

PE2093/F: Review and update the Scottish Ministerial Code

First Minister written submission, 17 December 2024

Further to my letters to you of 26 July 2024 and 4 September 2024 regarding Petition PE2093 on the Scottish Ministerial Code, I am pleased to write to confirm that [I have today published a new, strengthened Ministerial Code](#).

This follows the Programme for Government statement I gave to Parliament on 4 September in which I announced important changes planned for the Code to significantly strengthen transparency, accountability and independent scrutiny. It also follows [my appointment of three new independent advisers on the Code, which I announced on 6 December](#). My new advisers are:

- Claire Loftus, former Director of Public Prosecutions in the Republic of Ireland;
- Sir John Manzoni, former Cabinet Office Permanent Secretary and Chief Executive of the Civil Service; and
- Sir Ernest Ryder, former Lord Justice of Appeal and Senior President of Tribunals.

They bring a wealth of experience and expertise to the role and my new Code significantly strengthens their remit, as is set out in their [Terms of Reference that I have published](#) for the first time today.

My independent advisers can now begin investigations into alleged breaches of the Code without a referral from me. When a breach of the Code is established, my advisers can now recommend appropriate sanctions for me to consider. My new advisers will now also play a role in scrutinising the processes in place to support Ministers review their declarations of interests annually, helping to provide further assurance that potential conflicts are being avoided.

The Code has been restructured into three distinct sections: Ministers' Standards of Conduct; Ministers' Interests; and Ministers and the Procedures of Government. This brings ethical standards and public service values to the forefront, while ensuring that they are supported by the governing rules and procedures that underpin guidance to Ministers.

The new Code has been updated throughout to support the highest standards of transparency, integrity, accountability, and honesty. For example, the Seven Principles of Public Life have been brought into the body of the Code and updates have been made to ensure that the Code reflects existing rules, guidance and procedure on the use of corporate communication channels and on Ministerial travel and engagements.

Collectively, the changes I have made represent the most significant updates to the Scottish Ministerial Code since independent advisers to the First Minister were introduced in June 2008. The changes demonstrate my commitment to ensuring that my Ministerial team and I uphold the highest standards of integrity in public life.

My new Code raises what was already a very high bar on Ministerial standards and I welcome the scrutiny that I know the Parliament, the public and my new independent advisers will provide.

I am copying this letter to the Presiding Officer, and to Martin Whitfield MSP, Convener of the Standards, Procedures and Public Appointments Committee for any read across to the MSP Code of Conduct and the MSP Register of Interests.

JOHN SWINNEY