

SCHEDULE

STANDING ORDERS OF THE SCOTTISH PARLIAMENT

CHAPTER 8:

MOTIONS AND POINTS OF ORDER

Rule 8.1 Motions

1. Any member may, except where these Rules provide otherwise, give notice of a motion or move a motion about any matter.
2. A motion may be moved without notice being given only as permitted by these Rules or, exceptionally, as permitted by the Presiding Officer.
3. Where these Rules provide for a motion of a committee or of the Parliamentary Bureau, notice of the motion (if required) may be given, and the motion may be moved, only by a member of that committee or, as the case may be, of the Parliamentary Bureau.

Rule 8.2 Notice of motions

1. Notice of a motion shall be given by being lodged by a member with the Clerk. Notice of a motion shall contain the text of the motion and the name of the member giving notice of it.
2. A motion shall—
 - (a) be in English;
 - (b) not contain offensive language; and
 - (c) not breach any enactment or rule of law or be contrary to the public interest.
3. The Clerk may refuse to accept notice of a motion only if the motion is not permitted under these Rules or if, in the opinion of the Clerk, it is not in accordance with paragraph 2.
4. Any member may indicate his or her support for a motion by notifying the Clerk.
5. The text of a motion and the name of the member who gave notice of it and of any member supporting it shall be printed in the Business Bulletin.
6. Normally, a motion shall not be taken before the sitting day after the day on which notice of it is given under paragraph 1. A motion may be taken on shorter notice if the Parliament so decides on a motion without notice. Such a motion may be taken only with the agreement of the Presiding Officer.
7. Where time has been allocated for a debate on a particular subject, the Presiding Officer shall consider all motions on that subject of which notice has been given and shall decide which of those motions are to be taken by the Parliament. In all other cases, the Parliamentary Bureau shall consider motions of which notice has been given and shall by motion propose which of those motions are to be taken by the Parliament. A business motion shall always be taken by the Parliament.

Rule 8.3 Motions taken by the Parliament

1. A motion is taken by the Parliament when it is called at a meeting of the Parliament by the Presiding Officer.
2. When a motion is taken by the Parliament the motion may be moved by the member who gave notice of it or, except in the cases referred to in Rule 8.9, Rules 8.10 and Rule 8.11, if that member

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does not move the motion, by any other member who has indicated his or her support for it before the end of the previous sitting day.

3. Before the member moves the motion, he or she may speak in support of it.
4. Immediately after the motion is moved, the Presiding Officer may call on any other member to speak.
5. All motions may be debated, except as provided in these Rules.
6. After a motion is moved, it may be withdrawn by the member who moved it at any time before the question is put unless any member objects to it being withdrawn.
7. After the debate has been closed or, where there is no debate, after the motion has been moved, the question on the motion shall be put at the time when it requires to be put in accordance with Rules 11.2 to 11.4.

Rule 8.4 Amendments to motions

1. A motion may be amended except as provided in these Rules.
2. A motion without notice may be amended without notice.

Rule 8.5 Notice of amendments

1. Notice of an amendment to a motion of which notice has been given shall be given by being lodged by a member with the Clerk at any time after notice of the motion has been given. Notice of an amendment shall contain the text of the amendment and the name of the member giving notice of it.
2. An amendment shall—
 - (a) be in English;
 - (b) not contain offensive language; and
 - (c) not breach any enactment or rule of law or be contrary to the public interest.
3. The Clerk may refuse to accept notice of an amendment only if the amendment is not permitted under these Rules or if, in the opinion of the Clerk, it is not in accordance with paragraph 2.
4. Any member may indicate his or her support for an amendment by notifying the Clerk.
5. The text of an amendment and the name of the member who gave notice of it and of any member supporting it shall be printed in the Business Bulletin.
6. The Presiding Officer shall examine all amendments of which notice has been given and shall decide which amendments are to be taken by the Parliament.

Rule 8.6 Amendments taken by the Parliament

1. If an amendment to a motion is to be taken by the Parliament, it shall be taken immediately after the motion is moved.
2. When an amendment is taken, it may be moved by the member who gave notice of it or by any member who has indicated his or her support for it.
3. Before the member moves the amendment, he or she may speak in support of it.
4. An amendment may be debated only if the motion may be debated.
5. The question on an amendment shall be put in accordance with Rules 11.2 to 11.4.

Rule 8.7 Amendments to amendments

1. The provisions of Rules 8.4 to 8.6 shall apply to amendments to amendments as they apply to amendments to motions with such modifications as are appropriate.

Rule 8.8 Application to committees

1. The provisions of Rules 8.1 to 8.7 shall apply to proceedings at meetings of committees and sub-committees as they apply to proceedings at meetings of the Parliament, with such modifications as are appropriate.

Rule 8.9 Motions of First Minister

1. The following motions may be moved, and notice of any such motion may be given, only by the First Minister, namely–

- (a) a motion seeking the agreement of the Parliament under section 48(1) that a recommendation be made to Her Majesty for the appointment or removal of a person as Lord Advocate or Solicitor General for Scotland;
- (b) a motion seeking the agreement of the Parliament under section 47(2) or 49(3) that a member be appointed a Minister or a junior Scottish Minister respectively;
- (c) a motion under section 95(7) that a recommendation be made to Her Majesty for the removal of a judge.

Rule 8.10 Tax-varying resolutions

1. A motion for a tax-varying resolution under section 74 may be moved, and notice of such a motion may be given, only by a member of the Scottish Executive. Such a motion may not be amended.

2. Subject to paragraph 3, a motion for a tax-varying resolution may be moved no earlier than 12 months before the beginning of the year of assessment to which it relates.

3. A motion for a tax-varying resolution may be moved after the beginning of the year of assessment to which it relates only at Stage 3 of a Budget Bill, or a Bill to amend a Budget Act, relating to that year.

Rule 8.11 Business motions

1. A motion seeking the approval of the Parliament to the Parliamentary Bureau's proposals on the business programme shall be known as a business motion.

2. A business motion may be moved, and notice of such a motion may be given, only by a member of the Parliamentary Bureau.

3. Any debate on a business motion shall be restricted to 30 minutes. There shall be no more than one speaker for and one speaker against the motion and any amendment to it and each speaker may speak for no more than 5 minutes.

4. Members may propose amendments to a business motion. If, when notice of an amendment is given, it is supported by at least 10 members, that amendment shall be taken by the Parliament.

Rule 8.12 Motions of no confidence

1. Any member may give notice of a motion that the Scottish Executive or a member of the Scottish Executive or a junior Scottish Minister no longer enjoys the confidence of the Parliament ("a motion of no confidence").

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2. If notice of a motion of no confidence is supported by at least 25 members, it shall be included in a proposed business programme.

3. Members shall normally be given at least 2 sitting days' notice of a motion of no confidence. Exceptionally, members may be given a shorter period of notice if in the opinion of the Parliamentary Bureau a shorter period is appropriate.

Rule 8.13 Procedural motions

1. Only the member moving the motion and one speaker against may speak on a motion mentioned in Rules 8.14 to 8.16. Each such person may speak for no more than 3 minutes.

2. A motion referred to in paragraph 1 shall take precedence over the business under consideration, the debate on which shall be suspended while the motion is being considered.

Rule 8.14 Closure of a debate

1. Where time has been allocated for a debate (whether by the Presiding Officer or in the daily business list) the debate shall, subject to paragraphs 2 and 3, be closed when the time allocated has been exhausted.

2. A member may, by motion without notice, propose that a debate be closed earlier than the end of the period of time allocated for that debate. Such a motion may be taken only with the agreement of the Presiding Officer. If the motion is agreed to, the debate shall be closed. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.

3. Any member may, by motion without notice, propose that a debate be extended for up to 30 minutes beyond the end of the period of time allocated for that debate. Such a motion may be taken only with the agreement of the Presiding Officer. If the motion is agreed to, the debate shall be extended. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.

4. If a debate is closed or extended under this Rule the Presiding Officer shall make any necessary alteration to the daily business list. Members shall be notified of any such alteration.

Rule 8.15 Motions for adjournment of a debate

1. At any time during a debate a member may, by motion without notice, propose that the debate be adjourned. Such a motion may be taken only with the agreement of the Presiding Officer.

2. If the motion is agreed to, the Parliament shall proceed to the next business. If a debate is adjourned under this Rule the Presiding Officer shall make any necessary alteration to the daily business list. Members shall be notified of any such alteration.

3. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.

Rule 8.16 Adjournment and closure of meetings

1. Any member may, by motion without notice, propose that a meeting of the Parliament be adjourned or closed. Such a motion may be taken only with the agreement of the Presiding Officer. A meeting may be adjourned only to a time later in the same day. If a meeting is so adjourned, the Presiding Officer shall make any necessary alteration to the daily business list. Members shall be notified of any such alteration.

2. The Presiding Officer may, if he or she considers it appropriate, at any time close a meeting of the Parliament.

Rule 8.17 Points of order

1. A member may in any proceedings question whether proper procedures have been or are being followed by making a point of order.

2. In making a point of order, a member may not speak for more than 3 minutes and may not speak on the question under consideration. Points of order shall take precedence over the question under consideration, the discussion of which shall be suspended while they are being considered.

3. The Presiding Officer shall normally take an immediate decision on any point of order in accordance with these Rules but may exceptionally defer taking a decision. He or she shall announce his or her ruling.