



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 4, No. 8, Session 6

Meeting of the Parliament

Wednesday 29 May 2024

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

1. Portfolio Questions: Questions on Rural Affairs, Land Reform and Islands, and then on NHS Recovery, Health and Social Care, were answered by Cabinet Secretaries and Ministers.

2. Standards, Procedures and Public Appointments Committee's 1st Report, 2024 (Session 6): Martin Whitfield, on behalf of the Standards, Procedures and Public Appointments Committee, moved S6M-13368—That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report, 2024 (Session 6), Complaint against Michael Matheson MSP (SP Paper 597), and agrees to impose the sanctions recommended in the report that the Parliament excludes Michael Matheson MSP from proceedings of the Parliament for a period of 27 sitting days and withdraws his salary for a period of 54 calendar days to take effect from the day after this motion is agreed.

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes) moved amendment S6M-13368.1—

As an amendment to motion S6M-13368 in the name of Martin Whitfield (Standards, Procedures and Public Appointments Committee's 1st Report, 2024 (Session 6)), insert at end “; recognises that Stephen Kerr MSP resigned from the Standards, Procedures and Public Appointments Committee in March 2024 as he had made public pronouncements on this case ahead of the complaint being heard by the committee; agrees with Stephen Kerr MSP that to have remained as a committee member 'would have been wrong' as he

'couldn't meet the test to be unbiased'; notes that Annie Wells MSP also made public pronouncements on this case in advance of the complaint being heard by the committee and has remained a committee member throughout; agrees that this runs the risk of the committee report being open to bias and prejudice and the complaint being prejudged, thereby bringing the Parliament into disrepute; further agrees with the disappointment expressed by the Standards, Procedures and Public Appointments Committee that material relating to the committee's deliberations appeared in the media prior to its decisions being reached and announced, and calls on the Scottish Parliamentary Corporate Body to initiate an independent review of the Parliament's complaints process to restore integrity and confidence in the Parliament and its procedures.”

After debate, the amendment was agreed to (by division: For 68, Against 56 (including 1 proxy vote), Abstentions 0)

The motion, as amended was agreed to (by division: For 64 (including 1 proxy vote), Against 0, Abstentions 63)

Accordingly, the Parliament resolved—

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report, 2024 (Session 6), Complaint against Michael Matheson MSP (SP Paper 597); agrees to impose the sanctions recommended in the report that the Parliament excludes Michael Matheson MSP from proceedings of the Parliament for a period of 27 sitting days and withdraws his salary for a period of 54 calendar days to take effect from the day after this motion is agreed; recognises that Stephen Kerr MSP resigned from the Standards, Procedures and Public Appointments Committee in March 2024 as he had made public pronouncements on this case ahead of the complaint being heard by the committee; agrees with Stephen Kerr MSP that to have remained as a committee member 'would have been wrong' as he 'couldn't meet the test to be unbiased'; notes that Annie Wells MSP also made public pronouncements on this case in advance of the complaint being heard by the committee and has remained a committee member throughout; agrees that this runs the risk of the committee report being open to bias and prejudice and the complaint being prejudged, thereby bringing the Parliament into disrepute; further agrees with the disappointment expressed by the Standards, Procedures and Public Appointments Committee that material relating to the committee's deliberations appeared in the media prior to its decisions being reached and announced, and calls on the Scottish Parliamentary Corporate Body to initiate an independent review of the Parliament's complaints process to restore integrity and confidence in the Parliament and its procedures.

3. Michael Matheson Resignation: Douglas Ross moved S6M-13365—That the Parliament believes that Michael Matheson should resign as an MSP for misusing taxpayers' money and making misleading statements.

Jackie Baillie moved amendment S6M-13365.1—

As an amendment to motion S6M-13365 in the name of Douglas Ross (Michael Matheson Resignation), insert at end “, and further believes that the

people of Scotland should have the same right to recall MSPs as they do to recall MPs from the UK Parliament, if they are found to have behaved inappropriately by the Standards, Procedures and Public Appointments Committee.”

After debate, the amendment was agreed to ((DT) by division: For 116 (including 1 proxy vote), Against 0, Abstentions 7).

Patrick Harvie moved amendment S6M-13365.2—

As an amendment to motion S6M-13365 in the name of Douglas Ross (Michael Matheson Resignation), leave out from “should” to end and insert “has been investigated by the Scottish Parliamentary Corporate Body (SPCB), and that decisions on sanctions are a matter for Parliament on the recommendations of the Standards, Procedures and Public Appointments Committee; rejects the calls for sanctions that go far beyond those recommended by the committee; believes that the Parliament requires a sanctions process that can retain confidence across all political parties; recognises that concerns have arisen in relation to the lack of a consistent tariff of sanctions, the *potential* pre-judging of a case by an MSP who did not recuse themselves from the process, and the leaking of draft recommendations by the committee, and agrees, therefore, that reform of the current arrangements for considering sanctions against MSPs is urgently needed.”

After debate, the amendment was agreed to ((DT) by division: For 68, Against 55 (including 1 proxy vote), Abstentions 0).

The motion was agreed to ((DT) by division: For 68, Against 55 (including 1 proxy vote), Abstentions 0).

Accordingly, the Parliament resolved—

That the Parliament believes that Michael Matheson has been investigated by the Scottish Parliamentary Corporate Body (SPCB), and that decisions on sanctions are a matter for Parliament on the recommendations of the Standards, Procedures and Public Appointments Committee; rejects the calls for sanctions that go far beyond those recommended by the committee; believes that the Parliament requires a sanctions process that can retain confidence across all political parties; recognises that concerns have arisen in relation to the lack of a consistent tariff of sanctions, the *potential* pre-judging of a case by an MSP who did not recuse themselves from the process, and the leaking of draft recommendations by the committee; agrees, therefore, that reform of the current arrangements for considering sanctions against MSPs is urgently needed, and further believes that the people of Scotland should have the same right to recall MSPs as they do to recall MPs from the UK Parliament, if they are found to have behaved inappropriately by the Standards, Procedures and Public Appointments Committee.

4. Business Programme: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13392—That the Parliament agrees—

(a) the following programme of business—

Tuesday 4 June 2024

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Tackling Child Poverty Delivery Plan - Annual Progress Report 2023-24

followed by Stage 1 Debate: Social Security (Amendment) (Scotland) Bill

followed by Financial Resolution: Social Security (Amendment) (Scotland) Bill

followed by Scottish Government Debate: A Vision for Health and Social Care in Scotland

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

6.15 pm Decision Time

followed by Members' Business

Wednesday 5 June 2024

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Constitution, External Affairs and Culture, and Parliamentary Business; Justice and Home Affairs

followed by Scottish Conservative and Unionist Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.10 pm Decision Time

followed by Members' Business

Thursday 6 June 2024

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills

followed by Stage 3 Proceedings: Bankruptcy and Diligence (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.30 pm Decision Time

Tuesday 11 June 2024

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 12 June 2024

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Deputy First Minister Responsibilities, Economy and Gaelic; Finance and Local Government

followed by Stage 3 Proceedings: Abortion Services Safe Access Zones (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

7.00 pm Decision Time

followed by Members' Business

Thursday 13 June 2024

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Parliamentary Corporate Body Questions

2.45 pm Portfolio Questions: Net Zero and Energy, and Transport

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 3 June 2024, in rule 13.7.3, after the word “except” the words “to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or” are inserted.

The motion was agreed to.

5. Stage 2 Extension: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13393—That the Parliament agrees that consideration of the Regulation of Legal Services (Scotland) Bill at stage 2 be extended to 1 November 2024.

The motion was agreed to.

6. Approval of SSI: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13394—That the Parliament agrees that the Disability Assistance for Older People (Scotland) Regulations 2024 [draft] be approved.

The motion was agreed to (DT).

7. Approval of SSI: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13395—That the Parliament agrees that the Scottish Tribunals (Listed Tribunals) Regulations 2024 [draft] be approved.

The motion was agreed to (DT).

8. Approval of SSI: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13396—That the Parliament agrees that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2024 [draft] be approved.

The motion was agreed to (DT).

9. Approval of SSI: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13397—That the Parliament agrees that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2024 [draft] be approved.

The motion was agreed to (DT).

10. Approval of SSI: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13398—That the Parliament agrees that the Damages (Review of Rate of Return) (Scotland) Regulations 2024 [draft] be approved.

The motion was agreed to (DT).

11. Committee Membership: The Minister for Parliamentary Business (Jamie Hepburn), on behalf of the Parliamentary Bureau, moved S6M-13399—That the Parliament agrees that Jeremy Balfour be appointed to replace Oliver Mundell as a member of the Delegated Powers and Law Reform Committee.

The motion was agreed to (DT).

12. Decision Time: The Parliament took decisions on items 3, 6, 7, 8, 9, 10 and 11 as noted above.

13. Importance of Wood-burning Stoves and Other Direct Emission Heating to Homes in Rural and Island Communities: The Parliament debated S6M-12917 in the name of Jamie Halcro Johnston—That the Parliament recognises what it sees as the importance of wood-burning stoves and other forms of direct emission heating in homes in rural, island and remote communities across Scotland; notes that wood-burning stoves are often the only source of heat and hot water, and method of cooking, when power is lost or when bad weather leaves households or communities isolated; further notes that the Non-domestic Technical Handbook: April 2024 Edition states that “in smaller buildings there will be little justification to install emergency heating”; considers that any emergency heating can only be used in emergencies and must be connected to both the normal heating system and an emergency power source, and that the cost and technical implications of this have led to the Scottish Government’s Building (Scotland) Amendment Regulations 2023 being described as “an effective ban” on wood-burning stoves in new-build properties; believes that this will put vulnerable households in more remote areas of Scotland at greater risk when cut off or when power is lost, as well as exacerbate already high levels of fuel poverty, and recognises reports of the concern and anger that this has caused in rural and island communities across Scotland, especially in the Highlands and Islands.

14. Motion without Notice: Alexander Burnett moved without notice that, under Rule 8.14.3, the debate be extended by up to 30 minutes.

The motion was agreed to.

The meeting closed at 6.49 pm.

David McGill
Clerk of the Parliament
29 May 2024

Appendix
(Note: this Appendix does not form part of the Minutes)

Committee Reports

The following reports were published on 29 May 2024—

Education, Children and Young People Committee, 3rd Report, 2024 (Session 6): Scottish Public Services Ombudsman Child Friendly Complaints Handling Principles (SP Paper 598)

Equalities, Human Rights and Civil Justice Committee, 5th Report, 2024 (Session 6): Annual Report of the Equalities, Human Rights and Civil Justice Committee for 2023-24 (SP Paper 599)

Delegated Powers and Law Reform Committee, 39th Report, 2024 (Session 6): Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 28th May 2024 (SP Paper 601)

Social Justice and Social Security Committee, 7th Report, 2024 (Session 6): Annual Report of the Social Justice and Social Security Committee 2023 to 2024 (SP Paper 602)

The following reports will be published on 30 May 2024—

Public Audit Committee, 2nd Report, 2024 (Session 6): Annual Report 2023/24 (SP Paper 595)

Rural Affairs and Islands Committee, 7th Report, 2024 (Session 6): Annual report 2023-24 (SP Paper 603)

Rural Affairs and Islands Committee, 8th Report, 2024 (Session 6): Subordinate legislation considered on 1 May 2024 (SP Paper 604)

Subordinate Legislation

Affirmative Instruments

The following instrument was laid before the Parliament on 29 May 2024 and is subject to the affirmative procedure—

Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024 [draft]

laid under section 3D(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993

Other Documents

The following document was laid before the Parliament on 29 May 2024 and is not subject to parliamentary procedure—

HMICS Custody Inspection Report – Ayrshire (HMICS/2024/04) laid under section 79(3) of the Police and Fire Reform (Scotland) Act 2012 and is not subject to Parliamentary procedure

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