

SCOTTISH PARLIAMENT
GUIDANCE ON MOTIONS

2nd Edition, May 2007

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Foreword

This guidance is intended to support and expand on the Parliament's Standing Orders (<http://www.scottish.parliament.uk/business/so/sto-c.htm>) in relation to the processing of and parliamentary procedure on motions. It takes account of changes to Standing Orders agreed by the Parliament and of experience gained since 1999 and has been approved by the Procedures Committee.

Motions are normally lodged with the Chamber Desk, which is situated in room T1.01 at the top of the staircase from the Garden Lobby. It is part of the Chamber Office, which is in turn part of the Directorate of Clerking and Reporting. The Chamber Desk is open for business between 9.00 am and 5.30 pm, Mondays to Thursdays and from 9.00 am to 4.30 pm on Fridays. It does not open for business at weekends or on public holidays. Revised times will be indicated to Members in advance of any recess (normally 10.00 am to 4.00 pm).

Contact details for the Chamber Desk are—

Clerk Team Leader	Extension No. 85182
Senior Assistant Clerk	Extension No. 85181
Assistant Clerks	Extension Nos. 85185 and 85196
Support Manager	Extension No. 85199
Admin. Support Staff	Extension Nos. 85194, 85193 and 85250
General	Extension No. 85171

Fax: Extension No. 85184

Email: chamber.desk@scottish.parliament.uk

Section 1: Introduction

Purpose of Motions

1.1 A motion is one of the means by which Members can initiate debate or propose a course of action. Under Rule 8.1.1 of Standing Orders Members may, except where Standing Orders provide otherwise, give notice of a motion or move a motion about any matter. This includes those matters that are reserved to Westminster. All motions lodged are published in the next *Business Bulletin*. As a general rule a Member seeking to move a motion, whether in the chamber or in committee, will require to lodge notice of it with the Chamber Desk.

1.2 Where motions are to be debated they are lodged in accordance with the business programme agreed by the Parliament and form the basis for the debate. Such motions, if agreed to, become resolutions of the Parliament. Any Member can lodge an amendment to such a motion and the Presiding Officer selects which amendments will be debated. However, the majority of motions are not intended for debate and are lodged for a variety of reasons, such as drawing attention to a particular topic, seeking support for a cause or highlighting a particular event. Others are lodged to congratulate constituents or organisations. Members can also lodge motions for Members' Business which gives them the opportunity to debate matters of interest to them or which affect their constituents (see paras 2.17 to 2.21). Such motions are not moved and so do not result in a resolution of the Parliament.

Chamber Desk

1.3 The wording of motions can be discussed with clerks at the Chamber Desk. Clerks also provide advice and assistance on general matters relating to the processing of motions (content, timings, lodging arrangements, etc) as well as the arrangements for lodging parliamentary questions (see *Guidance on Parliamentary Questions*, <http://www.scottish.parliament.uk/business/pqa/>).

Section 2: Procedures for Lodging and Processing Motions

2.1 This section deals with the detailed arrangements for lodging a motion. These arrangements also apply to lodging an amendment to a motion (further guidance on amendments is given in sections 5 and 6). This guidance applies both to motions taken in meetings of the Parliament and in committees. Therefore, where there is a reference to the Presiding Officer, this should also be read as a reference to a convener when dealing with a motion or an amendment to a motion that is being considered in committee.

Where Motions are Lodged

2.2 Motions are lodged with the Chamber Desk and should contain the text of the motion, a title and the name of the Member giving notice of it. Clerks ensure that all motions conform to the admissibility criteria set out in Rule 8.2.2 of Standing Orders. This will also ensure that any restrictions that apply to particular motions, for example motions that may be moved only by Members of a particular committee or by the Member in charge of a Bill, are complied with.

Role of Chamber Desk

2.3 Members may seek advice from clerks about whether a motion complies with Standing Orders and with this guidance before lodging it. Any advice given to Members by clerks prior to a motion being admitted is strictly confidential as are all discussions or correspondence on motions prior to them being lodged. Clerks may make minor alterations to motions, e.g. to format, grammar or spelling, but will not make any alteration that materially alters the sense of a motion without first consulting the Member. If a motion requires such an alteration in order to be admissible, the clerk may give appropriate advice but it is for the Member to make and/or agree the necessary changes.

2.4 If a motion has been admitted and has appeared in the *Business Bulletin* but requires further minor editorial adjustment, the clerks will amend it and notify the adjustment to Members in the *Business Bulletin* by means of an asterisk (*) (which identifies new or altered motions) in the text to show the extent of the alterations made. An asterisk before a motion number denotes a motion that is new or has been altered. In the event of substantial adjustment being required, the Member will be encouraged to withdraw the motion and submit a new one. If, however, deadlines are tight, for example because the motion is to be debated that day, then the new, or altered, motion may either be moved without notice with the permission of the Presiding Officer (see paragraph 2.27) or taken at short notice (see paragraph 2.28).

Who can Lodge Motions

2.5 The Member in whose name the motion is to appear may lodge the motion themselves or confer authority on someone else, e.g. a research assistant, to lodge a motion on his or her behalf. Members who agree to allow someone else to lodge a motion on their behalf must provide the Chamber Desk in advance with a signed copy of the authorisation form contained in Annex A. Copies of this form are available from the Chamber Desk. Members can authorise more than one person to lodge motions on their behalf. Without this authorisation, the clerks will not accept a

motion from anyone other than the Member. The authorisation applies for the whole parliamentary session unless the Member alters or revokes it. All alterations or revocations must be notified in writing to the Chamber Desk by the Member personally (not another authorised person).

How a Motion is Lodged

2.6 Standing Orders allow for a motion to be lodged in person or by email. A Member wishing to lodge a motion by email must, before doing so, advise the clerk that he or she intends to lodge documents in this way. This is done by completing the appropriate notification form (see Annex B). Copies are available from the Chamber Desk. Lodging electronically will speed up the whole process and reduce the risk of errors if the motion requires to be retyped. However, if a Member is in any doubt about the format of his or her motion, he or she may find it helpful to discuss the wording with clerks before lodging it. Motions will not be accepted orally, by telephone or by fax. Nonetheless, motions written in any form will be accepted if they meet the criteria for admissibility.

2.7 Members may lodge motions from their parliamentary office, constituency office or home email addresses, providing they have completed the necessary authorisation form stating the full email addresses to be authorised. Emailed motions will be accepted only from these addresses. The mailbox name need not contain the Member's name but must be an address which the Member has notified the Chamber Desk to be their authorised email address. Specific arrangements for the Scottish Executive are set out in Rule 17.4.2.

Admissibility Criteria

2.8 Rule 8.2.2 contains the criteria for admissibility of a motion—

- the first criterion is that a motion should be in English. Where a Member wishes a motion to be printed in the *Business Bulletin* in a language other than English, for example Scots Gaelic or Scots, then he or she must provide the appropriate translation. The translation will be printed in addition to, and directly after, the version in English. Clerks will, where practicable, arrange for the translation to be checked before it is accepted as accurate. Responsibility for the accuracy of the translation, however, remains with the Member.
- the second criterion is that a motion must not contain offensive language. This precludes not just obvious obscenities, but also language that is intemperate, inflammatory, sarcastic or provocative or to which other Members might reasonably take offence. There is no requirement that a motion should avoid obvious political content. It is quite permissible, for example, to be openly critical of the stance adopted by another party or the Scottish Executive.
- the third criterion is that a motion must not breach any enactment or rule of law and is not contrary to the public interest. This means, for example, that the terms of a motion should not disclose any information that is protected by an interdict or court order (e.g. the identities of children in custody disputes) or that is commercially sensitive, confidential or the publication of which may cause personal distress or loss. Particular care should be taken over any

motion that gives the names of individuals since they may be the names of people whose identity needs to be protected in their own interests (e.g. victims of sexual harassment). In addition, a motion on a matter that is sub judice (Rule 7.5) may only be lodged to the extent permitted by the Presiding Officer. It is generally inappropriate to identify Parliament or MSPs' staff or Executive officials by name in a motion as they have no means by which to respond. References to job titles are acceptable. Where clerks are in any doubt about the application of this criterion they will seek legal advice from the Parliament's legal advisers.

2.9 There will be instances where discussion with the Member does not result in a motion that the clerk considers admissible, or where the Member is not available to resolve the issue, or where the matter is not clear-cut and the clerk requires guidance. In these circumstances the clerk will refer the matter to the Chamber Desk Clerk Team Leader and at this stage the Parliament's legal advisers may be consulted for guidance. If agreement cannot be reached, the matter will be raised with the Head of the Chamber Office and if the Member remains dissatisfied, the matter can be raised with the Director of Clerking and Reporting who may consult the Clerk/Chief Executive of the Parliament where appropriate. If the matter cannot be resolved, the final decision on the motion's admissibility rests with the Presiding Officer.

2.10 The criteria described in paragraph 2.8 above also apply to motions without notice when clerks are advising the Presiding Officer on whether the criteria have been met and the motion is admissible. If there is any doubt, the meeting at which the motion is to be, or is being, considered may be suspended or the Presiding Officer may decide to take the motion at the end of the meeting so that, for example, legal advice can be sought. A motion without notice, unless the Standing Orders specifically provide for it, may only be moved at the Presiding Officer's discretion.

Declaration of Registrable Interest

2.11 Members with a registrable interest in a motion are required to declare their interest when lodging it (this also applies to amendments and indications of support for motions). Detailed guidance on the declaration of registrable interests in relation to motions can be found in the *Code of Conduct for Members of the Scottish Parliament*, and, in particular, sections 3.10 - 3.13 <http://www.scottish.parliament.uk/msp/conduct/index.htm>. If an interest is declared the clerk will ensure that an "R" is placed at the end of the motion when it appears in the *Business Bulletin*. The *Business Bulletin* will draw attention only to the existence of a declared registrable interest and will not identify the particular interest that is being referred to. It is for the Member to decide whether a registrable interest is relevant to a particular motion. The clerks to the Standards, Procedures and Public Appointments Committee are always happy to advise Members. If a Member has made a declaration, and his or her motion is selected for debate, then he or she must make an oral declaration of the interest prior to moving the motion. Anyone wishing to examine Members' interests should consult the Register of Interests, which is available at <http://www.scottish.parliament.uk/msp/membersPages/index.htm>.

Style and Layout

2.12 Motions should be clearly worded and avoid any ambiguity. The following paragraphs set out the normal style that should be adopted for lodging motions.

2.13 When framing a motion, the form “That the Parliament” should always be used followed by an appropriate verb to reflect what it is that the Member wishes the Parliament to do. For example—

- “That the Parliament agrees...”
- “That the Parliament approves...”
- “That the Parliament notes...”
- “That the Parliament calls on...”
- “That the Parliament recognises...”
- “That the Parliament acknowledges...”

2.14 A motion should be constructed within one sentence and appropriately punctuated to indicate different ideas. For example—

“That the Parliament notes A; recognises B; agrees C, and calls on D to... .”

2.15 Where it is appropriate to break up a motion into numbered paragraphs, these should be separated (a), (b), (c) and so on, followed by (i), (ii), (iii) and so on and (A), (B), (C) and so on. For example—

“That the Parliament acknowledges the importance of X and calls on the Scottish Executive to consult (a) all interested parties with a view to introducing legislation to (i) ensure that... and (ii) promote measures to (A) end... and (B) begin..., and (b) local authorities to allocate funding in (i) 2003-04 and (ii) 2004-05... .”

2.16 A motion should have a brief title that summarises its subject matter. Members should ensure that an appropriate title is supplied when lodging the motion.

Members’ Business

2.17 Members’ Business debates normally follow the conclusion of Decision Time each day and last for up to 45 minutes. They take place on a motion, but the motion is not moved at the beginning of the debate. The Member whose motion is being debated is normally allocated seven minutes to speak to the motion at the start of the debate, as is the Minister responding at the end of the debate. As with other debates, the Presiding Officer selects Members to speak and allocates time for speeches. Members’ Business debates are concluded without any question being put.

2.18 The Parliamentary Bureau selects motions to be debated as Members’ Business using the following criteria:

- a. Motions will (a) have an explicit local or regional dimension; or (b) raise issues of national policy in a local or regional context and have cross-party support¹;

¹ In the context of Members’ Business motions, “cross party support” means the support of members of at least half of all groups represented on the Parliamentary Bureau.

or (c) raise issue-commemorating anniversaries or marking national “weeks” or special events and have cross-party support; and

- b. As Members’ Business debates provide an opportunity for particular issues to be raised without a decision being taken, motions will not “call on” anybody to undertake specific actions or to take or reverse particular decisions.

2.19 The Chamber Desk advises on compliance with the above at the time of lodging. Those motions which require cross-party support (b and c in the first criterion above) are given a hash symbol (#) once they have attained the requisite support and are initially published in the *Business Bulletin* with a diamond symbol (◆). Only those motions with a hash symbol will be eligible for selection for Members’ Business debates. The Parliamentary Bureau will be the final arbiter in any unresolved dispute.

2.20 The Bureau may exceptionally select for debate a motion which falls outwith the above criteria, should it have cross-party support and should a majority of Members of the Bureau support its selection.

2.21 In order for the Parliamentary Bureau to be given as much notice as possible of motions to be debated and for checks against the above criteria to be made, the Parliamentary Bureau will only select for debate from those motions that comply with this guidance and that are lodged by the Monday of the week preceding the debate.

Timing

2.22 Motions may be lodged only on days when the office of the Clerk is open. Motions received after 4.30 pm will not normally appear in the *Business Bulletin* for the following day. Chamber Desk clerks will record the time at which motions are received. If a motion is sent by email, the time at which it is deemed to be received is the time it is delivered to the Chamber Desk email inbox. Members should note that a motion received before 4.30 pm will not normally appear in the *Business Bulletin* for the following day if a decision on its admissibility cannot be made before that time.

2.23 As a matter of good practice, motions to initiate business already agreed to in the Business Programme should be lodged at least two sitting days in advance of the relevant debate and amendments should be lodged at least one day in advance of the debate. In both cases the motion and amendment should be lodged by 4.30 pm for publication in the following day’s *Business Bulletin*.

Publication of Motions in Business Bulletin

2.24 Once a motion has been received and checked for admissibility by the clerks in the Chamber Desk, the clerks will arrange for its publication in the next day’s *Business Bulletin*. All motions lodged between Monday and Friday and which are extant, reprinted in the *Business Bulletin* published the next Monday, which also includes all motions to be debated that week. A complete list of extant motions and amendments to motions is available in the Chamber Desk where advice on the current supporters is also available (the names of all supporters to each motion shown on the Parliament’s website are updated daily).

<http://www.scottish.parliament.uk/business/motionsAndAmendments/motions.htm>.

The *Business Bulletin* shows all new indications of support for motions.

Removal of Motions by the Parliamentary Bureau

2.25 The Chamber Desk maintains and publishes from time to time a list of all admissible motions lodged and not yet taken by the Parliament. Motions remain on this list (unless withdrawn by the Member) for six weeks (excluding recess time) after which the Parliamentary Bureau has the power to remove any that have not been scheduled for debate (in the business programme) (Rule 8.2.8). The Bureau has agreed that all motions eligible for removal under this Rule should normally be removed from the list unless:

- they have the support of at least 30 other Members and these supporters come from more than two political parties;
- they have remained highly topical; or
- they have been selected for Members' Business.

Arrangements for Indicating Support

2.26 Once a motion has been lodged, and both before and after it appears in the *Business Bulletin*, any Member may add his or her name in support of it. This can be done in writing or the Member may arrange for any other person to do so on his or her behalf, but only if that person has been authorised to do so by the Member and the Chamber Desk has been notified of that authorisation in writing. Email from the Member's email address is also acceptable if the Member has notified the Chamber Desk that he or she intends lodging documents by email (see para 2.7 above). Annex C provides instructions for setting up voting buttons for supporting motions.

Different arrangements for the Scottish Executive are set out in Rule 17.4.2.

Motions Moved Without Notice

2.27 Under Rule 8.1.2 a motion may be moved without notice only as permitted by the Standing Orders or, exceptionally, as permitted by the Presiding Officer.

Motions at Short Notice

2.28 Normally, a motion for which notice is required shall not be taken until the sitting day after that on which notice was given. A Member may, however, lodge a motion to be taken at shorter notice (usually the same day) under Rule 8.2.6. In this event the Chamber Desk will refer the motion to the Presiding Officer, who may decide to allow the Member to seek the Parliament's approval to move the motion. In that case the Member will, at the time scheduled by the Presiding Officer, move without notice that the motion should be taken at shorter notice (see section 6).

Withdrawal of a Motion

2.29 A Member may withdraw a motion in his or her name at any stage before it is moved by notifying the Chamber Desk (Rule 8.2.9). If the motion is being debated that day, the Member, or an authorised assistant, should notify the Chamber Desk in writing immediately (telephone notifications are only acceptable in cases of extreme urgency). If a motion is withdrawn, any amendments to it will automatically fall. It is

the normal practice of the Chamber Desk to notify supporters of a motion, and any amendments to it, if it is withdrawn.

2.30 Normally the Chamber Desk ensures that notification of a motion's withdrawal appears in the *Business Bulletin*. However, if it is too late for such notification to appear in the *Business Bulletin*, the Member should notify the Presiding Officer. If a Member is unable to withdraw a motion before it is called by the Presiding Officer the Member should say "not moved". Any other Member who has indicated support for it before the end of the previous sitting day may move it instead (Rule 8.3.2). The process for withdrawing a motion after it has been moved is set out in paragraph 4.3.

Business Motions and Role of the Parliamentary Bureau

2.31 Business motions normally give an outline of proposed business in the Chamber and, in some cases, recommend lead committees for the consideration of legislation or give proposed timetables for stages of Bills. Their content is agreed by the Parliamentary Bureau and they are normally lodged in the name of the Minister for Parliamentary Business on behalf of the Parliamentary Bureau. Notice of an amendment to a business motion may be lodged by a Member with the Chamber Desk. If, when notice of an amendment to a business motion is given, it is supported by at least 10 Members, that amendment must be taken by the Parliament (Rule 8.11.4).

Section 3: Motions Relating to Legislation

Bills

3.1 The procedures on Bills, both public (including those lodged by Members and by committees) and private, are covered in chapters 9 and 9A respectively of Standing Orders. Further details can be obtained from the *Guidance on Public Bills* (<http://www.scottish.parliament.uk/business/bills/billguidance/gpb-c.htm>) and the *Guidance on Private Bills* (<http://www.scottish.parliament.uk/business/bills/billguidance/gprb-c.htm>) and from the Legislation Team (ext. 85206) and the Non-Executive Bills Unit (NEBU) (ext. 85249) and, in the case of individual public Bills, from the clerks to the lead committee considering that Bill. In the case of subordinate legislation, further details can be obtained from chapter 10 of Standing Orders and from the clerks to the Subordinate Legislation Committee (ext. 86282).

The role of the Chamber Desk relates to the lodging of motions at Stages 1 and 3 (public Bills) and Preliminary and Final Stages (private Bills) and amendments to those motions. Amendments to public Bills are lodged with the clerks to the committee considering that Bill; amendments to private Bills are lodged with clerks in the Non-Executive Bills Unit. Guidance on the timing for lodging amendments to Bills which are progressing through the Parliament is provided in Section J of the *Business Bulletin*.

Public Bills

3.2 When the Parliament debates and decides on the general principles of a Bill, this is done on a Stage 1 motion in the name of the Member in charge of the Bill—

“That the Parliament agrees to the general principles of the [short title] Bill.”

3.3 Such a motion may be amended but the Presiding Officer has indicated that reasoned amendments to Stage 1 motions will only be selected for debate if they are so worded that they do not cast any doubt on what the status of the Bill would be if the amended motion were agreed to. Such amendments will therefore only be selected if—

(a) it would remain clear from the amended motion that the general principles of the Bill would be agreed to (and the Bill would proceed to Stage 2); or

(b) it would be clear from the amended motion that the general principles of the Bill would not be agreed to (and that the Bill would fall).

3.4 For example, amendments in category (a) might be worded to add a reason why, in agreeing to the motion, the Parliament does so with some regret or misgivings—

Insert at end—

“but, in so doing, expresses reservations about....”

3.5 Amendments in category (b) should be worded so as to reverse the terms of the motion for a reason stated in the amendment—

Leave out from “agrees” to end and insert—

“does not agree to the general principles of the [short title] Bill because....”

3.6 After proceedings on amendments at Stage 3 are concluded the Parliament must decide whether to pass the Bill. The debate takes place on a motion by the Member in charge of the Bill—

“That the Parliament agrees that the [short title] Bill be passed.”

3.7 Such a motion may be amended, subject to criteria similar to those that the Presiding Officer applies in selecting amendments to Stage 1 motions outlined in paragraphs 3.3 to 3.5 above, as well as the criteria listed in paragraph 5.8 that apply to all amendments. Thus, an amendment to a Stage 3 motion will be selected only if—

(a) it would remain clear from the amended motion that the Bill would be passed; or

(b) it would be clear from the amended motion that the Bill would not be passed (and that the Bill would fall).

Private Bills

3.8 Once a Private Bill committee has published its Preliminary Stage report on whether the general principles of the Bill should be agreed to and whether it should proceed as a private Bill, a motion in the name of the committee convener that reflects the recommendations of the report is lodged as follows—

“That the Parliament agrees to the general principles of the [name of Bill] and that the Bill should proceed as a private Bill”.

3.9 If a motion in that form is agreed to by the Parliament, the Bill proceeds to Consideration Stage. If such a motion is not agreed to, the Bill falls (Rule 9A.8.10).

3.10 Alternative forms of motion may be used where the committee either does not recommend that the general principles be agreed to, or that the Bill should proceed as a private Bill, or both—

“That the Parliament does not agree to the general principles of the [short title] Bill and does not agree that the Bill should proceed as a Private Bill”.

3.11 If any such motion in that form is agreed to (whether by division or otherwise), the Bill falls. If any such motion is not agreed to, the Bill also falls. The Bill could only proceed to Consideration Stage on the basis of such a motion if the motion was first amended. The necessary amendment (in relation to the motion given as an example above) would be—

“leave out “does not agree to the general principles of the [short title] Bill and does not agree” and insert—

“despite the recommendation of the [name] Committee, agrees to the general principles of the [short title] Bill and agrees ...”.

3.12 Any Member may lodge such an amendment which is subject, like all amendments to motions, to selection by the Presiding Officer (under Rule 8.5.6).

3.13 After proceedings on amendments at the Final Stage are concluded the Parliament must decide whether to pass the Bill. The convener of the committee therefore moves—

“That the Parliament agrees that the [short title] Bill be passed”.

3.14 Such a motion may be amended, but subject to similar criteria that the Presiding Officer applies in selecting amendments to Stage 3 motions outlined in paragraph 3.7. Thus, an amendment to a Final Stage motion will be selected only if—

(a) it would remain clear from the amended motion that the Bill would be passed; or

(b) it would be clear from the amended motion that the Bill would not be passed (and that the Bill would fall).

Subordinate Legislation

3.15 Most statutory instruments are considered, in the first instance, in committee although they can, on a motion of the Parliamentary Bureau, be debated by the full Parliament. Where a statutory instrument falls within the remit of more than one committee the Parliament will, on a motion of the Parliamentary Bureau, designate a lead committee and may nominate any other committees it wishes to consider the instrument before reporting back to the lead committee.

Negative Procedure

3.16 When a statutory instrument is subject to negative procedure, under Rule 10.4.1 a Member may propose by motion to the lead committee that the committee recommends that nothing further be done under the instrument. This is a motion to annul and should be worded as follows—

“That the [name of committee] recommends that nothing further be done under the [name and number of statutory instrument] be approved”.

3.17 A motion to annul must be lodged no later than 40 days after the instrument is laid (no account being taken of any time during which the Parliament is dissolved or is in recess for more than four days) although, in practice, it is highly desirable for any such motion to be lodged as early as possible. The *Business Bulletin* lists all extant instruments showing the date by which the instrument is subject to annulment. If the lead committee reports to the Parliament recommending that nothing further be

done under the instrument then the Parliamentary Bureau will, no later than 40 days after the instrument is laid, propose a motion to that effect.

Affirmative Procedure

3.18 When a statutory instrument is subject to affirmative procedure (whether draft or made, i.e. the instrument is signed by a Minister but requires the approval of the Parliament by resolution to come into, or remain in, force), a motion to approve must be lodged by the Scottish Executive. Such motions are lodged under Rules 10.6.1 and 10.6.2 and can be proposed to the lead committee by any Member of the Executive or junior Scottish Minister. The motion should be worded—

“That the [name of committee], recommends that the [name and number of statutory instrument)] be approved”.

3.19 On a motion of the Parliamentary Bureau, an instrument may be considered at a meeting of the Parliament rather than in committee. Any Member may give notice of, or move, a motion in relation to that instrument.

3.20 When a Member does not want the instrument to be approved, he or she may simply vote against the approval motion. However, there is scope for a Member to lodge a reasoned amendment to the approval motion, again no later than 40 days after the instrument was laid. As with other amendments to motions, it is for the convener (or, for those instruments considered by the full Parliament, the Presiding Officer) to decide whether to select the amendment for debate (Rule 8.5.6). If the lead committee recommends the approval of the instrument, the Parliamentary Bureau shall by motion propose that the Parliament approves the instrument. Such motions are worded—

“That the Parliament agrees that the [name and number of statutory instrument] be approved.”

3.21 The convener (or Presiding Officer) will only select amendments for debate that are so worded that, if accepted, there would be no doubt that the instrument was either approved or not approved as the case may be. Such amendments would, for example, approve the instrument, albeit with regret or misgivings, or not approve the instrument, giving reasons for not doing so. A reasoned amendment could be worded—

Insert at end (of motion in para 3.20 above)

“but, in doing so, regrets[text of reason].”

Legislative Consent Motions

3.22 Under the “Sewel Convention”, the UK Parliament is committed not to legislate on devolved matters, or to alter the legislative competence of the Parliament or the executive competence of the Scottish Ministers, without the express consent of the Parliament. Motions seeking the Parliament’s consent to the relevant provision in a relevant UK Parliament Bill are known as legislative consent motions. Such motions must identify the relevant Bill by reference to its short title and the House of the UK Parliament in which, and the date on which, it was introduced.

3.23 Under Rule 9B.3.2, a legislative consent motion cannot be lodged before a legislative consent memorandum on the relevant UK Bill has been lodged with the Clerk. Additionally such motions are not normally lodged until after the publication of the report by the relevant lead committee on the memorandum.

3.24 The following example shows how a legislative consent motion is typically worded—

Consumers, Estate Agents and Redress Bill - UK Legislation—That the Parliament endorses the principle of giving consumers an effective voice as set out in the Consumers, Estate Agents and Redress Bill, introduced in the House of Lords on 16 November 2006, and agrees that the relevant provisions to achieve this end in the Bill should be considered by the UK Parliament.

3.25 Further details on legislative consent memorandums, along with a list of all memorandums introduced, can be found in the Parliamentary Business section of the Parliament's website:

<http://www.scottish.parliament.uk/business/legConMem/index.htm>).

Further information about the Sewel Convention and the Parliament's scrutiny process can be found in the Procedures Committee's 7th Report, 2005.

Section 4: Parliamentary Procedure on Motions

Moving Motions

4.1 Only a small proportion of motions lodged are selected for debate and indeed some motions are lodged primarily to provide the Member with a means of highlighting an issue, with no expectation of the motion being debated. A motion that is to be debated by the Parliament on a particular day will appear in the Daily Business List (Section A) of that day's *Business Bulletin*. Under Rule 8.3.2 the motion may be moved by the Member who lodged it or by any other Member who has added his or her name to it by the end of the previous sitting day (and whose name will therefore appear in the *Business Bulletin* as a supporter of the motion). There are restrictions on who can move certain motions.

These are—

- motions concerning the appointment of persons as Law Officers, members of the Executive or junior Scottish Ministers, or motions for the removal of a judge – which may be moved only by the First Minister (Rule 8.9);
- motions for a tax-varying resolution – which may be moved only by a member of the Executive (Rule 8.10);
- business motions – which may be moved only by a member of the Parliamentary Bureau (Rule 8.11);
- motions for a financial resolution for a Bill – which may be moved only by a member of the Executive or a junior Scottish Minister (Rules 9.12.7 and 9A.14.7)

4.2 If the Member moving the motion wishes to make a speech in respect of a motion, he or she should do so before moving the motion. They should end their speech by formally moving the motion (e.g. “I move the motion in my name” or “I move motion S3M-xx”). Other speakers may then be called by the Presiding Officer. If the Member does not wish to make a speech in support of the motion (or if no time has been allocated for debate) the Member should simply say “formally moved”.

Withdrawal of a Motion After it has been Moved

4.3 At any time during the debate, and before the question is put, the mover of the motion may seek to withdraw it (Rule 8.3.6). He or she should briefly explain why, then state “accordingly, I withdraw this motion.” The Presiding Officer will then ask the Chamber whether any Member objects to the motion being withdrawn. If no Member objects, the motion is withdrawn. If any Member objects, the debate on the motion continues as before. There is nothing to prevent the mover making more than one attempt to withdraw the motion.

Debates without Motions

4.4 It is also possible for debates to take place without a motion. Such debates are commonly described as “subject debates” and conclude without any decision being taken.

Section 5: Amendments to Motions and Amendments

Giving Notice of Amendments

5.1 As soon as a motion has been lodged, amendments may be lodged with the Chamber Desk. Amendments to motions are subject to the same admissibility criteria as motions and are printed in the *Business Bulletin* (Rule 8.5.5). The Presiding Officer will select which, if any, amendments are to be taken in the debate on the motion (Rule 8.5.6). While a Member may lodge an amendment at any time after the motion has been admitted, only amendments lodged with the Chamber Desk no later than 4.30 pm on the day before the debate appear in the *Business Bulletin*. Any amendment received after that time will not normally be printed in the next day's *Business Bulletin*.

5.2 If an amendment to a motion (or an amendment to an amendment) is lodged on the day when the relevant motion is due to be taken, or after the printing deadline for the *Business Bulletin* the previous day, the Chamber Desk will immediately send a copy of the amendment to the Presiding Officer. If the Presiding Officer agrees that the amendment should be taken, the daily business list section of the *Business Bulletin* will be re-issued to include the new amendment. Alternatively, in urgent cases, an addendum may be issued setting out the text of the amendment only. If the Presiding Officer does not agree that the amendment should be taken, the Member will be informed accordingly. The amendment will not be printed in Section A of the *Business Bulletin*.

5.3 Members may support amendments under the same procedures as set out for motions in paragraph 2.26.

Wording, Style and Layout of Amendments to Motions

5.4 The following conventions apply to the wording of amendments to motions—

- they should begin “[**name of Member**]: [**title of motion**], as an amendment to motion S3M-xx in the name of [Member who lodged motion]”
- they should “leave out” and/or “insert” words
- to insert words, it should use the forms: “after “word” insert “new words”” or “insert at end” “new words””
- to re-word entirely a motion beginning “That the Parliament believes...”, the amendment should read “... leave out from “believes” to end and insert “new words”” (if the word “believes” occurs more than once, use “leave out from first “believes””).
- where a Member seeks to make two or more separate changes to the wording of a motion, for example they wish to leave out some words in the first line of a three-line motion, and insert new words in the third line, then all the text between the two insertion points should be deleted and then re-inserted by means of the amendment.

5.5 Examples of amendments to motions are given below—

Motion—

That the Parliament notes the *Guidance on Motions* and directs that the document be published and made available to every Member of the Parliament.

Amendments—

(a) leave out “notes” and insert “commends”

(b) leave out from “notes” to “document” and insert “believes that the *Guidance on Motions* and the *Guidance on Parliamentary Questions* are useful reference documents and directs that the documents”

(c) insert at end “and published on the Parliament’s website”

(d) leave out from “notes” to end and insert “commends the *Guidance on Motions* and directs that the document be published and made available to every Member of the Parliament and on the Parliament’s website”.

Amendments to Amendments

5.6 Amendments to a motion may themselves be amended (Rule 8.7). Such amendments should be worded in the same way as amendments to a motion but beginning “[name of Member]: [title of motion], as an amendment to amendment S3M-xx.1) in the name of [Member who lodged amendment], ...”. It can be procedurally complex to deal with amendments to amendments. Clerks may therefore seek to encourage Members to lodge an alternative amendment to the original motion, rather than an amendment to an amendment already lodged. Amendments to an amendment are usually appropriate only where the amendment to the amendment involves changing or adding only a word or two as the prime purpose of an amendment to an amendment should be to make a specific change or build on a proposition. In particular, an amendment to an amendment should not leave out the entire text of an amendment and replace it with new text. Nor should its purpose be regarded solely as a device to secure a vote at Decision Time. If amendments to amendments were taken on this basis the potential for retaliatory amendments to amendments would be almost infinite.

Pre-emption of Amendments

5.7 In wording amendments Members should take account of whether their amendment can be pre-empted if another amendment taken before it is agreed to. An amendment is pre-empted if:

- the text in the motion that it amends would no longer be in the motion if an earlier amendment was agreed to. Thus in the example in paragraph 5.5 above, if an amendment that leaves out from “notes” to end and insert “believes ...” is carried, all other amendments in the format leave out from “notes” to end will be pre-empted as “notes” is not in the motion as amended.
- the consequent resolution would have contradictory or incompatible statements contained within it. For example if amendment 1 called for action on a matter and amendment 2 then called for an opposite action, it would not be competent for them to be part of the same resolution.

- the amendment would result in a substantive motion that altered the original intention of the amendment.

The Presiding Officer will not put the question on an amendment if it has, in his opinion, been pre-empted by the Parliament's earlier agreement to another amendment to the same motion.

Selection and Order of Amendments

5.8 The Presiding Officer balances the following criteria when selecting amendments—

- the extent to which the amendment has supporters other than the mover of the amendment;
- the number of competing amendments;
- the content of the amendment, in terms of its relevance to the subject matter of the motion; and
- whether the amendment alters significantly the content of the motion.

In addition, the Presiding Officer takes into account any other factors that he considers appropriate.

5.9 The Presiding Officer also seeks to ensure that, over time, the proportion of amendments selected from opposition parties reflects their share of opposition representation in the Parliament. Executive amendments to opposition motions would normally be selected. When selecting amendments from a large number of admissible amendments, the Presiding Officer pays particular regard to the third and fourth bullet points above.

5.10 Where the Presiding Officer has decided that more than one amendment should be taken by the Parliament, they will appear in print immediately following the original motion, indented to show that they are subsidiary items. They normally appear in order based on the size of the party on whose behalf the amendment is lodged, with the amendment from a Member of the largest party taken first. With amendments to an opposition group motion, an amendment on behalf of the Executive will be listed first. Amendments to an amendment, in turn, appear immediately following the amendment to which they relate, further indented, in the order in which they relate to that amendment. For example—

S3M-100 Mr Joe Bloggs: Loch Ness Research—That the Parliament regrets the recent allocation by the Institute of Lost Causes of research funding to establish whether the Loch Ness Monster exists.

S3M-100.1 Dr Jane Spires: Loch Ness Research—As an amendment to motion S3M-100 in the name of Mr Joe Bloggs, leave out from “regrets” to end and insert “regards the allocation of public funds to the “Nessie Research Project” as a scandalous waste of public money.”

S3M-100.1.1 Mr Tom Wilkie: Loch Ness Research—As an amendment to amendment S3M-100.1 in the name of Dr Jane Spires, leave out “scandalous” and insert “outrageous.”

S3M-100.2 Mr Peter McTaggart: Loch Ness Research—As an amendment to motion S3M-100 in the name of Mr Joe Bloggs, leave out “regrets” and insert “welcomes.”

5.11 An amendment to a motion on the list referred to in paragraph 2.25 above will be included on that list. If a motion falls or is removed from that list, the amendment to that motion falls.

Section 6: Parliamentary Procedure on Amendments to Motions

Procedure

6.1 Amendments to motions are taken immediately after the motion is moved (Rule 8.6.1). Where the Presiding Officer has selected more than one amendment for debate, each is moved in turn in the order printed in Section A of the *Business Bulletin* (together with any amendments to it) before the original motion (or the motion as amended) is disposed of. The substantive debate normally takes place on the motion and amendments together, with each speaker able to comment on the relative merits of the various amendments.

6.2 The procedure to be followed, using the above example, would normally be as follows—

- the Presiding Officer calls motion (S3M-100), the proposer speaks in support of it (also commenting on the amendments) and then formally moves it;
- the Presiding Officer calls the first amendment (S3M-100.1), the proposer of that amendment speaks in support of it (also commenting on the original motion and the other amendments) and then formally moves it;
- the Presiding Officer calls the amendment to the first amendment (S3M-100.1.1), the proposer of that amendment speaks in support of it (also commenting on the original motion and the other amendments) and then formally moves it;
- the Presiding Officer calls any subsequent amendments (S3M-100.2) (and any amendments to these amendments), the proposer of each amendment speaks in support of it (also commenting on the original motion and the other amendments) and then formally moves it; and
- the Presiding Officer calls other speakers to speak (each of whom may comment on the original motion and any of the amendments).

6.3 Under Rule 11.4.2, the Presiding Officer shall put questions on amendments to a motion in the order in which those amendments were moved. The question on an amendment to an amendment shall, however, be put before the question on the amendment. Therefore the Presiding Officer would first put the question on the amendment to the first amendment. Subject to any pre-emptions, the question on the first amendment is then put, then the question on the second amendment and finally the question on the original motion (as amended). Thus, the order of questions would be—

S3M-100.1.1, then;

S3M-100.1 - if this amendment is agreed to, amendment S3M-100.2 would be pre-empted as there is nothing for that amendment to “hook” on to, the word “regrets” no longer being part of the motion (as now amended), so the next question would be on S3M-100 as amended. If S3M-100.1 is not agreed to, the next question would be—

S3M-100.2, then;

S3M.100 (as amended, if S3M-100.2 is agreed to).

In most cases, the Presiding Officer puts the question on a motion and amendments at Decision Time (which normally begins at 5pm, after the main business of the day but before Members' Business). With certain specific types of motions (listed in Rule 11.3.1) or where the Presiding Officer decides that it is appropriate to do so (under Rule 11.3.3), motions and amendments may be decided on at times other than Decision Time.

Motions and Amendments Without Notice

6.4 Under Rule 8.2.6, a motion may be moved without notice for a motion to be taken at shorter notice (i.e. earlier than the sitting day after the day on which notice of it is given). This is normally a three-stage process whereby the Member first seeks the permission of the Presiding Officer to move a motion without notice that motion S3M-xxx be taken at that day's meeting of the Parliament. If the Presiding Officer grants permission, the Member then has the opportunity to explain to the Parliament his or her reasons as to why the motion should be debated at short notice. The Presiding Officer then puts the question to the Parliament "that motion S3M-xxx be taken at this meeting of the Parliament". If the Parliament agrees, then the Member may move the motion on which he or she is seeking a debate. Subject to the decision of the Presiding Officer this may take place immediately after the Parliament's agreement or at a later time the same day.

6.5 As soon as a motion is moved without notice, it is open to other Members (at the discretion of the Presiding Officer) to propose, speak in support of and move amendments to that motion, also without notice (Rule 8.4.2).

Section 7: Application of Standing Orders to Committees and Sub-committees

7.1 Motions and amendments during committee proceedings are usually considered in connection with debates on subordinate legislation. Rule 8.8 states that Rules 8.1 to 8.7 apply in respect of the consideration by committees of motions and amendments with such modifications as are appropriate, for example, the selection of any amendments would be done by the convener of the committee rather than the Presiding Officer. Notices of motions and amendments for committee business are lodged with the Chamber Desk in the normal way.

7.2 Committees also lodge motions as a basis for debates in the chamber on committee business (Rule 5.6.1(a)), usually on committee reports. Such motions are usually lodged by the convener and would be printed in the *Business Bulletin* as “[Name of convener], on behalf of the XYZ Committee: [title of report]”, indicating that the convener, in moving the motion, will be speaking on behalf of the committee as a whole.

7.3 Further information about the operation of committees and the committee structure can be obtained in *Guidance on Committees* <http://www.scottish.parliament.uk/business/parliamentaryProcedure/g-committee/cg-c.htm>.

Authorisation Form to Sign on Behalf of MSP (Session 4)

Name of MSP (Please print).....

Signature of MSP

Date

I hereby authorise the people listed below to lodge in writing and in person on my behalf:

- Parliamentary questions
- Motions, amendments to motions and support of motions
- Amendments to Bills
- Support of Bills
- Support of a proposal for a Member's Bill

Please provide below the names of the authorised people followed by their signatures:

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Please return completed forms to the Chamber Desk, Room T1.01, Tower 4

MSP Email Authorisation Form (Session 4)

Name of MSP (Please Print)

I authorise the Chamber Desk to accept from my parliamentary email address and the home/constituency email address(es) listed below any of the following documents:

- Parliamentary questions
- Motions, amendments to motions and support of motions
- Amendments to Bills
- Support of Bills
- Support of a proposal for a Member's Bill

My constituency email address is:

.....
.....
.....

My home email address is:

.....
.....
.....

Signature of MSP

Date

Please note: Only emails from a member's mailbox are acceptable. If a member of an MSP's staff wishes to lodge any submissions on behalf of a member to the Chamber Desk, they must send this under delegate access permissions. Instructions may be obtained from IT Services or the Chamber Desk.

Please return completed forms to the Chamber Desk, Room T1.01, Tower 4

Giving Delegated Access to a Parliament Email Account

To give delegate access permissions to another person in Microsoft Outlook

1. Open Microsoft Outlook;
2. From the Tools menu, select "Options";
3. In the box that appears, select the "Delegates" tab;
4. Select "Add" and, from the address list that appears, select the name of the person to whom access is to be delegated and click the "Add ->" button;
5. Click "OK";
6. In the "Delegate Permissions" box that appears, set the permissions for this user as required. To enable a user to send and receive emails on your behalf, set the "Inbox" permissions to "Editor".

To send an email "on behalf of" another user using delegated inbox editor permissions in Microsoft Outlook

1. Open Microsoft Outlook;
2. Create a new mail message;
3. From the "View" menu, select "From Field";
4. At the head of the message, a "From" field will now have appeared above the "To" field. Click on the "From" button to call up the address list;
5. From the address list, select the name of the person on whose behalf the message is to be sent and click "OK". The person's name will now be displayed in the "From" field.

Proceed with creating and sending the message as normal; the recipient will be able to see that the message has been sent by you from the mailbox of another user.

Instructions For Setting Up Voting Buttons for Support of Motions

1. Open a new email message and click on “Options”, second from the right on the top toolbar.
2. Tick the “use voting buttons” box, open the accompanying drop-down box and select the required option. This would usually be “Yes”. It would be preferred by the Chamber Desk if this was the only option used, as the Chamber Desk does not need to know if a Member does not want to support a motion. To do this, you will need to select the “Yes:No” option and then delete the “No” part and type “I support motion” after “Yes”.
3. Select “delivery options” and type in the email address where the reply is to be sent. If this is required for the supporting of motions, this address would be chamber.desk@scottish.parliament.uk or Chamber Desk (not DL Chamber Desk or DL Chamber Office) if in the Parliament complex. If you want replies also sent to yourself, include your email address on the list too. Click “Close”.
4. Choose which people or which groups of people (Distribution Lists) you want this to be sent to. Insert the motion number and title in the subject box of the email that you send out for support. If this is not possible, then the motion title along with the name of the Member who has lodged the motion *must* be given in the subject box of the email. This helps the Chamber Desk ensure that support is not added to the wrong motion.
5. It would also be helpful to Members and assistants receiving the email if the actual text of the motion is inserted into the main body of the email, to enable them to see what they are supporting. However, please note that the motion number and title must also go into the subject box of the email, or at the very least the motion title and lodging Member.
6. Then send the message. Once a recipient has voted, this reply will go back to the sender and also be sent to the Chamber Desk.