

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

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

I am a member of the public, however I am currently a politics and international relations undergraduate

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 believe MSP's are not above the law nor above public scrutiny and because of this the constituents they serve should be able to recall and recast their votes when they do not feel their representative is doing a good job or has engaged in morally corrupt behaviour or even criminal acts

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.

Yes it should be set in stone. Average citizens are sacked from their jobs if they underperform in the eyes of their employer so why shouldn't this happen to MSP's, whose bosses are the public.

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).

The current salary (as of April 2020) is £64,470. This is more than double the average income of a full time employee in Scotland. If the average person were to attend their work for 2 or 3 days out of the 5 day working week without a good reason for absence they would be disciplined and potentially sacked. Politicians are no different and should be in attendance at a MINIMUM 4 days a week every single week. Summer recess should also be reduced as normal citizens of Scotland do not have the luxury of nearly 5 months in recess. Now while I understand that some of this time includes MSP's holding surgeries in their local areas I think it is inappropriate for such a long summer holiday. 65 days in 2022. That is ridiculous. Parliament should be in session all year round and MSP's should have to apply for holidays the same way as any other job within Scotland.

It should be law for all MSP's to attend no fewer than 75% of a parliamentary session. Furthermore, this should be logged and this information should be made available on a scottish government website so constituents can see if their representatives, be it constituency MSP's or regional MSP's, are at work.

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.

Being found guilty of ANY criminal action should result in an automatic removal from office and a by-election. If the MSP is not sentenced to prison time they should be able to contest their seat at their parties discretion.

How does any MSP expect citizens to take not only the parliament seriously but also the representative if they can't abide by the laws in which they help legislate? If it is too hard for an MSP to follow said laws then they should consider their moral judgment as the vast majority of citizens do not struggle with this issue.

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.

If they are sent to prison or are not participating to the required amount of time in Parliament then they are not fit for office.

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.

A simple by-election would work for a constituency representative, however this would be harder for a regional MSP. Either the next placed person on the list should be put forward as a replacement or for continued offences by a party they should lose the seat to the next placed party on the list

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.

If they have been found guilty they have committed a crime. If found not guilty upon appeal they should be able to challenge at the next election. All MSP's should be advocating for this as any other stance would mean they don't think the justice system works and needs reformed and only they have the ability to reform it

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:

no overall change in costs

Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.

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:

I think the court case would cost money for the CPS to conduct but if convicted the wage of the MSP should be used to pay for this bill. No severance package should be offered. NO MATTER WHAT

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.

It only impacts those that commit crimes or are not willing to do their jobs. We have seen due to the pandemic that online meetings can be conducted and if an MSP is unable to travel through to the Parliament for any particular reason then they can use a computer or laptop to be in attendance.

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

Please explain the reasons for your response.

Don't commit crimes and go to work and this bill will not need to be used. How's that for sustainable

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)?

Harsher sentencing should be in place for an MSP if they commit a crime as they are meant to represent their constituents interests and are therefore in a position of trust