

# Proposed Removal from Office and Recall (Members of the Scottish Parliament) Bill

## Introduction

A proposal for a Bill to introduce new measures on removing an MSP from office, including additional grounds for removal and new processes for removal, such as recall. Proposed new grounds for removal include where an MSP does not participate in parliamentary proceedings for a given period without valid reason or receives a prison sentence lower than the current threshold for automatic removal.

The consultation runs from 20 January 2022 to 13 April 2022.

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (\*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

*No Response*

## About you

Please choose whether you are responding as an individual or on behalf of an organisation.  
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I would like this response to be published anonymously

**If you have requested anonymity or asked for your response not to be published, please give a reason (Note: your reason will not be published):**

Please provide your Full Name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

**Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").**

Q1. Which of the following best expresses your view of the proposed Bill?

Fully supportive

**Please explain the reasons for your response.**

I am against the waste of taxpayers money and against a system which allows an individual or

Q1. Which of the following best expresses your view of the proposed Bill?

organisation to abuse rules for their own gain. Elected politicians should have the moral courage to resign rather than abuse a system for their own gain.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

I believe legislation is required. It is obvious that unscrupulous individuals can exploit the current system for their own gain, therefore legislation is required to eliminate the opportunity for this in the future.

Q3. What is your view on the proposal to remove MSPs from office if they do not participate sufficiently in parliamentary proceedings?

Fully supportive

**Please explain the reasons for your response. Please include your views on: what constitutes sufficient participation, how the process for removing an MSP from office should work in practice where they are not sufficiently active for a period of, for example, six months (see detail of consultation document under element one of the proposal for background on this question).**

It is difficult to define 'sufficient participation', in an ideal world the public would not vote to re-elect an individual who has not represented them sufficiently during the term, however as many members of the public vote along party lines, individuals may continue in post without contributing a great deal to the community or the country as a whole. In addition, attendance in itself is not necessarily a gauge to sufficient participation, it is not the time spent in the office that counts rather it is what you do when there. This is made more difficult due to the different category of MSP in Scotland. Not turning up for business is straightforward as it would be in any other employment, it is the amount of work which constitutes sufficient participation that will prove to be more difficult to define. I do not have any recommendations on how this can be achieved, but am certain that it requires legislation.

Q4. What is your view on the proposal that receiving a prison sentence of a year or less is an appropriate trigger for an MSP to be automatically removed from office?

Fully supportive

**Please explain the reasons for your response, including detailing how long you consider a minimum prison sentence should be to trigger the automatic removal.**

Any prison sentence should result in a MSP being removed from office, the time limit is irrelevant. In addition, due to the very lax sentencing system in Scotland where individuals who would normally be sentenced to a custodial sentence in the remainder of the UK but not in Scotland, an addition condition should be that any MSP who incurs a criminal record for any reason should be removed from office.

Q5. What is your view on the proposal that an individual who is removed as an MSP under these proposals, either through insufficient participation or being sentenced to a particular period in prison, should be unable to stand as an MSP again for the rest of the relevant parliamentary session?

Fully supportive

**Please explain the reasons for your response.**

Individuals removed from office should be barred from holding elected office at any time in the future.

Q6. What is your view on the proposal to introduce a system of recall for MSPs? Recall is where the electorate in an area can trigger a special election to remove an elected representative before the end of their term if certain conditions are met

Fully supportive

**Please explain the reasons for your response, including how you would envisage such a system working in practice, for members elected under the regional list system and for constituency members elected under the first past the post system.**

Constituency members should be subject to recall at any time during their term of office. If they are deemed not to represent their constituencies it is the right of the constituents to recall them. Region list MSPs are more difficult, however a system should be investigated to ensure that they may be subject to the electorate in their area having the authority to recall them.

Q7. What is your view on the proposal that, where an MSP has been given a prison sentence, they should only be removed from office once any appeal process they pursue has concluded?

Fully opposed

**Please explain the reasons for your response, including commenting on the alternative option where an MSP given a prison sentence would be removed from office as soon as they are sentenced, as opposed to awaiting the completion of an appeals process.**

Some appeals processes can take much longer than a Parliamentary session has finished, during which time the individual can sit in jail and collect taxpayers money while at the same time making spurious appeals. Once convicted an individual should be removed immediately, any subsequent appeal which is successful can trigger the possible return to politics by the individual.

## Financial Implications

Q8. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

some increase in costs

## Equalities

Q9. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Neutral (neither positive nor negative)

**Please explain the reasons for your response. Where any negative impacts are identified, you may also wish to suggest ways in which these could be minimised or avoided.**

The Bill, if passed should apply to all, therefore there is no impact to equality legislation. Unfortunately,

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unscrupulous individuals use the Equality Act to protect them from prosecution. This must not be permitted to happen.

## Sustainability

Q10. In terms of assessing the proposed Bill's potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting effective, participative systems of governance
- ensuring policy is developed on the basis of strong scientific evidence.

With these principles in mind, do you consider that the Bill can be delivered sustainably?

Yes

## General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

*No Response*