the Parliament using the electronic voting system.

2. If it appears to the Presiding Officer that the electronic voting system cannot be used for any reason or that it has produced an unreliable result, a roll call vote, or a vote in accordance with such other manner of voting as the Presiding Officer may decide, shall be held.

3. In a roll call vote, the roll shall be called in alphabetical order. Voting shall be by word of mouth and shall be expressed by “Yes”, “No” or “Abstain”.

Rule 11.8 Committees

1. Subject to paragraph 2, the convener of a committee or sub-committee shall determine the time at which members shall take a decision on any item of business.

2. The convener shall put the question on an amendment to a Bill immediately after the debate on that amendment or, if there is no debate, immediately after the amendment is moved.

3. Except as provided in any direction given to a committee by the Parliament, members of a committee or sub-committee shall vote by show of hands unless, before they do so, a member of the committee or sub-committee requests a roll call vote, as described in Rule 11.7.3, and the convener agrees to that request.

4. Rule 11.5 applies where members vote in a committee or sub-committee except that—

(a) only members of the committee or sub-committee may vote in that committee or sub-committee, as the case may be; and

(b) the convener of a committee or sub-committee may vote and shall also exercise a casting vote in the event of a tie.

5. Rules 11.4 and 11.11 shall apply to the taking of decisions at meetings of committees and sub-committees as they apply to the taking of decisions at meetings of the Parliament, with such modifications as are appropriate.

Rule 11.9 Election of Presiding Officer and deputy Presiding Officers

1. This Rule applies to any election of the Presiding Officer or any deputy Presiding Officer to be held by virtue of Rule 3.2 or 3.3.

2. The vote at an election shall be by secret ballot and shall be held during the voting period appointed under Rule 3.2 or 3.3. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 7 to 12.

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3. The result of any vote under this Rule is valid only if the number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted—

- (a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and
- (b) where there is more than one round of voting the result of each round of voting shall be treated as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election is invalid under this Rule, no candidate shall be elected at that election.

4. Each candidate may appoint a member to act as a scrutineer on his or her behalf. Each scrutineer may monitor the counting of votes by the Clerk and may request the Clerk to perform a count again. The Clerk may refuse such a request only if he or she considers it unreasonable.

5. Any member may, at the beginning of a round of voting, obtain a ballot paper from the Clerk. Any member who obtains a ballot paper shall immediately mark his or her vote on that ballot paper and then put the ballot paper in the ballot box provided for that purpose by the Clerk. That member may not thereafter obtain another ballot paper or vote during that round of voting.

6. Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to abstain. At the completion of that round of voting the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for the candidate, against the candidate or to abstain. The candidate shall be elected if he or she obtains a simple majority of votes in his or her favour.

7. Where there is more than one candidate in a round of voting, a member may vote for one of those candidates or to abstain. At the completion of each round of voting in which there is more than one candidate, the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for each candidate and the number of votes to abstain.

8. Where there are two candidates in a round of voting, a candidate shall be elected if he or she obtains a simple majority of votes in his or her favour.

9. Where there are more than 2 candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected.

10. Where there are more than 2 candidates in a round of voting but no candidate is elected under paragraph 9, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until—

- (a) a candidate is elected in accordance with paragraphs 6, 8 or 9;
- (b) paragraph 11 applies; or
- (c) the result of any vote is invalid under this Rule.

11. Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election.

12. A candidate may withdraw his or her candidature at any stage between the rounds of voting mentioned in paragraphs 7 to 10.

13. In counting the votes, the Clerk may disregard any ballot paper if, in his or her opinion, it does not clearly indicate the voter's choice.

14. When a candidate has been elected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected. He or she shall also announce—

- (a) after the count in a case where the provisions of paragraph 6 apply, the number of votes for and against the candidate and the number of votes to abstain; and
- (b) after the count in any other case, the number of votes for each candidate, the number of votes to abstain and the name of any candidate who has been eliminated at that round.

15. Where no candidate is elected at an election held in accordance with this Rule, the person chairing the meeting shall announce that fact and arrange for another election to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election.

16. Following a declaration that a candidate has been elected or that no candidate has been elected, the Clerk shall destroy all the ballot papers.

Rule 11.10 Election of members of Parliamentary corporation and selection of First Minister

1. This Rule applies to—

- (a) the election of members of the Parliamentary corporation to be held by virtue of Rule 3.7; and
- (b) the selection of a nominee for appointment as First Minister to be held by virtue of Rule 4.1 (“the selection process”).

Where this Rule applies, the procedure for the election or selection process shall be as follows.

2. Voting under this Rule shall be held using the electronic voting system and shall be held during the voting period appointed under Rule 3.7 or 4.1. If it appears to the Presiding Officer that the electronic voting system cannot be used for any reason or that it has produced an unreliable result, a paper ballot of members, a roll call vote, or a vote in accordance with such other manner of voting as the Presiding Officer may decide, shall be held. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 6 to 11.

3. A member may only vote once in a round of voting.

4. The result of any vote under this Rule is valid only if the number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted—

- (a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and
- (b) where there is more than one round of voting the result of each round of voting shall be treated as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election or selection process is invalid under this Rule, no candidate shall be elected at that election or selected at that selection process.

5. Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to abstain. At the completion of that round of voting, the Presiding Officer shall establish the number of votes for the candidate, against the candidate or to abstain. The candidate shall be elected or selected if he or she obtains a simple majority of votes in his or her favour.

6. Where there is more than one candidate in a round of voting, a member may vote in accordance with the following procedure—

- (a) the Presiding Officer shall read out the names of all the candidates;

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- (b) he or she shall then read out the name of each candidate in turn, in alphabetical order;
- (c) after each name is read out, those members who wish to vote for that candidate shall cast their votes;
- (d) when the votes for the last candidate have been cast, members shall be given an opportunity to vote to abstain.

At the completion of each round of voting in which there is more than one candidate, the Presiding Officer shall establish the number of votes for each candidate and the number of votes to abstain.

7. Where there are 2 candidates in a round of voting, a candidate shall be elected or selected if he or she obtains a simple majority of votes in his or her favour.

8. Where there are more than 2 candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected or selected.

9. Where there are more than 2 candidates in any round of voting but no candidate is elected under paragraph 8, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until—

- (a) a candidate is elected or selected in accordance with paragraphs 5, 7 or 8;
- (b) paragraph 10 applies; or
- (c) the result of any vote is invalid under this Rule.

10. Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election or selected at that selection process.

11. A candidate may withdraw his or her candidature at any stage between the rounds of voting mentioned in paragraphs 6 to 10.

12. When a candidate has been elected or selected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected or selected. He or she shall also announce—

- (a) in a case where the provisions of paragraph 5 apply, the number of votes for and against the candidate and the number of votes to abstain; and
- (b) in any other case, the number of votes for each candidate and the name of any candidate who has been eliminated at that round.

13. Where no candidate is elected at an election or selected at a selection process held in accordance with this Rule, the Presiding Officer shall announce that fact and arrange for another election or selection process to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election or selection process.

Rule 11.11 Simple and absolute majority

1. Any decision of the Parliament shall be taken by a simple majority unless otherwise expressly stated in any enactment or in these Rules.

2. A simple majority means that the number of members voting for a proposition is more than the number of members voting against that proposition. No account shall be taken of any members who vote to abstain.

3. An absolute majority means that the number of members voting for a proposition is more than half of the total number of seats for members of the Parliament or, in the case of a committee or sub-committee, more than half of the number of members of that committee or sub-committee.