INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT BILL COMMITTEE

AGENDA

1st Meeting, 2006 (Session 2)

Wednesday 8 March 2006

The Committee will meet at 10.00 am in Committee Room 5.

1. Declaration of interests: Members will be invited to declare any relevant interests.

2. Choice of Convener: The Committee will choose a Convener.

3. Choice of Deputy Convener: The Committee will choose a Deputy Convener.

4. Interests of Members of the Scottish Parliament Bill: The Committee will consider the Bill at Stage 2 (Day 1).

Jennifer Smart
Clerk to the Committee
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The following papers are attached for this meeting:

**Agenda item 1 - Declaration of interests:**

Note by the clerks  
**MI/S2/06/2/1**

**Agenda item 2 - Choice of Convener**

**Agenda item 3 – Choice of Deputy Convener**

Note by the clerks  
**MI/S2/06/2/2**

**Other papers:**

**Agenda item 4 - Interests of Members of the Scottish Parliament Bill**
Members are reminded to bring to the meeting a copy of the Bill (SP Bill 44).

The Marshalled List of amendments and the groupings of amendments will be published prior to the meeting.
BACKGROUND

1. Article 5 of the Members’ Interests Order provides that before participating in proceedings (otherwise than by attending or voting) a Member must make an oral statement or declaration of any registered interests which would prejudice or give the appearance of prejudicing the Member’s ability to participate in a disinterested manner.

2. It is the responsibility of the individual Member to judge whether a registered interest is sufficiently relevant to particular proceedings to require a declaration. The Code of Conduct advises at paragraph 5.2.12 that Members should ‘err on the side of caution’. Members may also seek advice from the Standards Committee Clerks.

3. Members are not required to declare interests which they have registered on a voluntary basis (i.e. those appearing in the “Miscellaneous” category on the Register).

DECLARATION OF INTERESTS AT THE FIRST COMMITTEE MEETING

4. In the previous Parliamentary session, it was established that Members should make an initial declaration of interests at the first meeting of each committee to the extent of that committee’s remit. Paragraph 5.3.3 of the Code of Conduct states that

   It has been established as good practice that Members should declare interests relevant to the remit of that committee at the first meeting of the committee or on the first occasion on which they address the committee, irrespective of the business before the committee at that meeting.

5. At the first meeting of the Bill Committee, the oldest Member who will be in the chair will invite Members to declare any relevant registrable interests. The declaration should be brief but sufficiently informative to enable a listener to understand the nature of the Member’s interest. It is not necessary to rehearse all the details of an interest as it appears in the Member’s entry in the Register of Interests if this is more than required to explain the nature of the interest.

6. If Members have any questions about what might constitute an interest relevant to the remit of the Bill Committee, they should contact the Clerk to the Standards Committee prior to the meeting.

DECLARATION OF INTERESTS AT SUBSEQUENT COMMITTEE MEETINGS

7. Members are also required to declare any registered interests which may be relevant to business discussed at subsequent committee meetings. Where a Member has an interest relevant to the proceedings, he or she
must make a declaration of interest at each meeting in which he or she participates, other than by simply attending or voting. This is to allow the public attending any committee meeting to be aware of the Member’s interest. The declaration should be made at the start of the relevant agenda item or as soon as the Member is able to make the declaration, but before otherwise participating in those proceedings. A declaration must be made whether a committee meets in public or in private. Where a relevant matter is discussed in both private and public at any single committee meeting, the declaration should, as good practice, be made during the public session even if it has already been made in private session.

8. Members should, as good practice, also declare any business or personal relationships they might have with any advisers or witnesses to the committee.

Further Guidance

9. Further guidance on declaring registrable interests may be found in section 5 of the Code of Conduct. The Standards Committee Clerks are also happy to provide advice to Members.

BILL COMMITTEE CLERKS
MARCH 2006
MOTION, AS AGREED BY PARLIAMENT, TO ESTABLISH THE BILL COMMITTEE

S2M-3738 Ms Margaret Curran on behalf of the Parliamentary Bureau: Establishment of Committee—That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: Interests of Members of the Scottish Parliament Bill Committee;

Remit: To consider the Interests of Members of the Scottish Parliament Bill at Stage 2;

Duration: Until the Bill is passed, or falls or is otherwise no longer in progress;

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Labour Party;

Membership: Susan Deacon and Margaret Jamieson (Labour), Mrs Margaret Ewing (SNP), Mr Jamie McGrigor (Conservative), Mike Rumbles (Liberal Democrat).
FIRST MEETING OF THE INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT BILL COMMITTEE
CHOICE OF CONVENER AND DEPUTY CONVENER

Introduction

1. This paper is designed to inform Members of the procedure for choosing a Convener and Deputy Convener at the first meeting of the Bill Committee.

Oldest Member

2. Standing Orders oblige all committees to choose a Convener at their first meeting. Rule 12.1.6 states that the meeting is to be chaired by the Oldest Committee member until a Convener is chosen. The “Oldest Committee Member” is defined as the oldest member of the committee present, other than a Committee substitute, at the meeting and who has indicated to the Clerk that he or she agrees to chair the meeting.

Choice of Convener

3. On 15 December 2005, the Parliament agreed to motion S2M-3738 which resolved that members of the Scottish National Party are eligible to be chosen as Convener of the Standards Committee. The Oldest Committee Member will, following the declaration of interests, invite nominations from Members of that party for the convenership. There is no requirement for nominations to be submitted in advance of the meeting or to be seconded.

4. If only one nomination is received, Members will be asked to agree to the appointment.

5. In the event that more than one nomination is received, the Oldest Committee Member will call a division, putting the question on each nomination in turn and declaring the nominee with a majority support to be the Convener.

6. On being chosen by the Committee, the Convener will take the chair and will chair the remainder of the meeting.

Choice of Deputy Convener

7. The procedure for choosing a Deputy Convener is the same as that for the Convener. On 15 December 2005, the Parliament agreed that Members of the Labour Party would be eligible for appointment as Deputy Convener of the Bill Committee.

8. In the event that the Convener chosen by the Committee is not present at this meeting, after declaring the name of the Member chosen as Convener, the Oldest Committee Member will remain in the chair.
9. The Oldest Committee Member will move to the next item on the agenda and invite nominations for the post of Deputy Convener.

10. Once the Committee has chosen a Deputy Convener, the Deputy Convener will take the chair and chair the rest of the meeting.

Role of Convener and Deputy Convener

11. The duties and responsibilities of the Convener and Deputy Convener of a Parliamentary Committee are set out in Rule 12 of Standing Orders. Further detail is provided in paragraphs 4.7 to 4.13 of the Guidance for the Operation of Committees (Second Edition) which can be found at: http://www.scottish.parliament.uk/business/parliamentaryProcedure/g-committee/cg-c.htm

BILL COMMITTEE CLERKS
MARCH 2006