

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1949](#): Review the rules concerning Dual Mandate MSPs

Brief overview of issues raised by the petition

- The petition calls on the Scottish Parliament to urge the Scottish Government to bring forward legislation to prevent MSPs from holding a dual mandate.
- Dual mandate is the term used to describe MSPs who, in addition to their seat in the Scottish Parliament, also hold a seat in either the House of Commons (MPs), House of Lords (Peers) or represent a ward in their local council (councillors).
- Under the Wales Act 2014 the holding of dual mandates between the Senedd and the House of Commons is banned.
 - An existing MP elected as an AM has 8 days grace to resign from the House of Commons; an existing AM elected as an MP must resign immediately from the Assembly. Those elected as an AM and MP in close proximity have 8 days to choose a seat.
- Similar provisions were made in the [Senedd and Elections \(Wales\) Act 2020](#) so that the following are disqualified from being a member of the Senedd (effective for Senedd elections held after 5 April 2021):
 - members of the House of Lords
 - members of the Scottish Parliament
 - members of the Northern Ireland Assembly
 - members of local authorities in Wales
- The [Northern Ireland \(Miscellaneous Provisions\) Act 2014](#) bans members of the Northern Ireland Assembly from also being members of the House of Commons. The Act also provides that Assembly members are not allowed to be members of Dáil Éireann (the lower house of the Irish Parliament).
- The [Local Government Act \(Northern Ireland\) 2014](#) prohibits Councillors from being members of the Assembly, House of Commons, House of Lords or elected to any other legislature.

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8 August 2022

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