

# 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".)

Politician (MSP/MP/peer/MEP/Councillor)

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

MSP since 2011

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

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).

John Mason MSP, Member of The Scottish Parliament for Glasgow Shettleston.

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?

Partially supportive

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

Within this consultation, I am relaxed with the proposals in element 1 and the suggestions made in the consultation.

In Element 2, I hold concerns over the suggestion that any length of prison service would lead to a removal of a MSP from office. I feel this could hinder politicians from participating with the public in protests or acts of civil disobedience due to the threat of removal of office. I feel a sentence of 1 year and over is a sufficient threshold but would not like to see this set any lower than 6 months.

Regarding Element 3, my concern is introducing a recall petition system would lead to politics being seen as short-term and lessen the importance of elections. The Parliament is elected on election day to choose your representatives for 5 years. Recall petitions would mean politics in Scotland could be looked as a yearly changing cycle rather than trying to overcome long term issues and achieve multi-year goals.

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.

If standing orders could be used to some extent that might be easier. However, I think legislation is probably required.

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

Partially 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).**

I am supportive of the suggestions made in the proposal that if a member does not at least, every 6 months; attend chamber business or public committee business in person, lodge a written parliamentary question, speak in public proceedings in committee or in chamber and, vote on a motion or amendment in a meeting of the whole Parliament then they should be considered not participating in their capacity as an MSP. However, I would say speaking in the chamber should mean a full speech (not just an intervention). Six months is actually quite generous if there is no good reason for the absence.

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?

Partially opposed

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

My feeling is that the threshold of a prison service should be set at 1 year or above and certainly be no less than 6 months. A very short sentence might be because someone is making a political point as Tommy Sheridan did in 2000/2002 demonstrating against nuclear weapons at Faslane. So such a person should not be removed from office. One year strikes me as about right as a measure of a serious crime.

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?

Partially supportive

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

I am supportive of this proposal only if no valid reason has been presented for lack of participation.

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 opposed

**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.**

My belief is that given the complexity of the division of seats in the Scottish Parliament would make this very difficult to achieve. It is also my view that this would only make politics in Scotland even more focussed on short-term goals as you could be removed from your seat at anytime theoretically. If every unpopular vote or decision could mean losing one's seat, it is likely to make MSPs even less likely to take a long term view of things or to take a stand on principles.

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?

Partially supportive

**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.**

Supportive of this granted it was, ideally, a year or above prison term at sentencing. One problem is the slowness of the legal process. A current case involving a politician is happening 8 years after the events in question. An appeal could take even longer. So the legal system needs to speed up if this sanction is to have any impact.

## 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

**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.**

Increases similar to those of by-elections. Not significant rises.

## 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?

Slightly 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.**

I do not feel the proposals would directly effect protected characteristics under the Equality Act 2010 but, could perhaps discourage individuals from some of these groups to enter a career in Politics. For example, someone with a disability may be anxious about having to justify their absence several times during the parliamentary session and therefore be hesitant to run as a candidate.

## 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.**

N/A

## 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)?

N/A