

# VOLUME 1

## Introduction

### 1. Preamble

1.1 These volumes provide a set of principles and standards for Members of the Scottish Parliament.

1.2 The Code is intended to provide specific standards to cover most situations encountered by Members. It has as its goals the welfare and protection of the individuals and groups with whom Members work and the education of both Members and the public regarding the ethical standards expected of Members in carrying out their Parliamentary duties.

1.3 It is important to note that these volumes relate to the conduct of all Members in relation to duties connected to being a Member of the Scottish Parliament. It does not cover the activities of Members in other circumstances, for example:

- Members' private and family life;
- Members expressing their political views (in their capacity as a member of a political party or organisation);
- Members who are Ministers, when they are acting in their capacity as Ministers of the Scottish Executive and carrying out functions of the Scottish Executive covered by the Ministerial Code.

### 2. Background

2.1 The Code of Conduct for Members of the Scottish Parliament has been drawn up in accordance with Rule 1.6 of the Standing Orders of the Scottish Parliament which states that “the Parliament may, on a motion of the

Standards and Public Appointments Committee, lay down a Code of Conduct for Members”.

2.2 The Scottish Parliament commits itself to being an open, accessible, participative Parliament in which the public and other organisations in civic society are partners. It exists to serve the people of Scotland and is accountable to them.

2.3 The Scottish electorate has a high expectation of Members of the Scottish Parliament and the way in which they should act in their relationships with their constituents and in the Parliament. Members must meet those expectations by ensuring that their conduct is above reproach and worthy of the trust of the electorate.

2.4 The word “Integrity” is inscribed on the mace which is a symbol of the authority of the Parliament; it is one of a number of principles which must be observed in all that Members do.

2.5 These volumes underpin the approach that Members are required to take in carrying out their Parliamentary duties. It explains the rules for Members’ conduct and guides them in interpretation of the rules. It also offers advice to Members in relation to their conduct.

2.6 Some of the guidance set out in the Code refers to rules which are statutory requirements. Other requirements are non-statutory and are created by the Parliament in this Code. At various points the Code contains “Key Definitions” to assist the reader in interpreting the statutory requirements.

2.7 The Code draws on the recommendations of the Code of Conduct Working Group of the Consultative Steering Group and is consistent with the principles established in the First Report of the Committee on Standards in Public Life (the “Nolan Committee”) published in May 1995.

2.8 Adopting a Code of Conduct for Members of the Scottish Parliament ensures that Members and the public are clear about the principles which define Members' activity and how the principles are to be interpreted and enforced in practice.

2.9 The issue of standards in public life generally is often subject to discussion; rules and legislation are developing. The Scottish Parliament is determined to be at the forefront in developing best practice on standards matters.

2.10 It is the Parliament's intention to review and, as necessary, amend these volumes in the light of future legislation and other relevant developments.

2.11 By virtue of resolution of the Parliament of 14 March 2007, the provisions of the Code have been adopted by the Parliament and apply to every Member. All Members will receive a copy of these volumes and it is the responsibility of Members to make sure that they are familiar with, and that their actions comply with, its provisions. A breach of the Code itself could lead to sanctions being imposed on a Member. Enforcement of the rules in the Code is explained in Section 9.

2.12 The key principles underpinning the Code follow this introductory section. The Code itself is contained in Volume 2. Volume 3 consists of guidance, excerpts from relevant legislation and other material having the force of law.

### **3.1 Introduction: Key principles**

3.1.1 This section consists of general key principles. The key principles, as compared to the ethical standards set out in the Code itself, are aspirational in nature. Their intent is to guide and inspire Members toward the very highest ethical ideals. The key principles, in contrast to ethical standards, do not represent obligations and do not form the basis for imposing sanctions.

#### **Key principles underpinning the Code of Conduct**

3.1.2 These principles set the tone for the relationship between Members and those they represent and between the Parliament and the people of Scotland.

#### **Public duty**

3.1.3 Members are expected to act in the interests of the Scottish people and the Scottish Parliament. Members should uphold the law and act in conformity with the rules of the Parliament.

3.1.4 In order to exercise their public duty, Members must take the oath of allegiance or make a solemn affirmation as explained in Rule 1.2 of the *Standing Orders*.

#### **Duty as a representative**

3.1.5 Members should be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously.

#### **Selflessness**

3.1.6 Members should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefit for themselves, their family or friends.

## **Integrity**

3.1.7 Members have a duty not to place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

## **Honesty**

3.1.8 Members should act honestly. They must declare any private interests (as required by the Interests of Members of the Scottish Parliament Act 2006) relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

## **Accountability and openness**

3.1.9 Members are accountable for their decisions and actions to the Scottish people. They should consider issues on their merits, taking account of the views of others.

3.1.10 Members should be as open as possible about their decisions and actions.

## **Leadership**

3.1.11 Members should promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Parliament and its Members in conducting public business.

## **3.2 Guidance on the Code of Conduct**

3.2.1 The Code and guidance which follows have been developed in line with these key principles. No written information can provide for all circumstances. If a Member is uncertain about how the rules apply, he or she may ask the Standards clerks for advice. A Member may also choose to consult his or her own legal

advisers and, on detailed financial and commercial matters, a Member may wish to seek advice from other relevant professionals.