



The Scottish Parliament
Pàrlamaid na h-Alba

Guidance on Motions

Session Five

2nd Edition, January 2018

Guidance on Motions 2016

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1. Summary of Chamber Desk Deadlines

Monday

10.00 – Motion(s) for debate on Tuesday

12.00 – FMQs

– Topical Questions

– Names for draw for General and Portfolio Questions

16.00 – Amendments to motion(s) for debate on Tuesday

– Motion(s) for debate on Wednesday

16.30 – Written questions, motions, amendments and support

Tuesday

16.00 – Amendments to motion(s) for debate on Wednesday

– Motion(s) for debate on Thursday

16.30 – Written questions, motions, amendments and support

Wednesday

12.00 – Questions for General and Portfolio Question time

16.00 – Amendments to motion(s) for debate on Thursday

16.30 – Written questions, motions, amendments and support

Thursday

16.30 – Written questions, motions, amendments and support

Friday

15.30 – Written questions, motions, amendments and support

Recess times: 16.30 becomes 15.00 and 15.30 becomes 14.30

Deadlines are strictly applied.

2. The Chamber Desk

The Chamber Desk receives all motions, amendments to motions (not amendments to bills, which should be sent to the legislation team) and support for motions and amendments and—

- checks them for admissibility against the rules and criteria set out in the Parliament’s Standing Orders and this guidance;
- edits the text of these motions and amendments in line with the rules and guidance and with house style;
- advises members on compliance with the rules and guidance;
- produces the sections of the Business Bulletin that deal with questions and motions; and
- forwards approved motions and amendments to the motions, questions and answers search database so that they are available for online search.

Advice or correspondence from and discussion with Chamber Desk clerks prior to a motion or amendment being submitted or lodged are strictly confidential.

Clerks will make alterations to the format, wording, grammar and spelling of motions and amendments but will not materially alter the meaning without the agreement of the submitter. Please note that, unless directed otherwise, clerks will return edited versions of motions and amendments to the person who submitted them rather than to the member in whose name they are submitted. Chamber Desk clerks check motions for admissibility and edit them in line with the rules, guidance and house style. However, it is not the job of the clerk to formulate motions for the submitter.

Although clerks will endeavour to process all motions and amendments on the day that they are received, this will not always be possible.

The Chamber Desk is in room T1.01 and is open for business—

- Monday to Thursday - 9.00 am to 5.30 pm
- Friday - 9.00 am to 4.30 pm

In recess these times are:

- Monday to Thursday - 10.00 am to 4.00 pm
- Friday - 10.00 am to 3.30 pm

However, please note the deadlines for receipt of submissions of motions on page 1

Contact details—

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3. Purpose of this Guidance

This guidance clarifies the processes and requirements regarding the submission and processing of motions and amendments for members and their staff and has been approved by the Standards, Procedures and Public Appointments Committee.

Separate guidance is available on [Private Bills](#), [Public Bills](#), [Hybrid Bills](#), [Committees](#) and [Parliamentary Questions](#).

Additional information is available in the Parliament's [Standing Orders](#).

4. Admissibility Criteria for Motions

4.1 General

The Parliament's Standing Orders set out the following admissibility criteria for motions and amendments—

A motion or amendment must—

- be in English;
If a member wishes a motion to be printed in the Business Bulletin in a language other than English, the member must provide the translation, which will be printed in addition to, and directly after, the English version. Clerks may, where practicable, arrange for the translation to be checked. **However, responsibility for the accuracy of the translation remains with the member.**
- not contain offensive language;
This includes not only obscenities and swear words, but also language that is intemperate, inflammatory, sarcastic or provocative or to which people might reasonably take offence. There is, however, no requirement to avoid obvious political content.
- not breach any enactment or rule of law or be contrary to the public interest;
The text of motions and amendments should not disclose any information that is protected by an interdict or court order, that is commercially sensitive or confidential or the publication of which may cause personal distress or loss. Particular care should be taken in relation to any motion that names individuals as their identities may need to be protected in their own interests. In addition, it is generally inappropriate to identify Parliament staff, MSPs' staff or Scottish Government officials by name as they have no means by which to respond. References to job titles are acceptable.
- not contravene Standing Orders Rule 7.5.1.
This is the sub judice rule; motions and amendments may not refer to **any** matter in relation to which legal proceedings are active, except as permitted by the Presiding Officer. If the clerks are in doubt, they will seek advice from the Parliament's legal advisers. **Please note that any legal advice received by clerks cannot be shared with members or their staff.**

Note: While they will endeavour to differentiate between facts and assertions, Chamber Desk **Clerks have no responsibility for the accuracy of assertions made in motions and amendments. It is for the member in whose name a motion or amendment is lodged to determine its accuracy.**

4.2 Members' Business Motions

The Parliamentary Bureau selects motions for Members' Business debate using the following criteria, on which Chamber Desk clerks can advise—

Motions—

- (a) must be explicitly of only local or regional relevance; **or**
- (b) must raise issues of policy in a local or regional context and have cross-party support*; **or**
- (c) must raise issue-commemorating anniversaries or mark national “weeks” or special events and have cross-party support; **and**
- (d) must not “call on” anyone or any organisation to do anything, which includes taking or reversing decisions. This means avoiding the use of *calls on*, *urges*, *encourages*, *asks* etc and even *should* and *hopes* in cases in which it is clear who or what organisation is expected to take action.

For (a) and (b) above, the motion must contain an explicit local or regional reference in Scotland.

*Cross-party support means (as of 3 October 2014) that Members' Business motions require the support of three parties or groupings represented on the Parliamentary Bureau:

If your party	You need
is represented on the Parliamentary Bureau	support from at least one member of two other parties or groupings that are also represented on the Parliamentary Bureau
is not represented on the Parliamentary Bureau	support from at least one member of three parties or groupings represented on the Parliamentary Bureau

In order for the Parliamentary Bureau to be given as much notice as possible of motions to be debated and for checks to be made against the above criteria, the Parliamentary Bureau will select motions for debate only from those motions that comply with this guidance and are lodged by the Monday of the week preceding the debate.

While members can request that standard motions already published and that are still live be marked for members' business, such motions may have to be edited to meet the criteria above. Chamber Desk clerks recommend that such amended motions be recirculated to members who have supported them to notify them of the change of status.

Please note that, while motions for Members' Business debate may be amended, such amendments must also take account of the above criteria and

may not, therefore, add a clause to the original motion calling on anyone or any organisation to do anything or propose a change that would result in an amended motion that did not comply with the criteria.

Please also note that amendments to Members' Business motions are not taken as part of any debate on the motion.

5. House Style

Chamber Desk clerks edit motions and amendments not only to comply with the rules and guidance but also in line with house style, with the aim of ensuring that motions and amendments published by the Parliament are consistent, unambiguous, searchable, accessible and do not cause offence.

House style encompasses a number of points of language and format, including date format, spelling, choice of terminology and presentation of names of reports and other publications. Examples include:

- dates are presented in the format *29 March 2016*;
- *organization* will be changed to *organisation* unless it is the correct spelling of a name, such as the World Health Organization;
- *people who suffer from* will be changed to *people with* a given condition;
- references to "battling" cancer and other conditions are avoided;
- *the elderly* will be changed to *older people*;
- *the disabled* and *people with disabilities* will be changed to *disabled people*;
- *the LGBT community* will be changed to *LGBT people*;
- the names of reports and other publications, where possible, are always shown in full and italicised;
- the Scottish Parliament is referred to as the Parliament or the Scottish Parliament, not Holyrood and the UK Parliament/Government is not referred to as Westminster/Whitehall or HM Government;
- governments are not referred to as political parties, eg *the SNP Government*, and this will be changed to the SNP administration

As motions are in the name of the Parliament, the word *our* can be used in a motion or amendment only if it refers solely to the Parliament or its members.

References such as *today*, *yesterday* and *this month* can be confusing in motions and amendments and will be changed for clarity.

Statements of position or opinion should be expressed using *believes*, *considers*, *is of the view*, *understands* etc rather than stated as facts (notes, acknowledges, recognises etc).

6. Resolution of Disputes on Admissibility

Where clerks have been unable to resolve a dispute with a member on admissibility, the final decision rests with the Presiding Officer.

7. Structure of Motions

Motions must have a **brief title** that is purely descriptive and you should ensure that an appropriate title is supplied when submitting a motion. **Motions cannot be processed without a title.** Please avoid including hyperlinks in motions as these will not be retained.

Motions cannot be submitted jointly by more than one member. You can, however, arrange for a colleague to be the first to submit support for your motion before it is circulated to other members.

Motions should—

- be clearly worded;
- avoid ambiguity;
- be constructed in one sentence;
- begin *That the Parliament* (except for certain motions relating to subordinate legislation, such as motions to annul (see section 17)).

The clauses are separated by semi-colons, except for the final clause, which is separated by a comma. Each clause starts with an appropriate verb.

Examples—

That the Parliament **notes** the publication of the report, *Name of the Report*; **considers** that the report highlights matters of importance to Scotland; **is concerned** at the report's finding that there has been an increase in something problematic; **believes** that this is an unacceptable situation, and **urges** all concerned to do something about it.

That the Parliament **congratulates** [name of person or organisation] in [name of town] on winning an award for something good; **considers** that [name of person or organisation] has worked hard to win this award, and **wishes** him/her/it well in the future.

Please note that the role of the Chamber Desk clerks is to check admissibility and edit motions in line with the criteria, not write them. While the clerks aim to be as helpful as possible, text submitted that is not in the correct format, for example text that is simply cut and pasted from a news article or report, will be returned.

Please also note that, while there is no limit on motion size, the longer a motion is the less likely it is to be read to the end, which can lead to support being given erroneously and subsequently removed. For this reason, it is recommended that members avoid long lists of names or a great deal of detail in motions.

8. Edited Motions – Members’/Staff Availability

If the Chamber Desk clerks make changes to a motion that they consider may materially alter its meaning, they will not publish the motion without seeking approval from the submitter of the motion. If they do not receive such approval by the relevant deadline, the motion will not be published in the next Business Bulletin. Similarly, if the clerks have questions about editing changes or admissibility issues and no one is available in the member’s office to deal with them, the motion will not be published in the next Business Bulletin.

9. Order of Editing/Processing

While priority is given to business items with specific deadlines, such as oral questions and government and party motions and amendments for debate in the chamber, items are otherwise edited in the order in which they are received. In order to be fair to all members, the Chamber Desk clerks cannot prioritise items on any other basis. Members may wish to note that items submitted via the [Questions and Motions application](#) are received more quickly for editing than those submitted by email.

10. Changes after Publication

If minor changes have to be made to a motion after it has been published, the motion will be reprinted in the Business Bulletin with asterisks indicating where the changes have been made. More substantial changes may require the original motion to be withdrawn and a fresh one submitted.

If a submitter wishes to make changes to a motion for debate after the motion has been published, the Chamber Desk clerks will make a determination as to whether such changes need to be approved by the Presiding Officer.

11. Submitting a Motion/Amendment

11.1 Authorisation

A motion/amendment may be lodged by—

- the member in whose name it is to appear; or
- someone whom the member has authorised to submit on his/her behalf.

In order to authorise someone to submit on their behalf, members must provide the Chamber Desk in advance with a signed copy of the authorisation form contained in Annexe A. Copies of this form are available from the Chamber Desk. Without such authorisation, Chamber Desk clerks will not accept a motion or amendment from anyone other than the member. The authorisation applies for the whole

parliamentary session and can be altered or revoked only by the member personally, not by another authorised person.

11.2 Submission

Members should lodge a motion or amendment electronically via the [Questions and Motions \(Q&M\) application](#). They can also submit from any of their email addresses **if they have provided the Chamber Desk with the necessary authorisation form (Annexe B)** in advance, stating the full email addresses to be authorised. Emailed motions and amendments will be accepted only from these addresses. Details of how to submit items via the [Q&M application](#) are provided in the [Q&M application user guide](#). Please note that motions submitted via the [Q&M application](#) arrive more quickly than those submitted via email and are, therefore, likely to be processed more quickly.

Specific arrangements for the Scottish Government are set out in Rule 17.4.2 of the Parliament's Standing Orders.

11.3 Timing

With the exception of motions for debate in the chamber on Tuesdays, for which the deadline is no later than 10.00 am on Monday, the deadline for receipt of motions and amendments for debate is 4.00 pm from Monday to Wednesday. The deadline for receipt of other motions and amendments is 4.30 pm from Monday to Thursday and 3.30 pm on Friday. Motions and amendments received after this time will not appear in the following day's Business Bulletin. For those received by email, the time of receipt will be the time that they are delivered to the Chamber Desk email inbox, **not when they are sent**.

Motions and amendments received before the deadline will not appear in the following day's Business Bulletin if a decision on admissibility cannot be made before that time.

With the exception of motions for debate in the chamber on Tuesdays, motions for debate should be lodged at least two sitting days in advance of the relevant debate and amendments should be lodged at least one day in advance.

It is recommended that motions to be debated are submitted well in advance of the deadline to allow sufficient time for editing and sign-off before they are published. Prior to publication, the text of motions is treated in confidence by the Chamber Desk clerks. If you have any concerns about confidentiality, please speak to the Chamber Desk clerks.

11.4 Declaring a Registrable Interest

Members with a registrable interest in a motion/amendment must declare that interest when lodging the motion/amendment. When an interest is declared, the motion/amendment is printed in the Business Bulletin with an **R** against it. Chamber

Desk clerks cannot advise on declaring an interest but advice can be sought from the clerks of the Standards, Procedures and Public Appointments Committee and detailed guidance can be found in the [Code of Conduct for Members of the Scottish Parliament](#).

However, members should generally make such a declaration only in relation to a matter that is included in the member’s published register of interests.

11.5 General

Motions remain current for six weeks unless they are withdrawn or have been taken in the chamber. After this time, the Parliamentary Bureau normally culls motions that have not been scheduled for debate. The Parliamentary Bureau has agreed that all motions eligible for culling will normally be culled unless they—

- are supported by at least 30 members and the supporters come from more than two political parties; and
- are highly topical; or
- have been selected for Members’ Business debate.

If a member wishes to reactivate a motion that has been culled, the motion must be resubmitted under a different number and will lose the support that it had accrued.

If a member submits a similar motion to one already submitted by a member of the same party, Chamber Desk clerks will inform the second submitter to offer them the option of amending or not lodging it. There is, however, no rule against lodging the same or a similar motion.

12. Moving a Motion

A motion to be debated in the chamber can be moved by the member who has lodged it or by any other member who has added his/her name in support by the end of the previous sitting day (see section 1, Summary of Chamber Desk Deadlines).

There are restrictions on who can move certain motions—

Motion type	Can be moved only by
Motion to appoint law officers, cabinet secretaries and ministers or to remove a judge.	The First Minister
Motion for a tax-varying resolution	Cabinet secretaries
Business motion	Members of the Parliamentary Bureau
Motion for a financial resolution for a bill	Cabinet secretaries or junior Scottish ministers

13. Supporting a Motion/Amendment

Members may support any current motion/amendment once it has been lodged. **It is, however, a convention that some motions of condolence submitted by party leaders are supported only by other party leaders.**

Support submitted for motions/amendments is shown in the [Motions, Questions and Answer Search](#) as follows:

The screenshot displays the 'Motions, Questions and Answers Search' interface. On the left is a navigation menu with options: 'About PQs, Answers and Motions', 'Motions, Questions and Answers Search' (highlighted), 'Written Answer Reports', and 'Vote Search'. The main content area shows search results for 'Motion S4M-02248: Alison Johnstone, Lothian, Scottish Green Party, Cycle Safety', dated 07/03/2012. The motion text states: 'That the Parliament notes with sadness that, since 2000, 16 cyclists have died and many others injured in accidents in Lothian; understands that almost all of these accidents involved a motorised vehicle; believes that cycling is generally a safe activity and that the best way to improve safety is to get more people on their bikes to form a "critical mass" on the roads; considers that, in order to make them safer for cyclists and pedestrians, there is need for a radical rethink of how streets are designed; believes that training for all key road users must be improved and funding for cycle proficiency training for school pupils must be increased, and considers that, to see what changes can be made to make Scotland a leader in cycle safety and to help minimise the chances of another tragedy on the country's roads, a cycle safety summit with key partners is urgently required.' The supported members are listed as: Malcolm Chisholm, John Lamont, Patrick Harvie, Jean Urquhart, Richard Lyle, Jamie Hepburn, Mike MacKenzie, Drew Smith, and Jim Fadie.

This is updated throughout the day when support is entered via the [Questions and Motions application](#) or by Chamber Desk staff.

If you wish to withdraw support that you have submitted for a motion or amendment, you can do so within 24 hours using the *retract* option in Pending. After this time, please contact the Chamber Desk.

Due to the risk of numbers being transposed, it is recommended that you do not submit your support by email as a list of motion numbers.

14. Publication of Motions/Amendments

As soon as a motion/amendment has been finally approved through the Chamber Desk system, it is available online via the [Motions, Questions and Answer Search facility](#), where its status is shown as follows:

The screenshot displays a search interface for 'Motions, Questions and Answers Search'. On the left, there is a vertical navigation menu with items like 'ns and', 'vers and', 'ions and h', and 'Reports'. The main content area shows a search result for 'Motion S4M-02521: Roseanna Cunningham, Perthshire South and Kinross-shire, Scottish National Party, Date Lodged: 27/03/2012 Consultation on the New Tribunal System in Scotland'. The text of the motion states: 'That the Parliament welcomes the publication in March 2012 of a consultation that sets out proposals to reform Scotland's tribunal system; notes that the proposals provide the opportunity to integrate Scotland's devolved tribunals into a coherent, unified structure; further notes the importance of tribunals in the administrative justice landscape and the complexity and diversity of their business, and acknowledges their rightful place at the heart of a modern civil justice system.' It is supported by Kenny MacAskill and was taken in the Chamber on 29/03/2012. A link 'Show This Motion and Amendment Details' is provided. Search buttons 'New Search' and 'Refine Search' are visible at the top and bottom of the search results area.

Approved motions/amendments are also published in the next edition of the Business Bulletin.

15. Withdrawing a Motion/Amendment

15.1 General

The member who lodged a motion/amendment may withdraw it at any time by notifying the Chamber Desk in writing or, within 24 hours of lodging, using the *retract* option in History in the [Questions and Motions application](#).

15.2 Motions/Amendments for Debate in the Chamber

When a motion/amendment is called in the chamber, the member in whose name it has been lodged may decide not to move it and say "not moved". The motion can, however, be moved by any other member who has supported it by the end of the previous sitting day and whose name, therefore, appears as a supporter of the motion in the Business Bulletin.

16. Business Motions

Business motions give an outline of proposed business in the chamber, recommend lead committees for consideration of legislation and give proposed timetables for the stages of bills. Their content is agreed by the Parliamentary Bureau and they are normally lodged in the name of the minister responsible for parliamentary business on behalf of the Parliamentary Bureau.

17. Motions to Annul

When a statutory instrument is subject to negative procedure, any member may submit a motion to annul the instrument. Such motions are worded as follows—

That the [name of committee] recommends that the [name and number of instrument] be annulled.

Example—

S4M-02588 Drew Smith: National Health Service (Superannuation Scheme and Pension Scheme) (Scotland) Amendment Regulations 2012—That the Health and Sport Committee recommends that the National Health Service (Superannuation Scheme and Pension Scheme) (Scotland) Amendment Regulations 2012 (SSI 2012/69) be annulled.

18. Legislative Consent Motions

Under the Sewel Convention, the UK Parliament will not normally legislate on devolved matters or alter the legislative competence of the Scottish Parliament or the executive competence of the Scottish Ministers without the express consent of the Scottish Parliament. Motions seeking the Parliament's consent to such provisions in a bill before the UK Parliament are known as legislative consent motions.

The following example shows how such a motion is typically worded—

S4M-02496 John Swinney: Financial Services Bill – UK Legislation—That the Parliament agrees that the relevant provisions of the Financial Services Bill, introduced in the House of Commons on 26 January 2012, relating to the enhancement of understanding and knowledge of the public of financial matters and the ability of members of the public to manage their own financial affairs, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

19. Motions on behalf of Committees

Committees lodge motions as a basis for debate in the chamber on committee business, often on committee reports. Such motions are normally lodged by the convener and are typically worded—

[name of convener] on behalf of [name of committee]: [title of report]

Example—

S3M-8081 Gil Paterson on behalf of the Standards, Procedures and Public Appointments Committee: Scrutiny of SPCB Supported Bodies—

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 2nd Report 2011 (Session 3), *Scrutiny of SPCB supported bodies* (SP Paper 566), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 1 April 2011.

20. Motions relating to Public Appointments

Certain motions relating to public appointments are lodged by a member on behalf of a selection panel and this is reflected in the format of the motion, for example—

S4M-01865 Christine Grahame on behalf of the Selection Panel: Appointment of the Scottish Information Commissioner—That the Parliament nominates Rosemary Agnew to Her Majesty The Queen, for appointment as the Scottish Information Commissioner.

21. Motions without Notice/at Short Notice

A motion may be moved without notice for a motion to be taken at shorter notice than is normally allowed under Standing Orders, i.e. on the same day that it is lodged. The process is—

- (a) the member seeks the permission of the Presiding Officer to move a motion without notice that motion S4M-XXXXX be taken at that day's meeting of the Parliament;
- (b) if the Presiding Officer grants permission, the member has the opportunity to explain to the Parliament the reasons for debating the motion at short notice; and
- (c) the Presiding Officer then puts the question to the Parliament "that motion S4M-XXXXX be taken at this meeting of the Parliament".

If the Parliament agrees, the member may move the motion on which he/she is seeking a debate. The Presiding Officer decides whether this takes place immediately following the Parliament's agreement or at a later time on the same day.

22. Amending a Motion/Amendment

22.1 Amending a Motion for Debate in the Chamber

For amendments to motions that are to be debated in the chamber (other than Members' Business motions) the Presiding Officer will select amendments to be taken in the debate on the basis of the following criteria—

- (a) the extent to which the amendment has supporters other than the mover of the amendment;
- (b) the number of competing amendments;
- (c) the relevance of the amendment to the subject matter of the motion; and
- (d) whether the amendment significantly alters the content of the motion.

The Presiding Officer will additionally take into account any other factors that he/she considers appropriate and seek to ensure that, over time, the proportion of amendments selected from opposition parties reflects their share of opposition representation in the Parliament. When selecting from a large number of admissible amendments, the Presiding Officer pays particular regard to the criteria set out at (c) and (d) above.

Please note that the Presiding Officer selects amendments on a case by case basis and previous selections do not set a precedent for future selections.

Chamber Desk clerks do not provide explanations for the Presiding Officer’s selection or non-selection of amendments.

22.2 Wording, Style and Layout of Amendments

The following conventions apply to amendments to motions—

- they begin ‘As an amendment to motion S4M-XXXX in the name of [member who lodged the motion] (title of motion), ...’;
- to remove words, the wording is ‘leave out [from]’; □ to insert words, the wording options are:
 - ‘after “[word]” insert “[new words]”’;
 - ‘insert at end’; or
 - ‘leave out “[word]” and insert’; or
 - ‘leave out from “[word]” to “[word]” and insert’; or
 - ‘leave out from “[word]” to end and insert’;
- to completely reword a motion beginning ‘That the Parliament notes’, the wording is: ‘leave out from “notes” to end and insert “[new words]”’ If the word ‘notes’ appears more than once in the motion, the wording is ‘leave out from first “notes” to end and insert “[new words]”’.

Examples

Motion—

That the Parliament notes the publication of the report, *Name of the Report*, considers that the report highlights matters of importance to Scotland; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it.

Amendments, showing the results of various amendments if successful—

As an amendment to motion S4M-XXXXX in the name of [name of member who lodged the motion] (title of motion),

- (a) leave out “to Scotland”—

That the Parliament notes the publication of the report, *Name of the Report*; considers that the report highlights matters of importance; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it.

- (b) after “publication” insert “last month”—

That the Parliament notes the publication **last month** of the report, *Name of the Report*; considers that the report highlights matters of importance to Scotland; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it.

- (c) insert at end “and to ensure that it does not happen again”—

That the Parliament notes the publication of the report, *Name of the Report*; considers that the report highlights matters of importance to Scotland; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it **and to ensure that it does not happen again**.

- (d) leave out from “considers” to “Scotland”—

That the Parliament notes the publication of the report, *Name of the Report*; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it.

- (e) leave out from “is concerned” to end and insert “, and welcomes its findings.”—

That the Parliament notes the publication of the report, *Name of the Report*; considers that the report highlights matters of importance to Scotland, and welcomes its findings.

- (f) leave out from “notes” to end and insert “welcomes the report, *Name of the Report*, and commends the [name of organisation] on its work on the study.”—

That the Parliament welcomes the report, *Name of the Report*, and commends the [name of organisation] on its work on the study.

If members wish to make two or more separate changes to the wording, for example to leave out some words in the second clause and insert a word in the fourth clause, all of the text between the two points should be removed and then reinserted by the amendment.

For example, if the intention is to change *notes* to *welcomes* in the first line of the motion above and insert *commends the [name of the organisation] on its work on the study* after *Scotland*, the amendment would read—

leave out from “notes” to “Scotland” and insert “welcomes the publication of the report, *Name of the Report*; considers that the report highlights matters of importance to Scotland; commends the [name of organisation] on its work on the study;”. This would result in—

That the Parliament **welcomes** the publication of the report, *Name of the Report*; considers that the report highlights matters of importance to Scotland; **commends [name of organisation] on its work on the study**; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it.

22.3 Amending an Amendment

Amendments to amendments are worded—

As an amendment to amendment S4M-XXXX.1 in the name of [member who lodged the amendment being amended] (title of motion), ...

Amendments to an amendment are appropriate only when they change or add only a word or two as the purpose of an amendment to an amendment is to make a specific change or build on a proposition. An amendment to an amendment should not leave out the entire text and replace it, nor should it be used solely as a device to secure a vote at Decision Time.

22.4 Pre-emption of Amendments to Motions for Debate in the Chamber

Pre-emption is when an amendment to a motion renders a subsequent amendment impossible or nonsensical because of the changes that the amendment or amendments already agreed to has or have made to the motion. The Presiding Officer will not call a vote on an amendment if it has, in the Presiding Officer’s opinion, been pre-empted by a previously agreed amendment or amendments.

When the Presiding Officer decides that more than one amendment is to be taken, they appear in the Business Bulletin and are taken in the chamber in order based on the size of the party on whose behalf they have been lodged, with the amendment

from the largest party taken first. For amendments to opposition party motions, amendments on behalf of the Scottish Government are taken first. An amendment is pre-empted if—

- (a) the text referred to in the amendment is no longer in the motion once it has been changed by an earlier amendment or amendments, for example:

Motion

That the Parliament notes the publication of the report, *Name of the Report*; considers that the report highlights matters of importance to Scotland; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it.

Amendment One

leave out from “notes” to end and insert “welcomes the report, *Name of the Report*, and commends the [name of organisation] on its work on the study.”

Amendment Two

leave out from “considers” to “Scotland”

In this example, amendment one, if agreed to, pre-empts amendment two as the text referred to in amendment two – from “considers” to “Scotland” – no longer exists once amendment one has taken effect.

- (b) the final motion would contain contradictory or incompatible statements, for example, in relation to the same motion:

Amendment One

leave out from “notes” to end and insert “welcomes the report, *Name of the Report*, and commends the [name of organisation] on its work on the study.”

Amendment Two

insert at end “and questions the validity of the findings.”

In this example, amendment one, if agreed to, pre-empts amendment two as the statements *welcomes the report* and *questions the validity of the findings* are contradictory.

- (c) the amendment would result in a final motion that altered the original intention of the amendment as submitted, for example:

Motion

That the Parliament is concerned at the reported increase in the number of attempts to circumvent the law in relation to something bad and

welcomes the measures that the Scottish Government has put in place to combat this.

Amendment One

leave out from “and welcomes” to end.

Amendment Two

insert at end “and urges the Scottish Government to report on the impact.”

In this example, amendment one, if agreed to, pre-empts amendment two on the basis that the impact referred to in amendment two refers to the impact of the Scottish Government’s measures and this text no longer exists in the motion as amended by amendment one, thus the original intention of amendment two has been altered.

- (d) the amendment would result in a final motion that did not make sense:

Motion

That the Parliament notes the publication of the report, *Name of the Report*; considers that the report highlights matters of importance to Scotland; is concerned at the report’s finding that there has been an increase in something problematic; believes that this is an unacceptable situation, and urges all concerned to do something about it.

Amendment One

leave out from “notes” to end and insert “welcomes the report, *Name of the Report*, and commends the [name of organisation] on its work on the study.”

Amendment Two

insert at end “and the Scottish Government to report on progress”

In this example, amendment one, if agreed to, pre-empts amendment two on the basis that the final text would otherwise not make sense.

22.5 Amending a Members’ Business Motion

Amendments to Members’ Business motions must comply with the criteria for Members’ Business motions (see section 4.2). However, if the motion is selected for debate, the amendment does not appear in the Today’s Business section of the Business Bulletin with the motion and is not taken in the chamber as there is no vote on Members’ Business motions.

22.6 Amending a Business Motion

Amendments may be lodged to business motions and, if they are supported by at least 10 members at the time of lodging, they must be taken by the Parliament.

22.7 Reasoned Amendments

The term *reasoned amendment* refers to an amendment to a motion relating to legislation in which the member wishes to highlight an issue.

22.7.1 Reasoned Amendments to Public Bill Motions

Public bills are those introduced by a member of the Scottish Government, a parliamentary committee or an individual member of the Parliament dealing with matters of public policy and general law.

Stage 1

The Parliament debates and decides on the general principles of a public bill on the basis of a stage 1 motion—

That the Parliament agrees to the general principles of the [name of bill].

Reasoned amendments may be selected by the Presiding Officer if the amended motion would make clear that the bill should proceed to stage 2. Examples of how such amendments could be worded include:

insert at end “but, in so doing, expresses reservations/is concerned/believes/recommends/calls on the Scottish Government to...”

No conditions can be included in reasoned amendments as they could cast doubt on the status of the bill. This has an impact on the wording of reasoned amendments and, as the use of the following wording would cast doubt on the status of the bill if agreed to, reasoned amendments containing such wording will not be selected—

insert at end **“on condition that X happens”**; or
insert at end **“but, in so doing, agrees that X should happen”**.

A reasoned amendment that reverses the terms of the motion for a reason that it specifies (i.e. “leave out from “agrees” to end and insert “does not agree to the general principles of the [name] Bill because ...”) would not normally be selected by the Presiding Officer. This is because rejection of the amended motion would mean that the Parliament has not made a resolution either way and would therefore cast doubt on whether the bill was still in progress.

Stage 3

The Parliament debates and decides whether to pass a Public Bill on the basis of a stage 3 motion—

That the Parliament agrees that the [name of bill] be passed.

The same requirements for amendments apply as for stage 1 motions; that is that they may be selected by the Presiding Officer if the amended motion still makes it clear that the bill should be passed. Examples of how such amendments would be worded include:

insert at end “but, in so doing, expresses reservations/is concerned/believes/recommends/calls on the Scottish Government to...”

A reasoned amendment that reverses the terms of the motion for a reason that it specifies (i.e. “leave out “passed” and insert “rejected because ...”) would not normally be selected by the Presiding Officer. This is because rejection of the amended motion would mean that the Parliament has not made a resolution either way and would therefore cast doubt on whether the bill has been passed.

22.7.2 Reasoned Amendments to Hybrid Bill Motions

A hybrid bill is a public bill that is introduced by a member of the Scottish Government to make provision about the public and general law. However its provisions can also directly affect the interests of particular individuals or bodies.

At stage 1 of a hybrid bill, the Parliament debates and decides on the general principles of the bill and whether the bill should proceed as a hybrid bill on the basis of a stage 1 motion—

That the Parliament agrees to the general principles of the [name of bill] and that the bill should proceed as a hybrid bill.

As with other public bills, reasoned amendments to such stage 1 motions will be selected for debate only if they are so worded that they cast no doubt on whether the Parliament agrees to the general principles and that the Bill should proceed as a hybrid bill.

The Stage 3 motion for a Hybrid Bill is the same as for other Public Bills (i.e. a motion that the bill be passed), so the same considerations apply to the selection of amendments to that motion as apply to any other Public Bill at Stage 3 (see section 22.7.1 on Stage 3 of public bills).

22.7.3 Reasoned Amendments to Private Bill Motions

A private bill is introduced by a promoter, who may be a person, a company or a group of people, for the purpose of obtaining particular powers or benefits that are in addition to, or conflict with, the general law.

Preliminary Stage

The private bill equivalent to a stage 1 motion for a public bill is a motion in the name of the convener of the private bill committee following publication of the committee’s preliminary stage report. Depending on the committee’s view, the motion will either be—

(a) That the Parliament agrees to the general principles of the [name of bill] and that the bill should proceed as a private bill.

or

(b) That the Parliament does not agree to the general principles of the [name of bill] and does not agree that the bill should proceed as a private bill.

Where a type-(a) motion is lodged, any MSP may lodge an amendment to that motion. Such an amendment may be selectable if the amended motion would continue to make clear that the Bill should proceed to Consideration Stage. However, an amendment to reverse the motion (either by rejecting the general principles, or by saying that the Bill should not proceed as a Private Bill, or both – for a reason specified in the amendment) would not normally be selected by the Presiding Officer, as rejection of the amended motion would cast doubt on whether the Bill was still in progress.

If the motion at (a) is agreed to, the bill proceeds to consideration stage. Whether the motion at (b) is agreed to or not, the bill falls. The bill could proceed to consideration stage only if such a motion is amended, such as—

leave out “does not agree to the general principles of [name of bill] and does not agree” and insert “despite the recommendation of the [name of committee], agrees to the general principles of the [name of bill] and agrees ...”.

Any member may lodge such an amendment, which is subject to selection by the Presiding Officer.

Final Stage

The Parliament decides whether to pass a private bill on the basis of a motion in the name of the convener of the Private Bill Committee, again reflecting the conclusion reached by the committee following Consideration Stage, that is either—

- (a) That the Parliament agrees that the [name of bill] be passed.
- (b) That the Parliament agrees that the [name of bill] be rejected.

Reasoned amendments to a type-(a) motion are subject to the same criterion as stage 3 motions for public bills (see section 22.7.1).

If a type-(b) motion is agreed to, the Bill is rejected; but rejection of the motion does not pass the Bill. Therefore, the only way in which a Private Bill could be passed in a situation where a type-(b) motion has been lodged is if it first agrees to an amendment to the motion that reverses its terms – i.e. an amendment to leave out “rejected” and insert “passed” (with or without a reason being given). Such an

amendment may be selected by the Presiding Officer so long as the effect of agreeing to the amended motion would clearly be to pass the Bill.

22.7.4 Reasoned Amendments to Subordinate Legislation

A reasoned amendment may be lodged in relation to motions to approve statutory instruments subject to affirmative procedure, i.e. instruments that need the approval of the Parliament to come into, or remain, in force. These motions will be worded—

Consideration in committee - That the [name of committee] recommends that the [name and number of instrument] be approved.

or

Consideration by the Parliament - That the Parliament agrees that the [name and number of instrument] be approved.

The convener (or Presiding Officer for motions to be considered by the full Parliament) will select for debate only amendments that are so worded that they contain no conditions and, if they are agreed, the resulting motion would leave no doubt that the instrument was approved. Such amendments could be worded—

insert at end “but, in so doing, regrets/expresses reservations/is concerned/believes ...”

22.7.5 Reasoned Amendments to Legislative Consent Motions

Legislative consent motions can also be subject to reasoned amendment. For example—

S2M-4317.1 Mr David Davidson: Police and Justice Bill - UK Legislation—As an amendment to motion S2M-4317 in the name of Cathy Jamieson (Police and Justice Bill – UK Legislation), insert at end "**but, in doing so, expresses serious concerns** over the ambiguity of the status of an extradition request in respect of a person domiciled in Scotland against whom the Lord Advocate has decided not to proceed; notes that the United States of America has not, over a period of some three years, ratified the bilateral extradition treaty with the United Kingdom, and accordingly, in the interest of equality between nations and recognising the distinctive nature of the Scottish legal system and the need to protect the civil liberties and human rights of those living in Scotland, urges the Minister for Justice to make representations to the UK Government based upon these concerns."

22.8 Motions that May not be Amended

The following motions may not be amended:

Motion type	Standing Orders Rule
Motion to appoint fund trustees	3B.2

Motion to end a fund trustee's tenure following a change of status	3B.4
Parliamentary Bureau motion to exclude a member from the chamber	7.3.3(b)
Motion for a tax-varying resolution	8.10
Pension and grants motions	8.11A
Motion to change subordinate legislation procedure	8.11B
Financial resolution motion	9.12.7

Annexe A - Authorisation Form to Sign on Behalf of MSP

Name of MSP (Please Print).....

Signature of MSP

Date

I hereby authorise the people listed below to lodge in writing and in person on my behalf:

- Parliamentary questions
- Motions, amendments to motions and support of motions
- Amendments to Bills
- Support of Bills
- Support of a proposal for a Member's Bill

Name of Authorised Person	Authorised Person's Signature

The Chamber Desk can arrange for an induction meeting which provides a better understanding of the procedures and systems for lodging parliamentary questions, motions and amendments to motions.

Would you like to make an appointment for an induction?
 Yes/No (delete as appropriate)

If yes, a member of the Chamber Desk team will contact you to arrange a suitable appointment.

Please return completed forms to the Chamber Desk, Room T1.01, Tower 4.

Annexe B - MSP Email Authorisation Form

Name of MSP (Please Print)

I authorise the Chamber Desk to accept from my parliamentary email address and the home/constituency email address(es) listed below any of the following documents:

- Parliamentary questions
- Motions, amendments to motions and support of motions
- Amendments to Bills
- Support of Bills
- Support of a proposal for a Member's Bill

My constituency email address is:

.....
.....
.....

My home email address is:

.....
.....
.....

Signature of MSP

Date

Please note: Only emails from a member's mailbox are acceptable. If a member of an MSP's staff wishes to lodge any submissions on behalf of a member to the Chamber Desk, they must send this under delegate access permissions. Instructions may be obtained from IT Services or the Chamber Desk.

Please return completed forms to the Chamber Desk, Room T1.01, Tower 4.