



Northern Ireland  
Assembly

## Research and Information Service Briefing Paper

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# Issues under consideration by procedures committees in other legislatures

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This briefing paper provides information on current and recent items of business considered by procedures committees in other legislatures.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

## 1 Introduction

This briefing paper has been prepared for the Committee on Procedures. It highlights issues under consideration and/or recently considered by procedures committees in other legislatures.

## 2 House of Commons

The Procedure Committee in the House of Commons “make(s) recommendations to the House about the operation of the House’s Standing Orders for public business, and any other aspect of House procedure and practice (as generally described in Erskine May).”<sup>1</sup>

The committee is currently undertaking one inquiry – Commons scrutiny of Secretaries of State in the House of Lords – with a number of inquiries completed within the current mandate.

### 2.1 Correcting the Record

In June 2023 the committee published its report *Correcting the Record*, which examined the methods by which Ministers and backbench MPs could correct the official record if incorrect information had been communicated. The report considered the new ways in which members of the public consumed parliamentary information, for example on mobile devices, and the lack of certainty on whether a correction had been made.

The committee recommended that the clarity of hyperlinks be improved to highlight corrections and that one central corrections page be developed that would incorporate corrections from all MPs and Ministers, rather than only Ministers, as was then the case.

### 2.2 Proxy voting: Review of illness and injury pilot

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<sup>1</sup> Webpage of the UK Parliament Procedure Committee:  
<https://committees.parliament.uk/committee/126/procedure-committee>

The Procedure Committee had previously recommended that proxy voting be extended to members with a serious or long-term illness or injury. This followed on from the decision of the House to make permanent proxy voting arrangements for childcare arrangements or complications relating to childbirth.

A pilot scheme relating to serious and long-term injury was subsequently launched, running from 17 October 2022 until 30 April 2023, with the committee asked to report on its effectiveness by 17 March 2023.

The committee found “that the pilot has been a success and that the extension of eligibility should be made on a permanent basis, subject to certain amendments being made to the scheme issued by the Speaker.”<sup>2</sup>

The committee also addressed the issue of members being absent from the parliamentary estate, with the assumption being that a member using a proxy vote would not be physically present on the estate or indeed, participate in proceedings. The committee recommended that “The conventions and practice of the House should be applied flexibly to ensure an inclusive environment in which Members’ participation is enabled rather than inhibited”.<sup>3</sup>

In its response, the Government welcomed the proposal to extend the proxy voting scheme to members with a long-term injury or illness, but asked that further consideration be given to issues around proxy voting and absences from the estate.<sup>4</sup>

An excerpt from the Proxy Voting Scheme is reproduced in Figure 1 below, and the full scheme is available at Appendix 1.

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<sup>2</sup> House of Commons Procedure Committee, [Proxy voting: Review of illness and injury pilot](#), March 2023

<sup>3</sup> As cited immediately above

<sup>4</sup> House of Commons Procedure Committee, [Proxy voting: Review of illness and injury pilot: Government Response to the Committee’s Third Report](#), May 2023

### **Proxy voting scheme**

**This scheme will take effect from 11 September 2023.**

#### **A. Eligibility**

##### **1. Proxy voting is only available:**

(a) to new mothers, new fathers and adoptive parents or in circumstances where there have been complications relating to childbirth, miscarriage or baby loss, and

(b) for the remainder of the Parliament, in cases of serious long-term illness or injury.

##### **2. A Member should demonstrate eligibility for the scheme:**

(a) under paragraph 1(a) by self-certifying that they meet the eligibility requirements;

(b) under paragraph 1(b) by providing a written statement from a hospital consultant that the Member is, for reasons of serious long-term illness or injury, unable to attend divisions or elections in the House in person for a specified period of not less than one month. The statement must specify an end date which should not be more than seven months from the proposed start date. The Parliamentary Health and Wellbeing Service will make an assessment, and on that basis provide a proforma to the Speaker. The proforma will translate the medical information into relevant points for the Speaker to consider.

**Figure 1: Extract from House of Commons Proxy Voting Scheme**

Standing Order 39A, below, sets out the rules on the use of proxy votes.

**39A. Voting by proxy**

(1) A Member eligible under paragraph (2) may arrange for their vote to be cast by one other Member acting as a proxy (a proxy vote) under a scheme drawn up by the Speaker in accordance with this order and published by him.

(2) A Member is eligible for a proxy vote by reason of— 1

(a) childbirth;

(b) care of an infant or newly adopted child;

(c) complications relating to childbirth, miscarriage or baby loss; and

(d) serious long-term illness or injury subject to the conditions set out in the scheme published under paragraph (1) of this order.

(3) A proxy vote may be cast—

(a) in any division, including a deferred division, in the House, in Committee of the whole House, save as provided in paragraph (4) below; and

(b) in a ballot cast in an election under Standing Order No. 1B (Election of Speaker by secret ballot), Standing Order No. 2A (Election of the Deputy Speakers), Standing Order No. 122B (Election of select committee chairs) and Standing Order No. 122D (Election of Chair of Backbench Business Committee).

(4) No proxy vote shall be reckoned in the numbers participating in a division for the purposes of—

(a) Standing Order No. 41(1) (Quorum), and

(b) Standing Order No. 37 (Majority for closure or for proposal of question)

- (5) (a) A proxy vote may be cast only if the Speaker has certified that the Member for whom the vote is to be cast is eligible under the terms of this order.
- (b) The Speaker shall cause that certificate, including the name of the Member nominated as a proxy, to be entered in the Votes and Proceedings no later than the sitting day on which it takes effect.
- (6) A vote cast by a proxy shall be clearly indicated as such in the division lists published under the authority of the House.

**Figure 2: Standing Order 39A of the House of Commons**

## 2.3 Presence of babies in the Chamber and Westminster Hall

The committee heard contrasting views, mainly from members, about the desirability or otherwise of allowing babies and young children into the Chamber and Westminster Hall. It noted that the current guidance did not permit their access but that the Speaker retained some discretion on the matter. Ultimately, the committee did not recommend any change to the status quo.

## 2.4 Correspondence

There have been a number of items of correspondence to and from the committee addressing important issues. These have included risk based exclusion of MPs and House of Commons procedures in respect of the laying of Welsh language statutory instruments.

The House of Commons Commission proposed that in circumstances where the police have provided information to the Clerk of the House that an MP is subject to serious allegations of violent or sexual assault, a risk assessment will take place on whether or not the Member should be excluded from the parliamentary estate. In correspondence between the committee and the Leader of the House, it expressed concern that members excluded on risk-based grounds would have access to a proxy vote. A motion on the matter was published on 31 January

2024 and includes provision for such members to apply for a proxy vote. No date has been set for a vote on the motion.<sup>5</sup>

The Legislation, Justice and Constitution Committee of the Senedd wrote to the Chair of the Procedure Committee seeking clarification on the status of Welsh and English language versions of statutory instruments being laid in both the Senedd and the UK Parliament.<sup>6</sup>

### 3 Scottish Parliament

The Standards, Procedures and Public Appointments Committee is responsible for the practice and procedures of the Scottish Parliament.

The committee's webpage lists four areas of current work in relation to its procedures remit: legislative consent memorandums, parliamentary privilege, proxy voting pilot review and the Scottish Elections (Representation and Reform) Bill.

#### 3.1 Legislative consent memorandums

The Convenors Group and the Constitution, Europe, External Affairs and Culture wrote to the committee to highlight a gap in the Rules (Standing Orders) relating to motions refusing legislative consent. The correspondence from the Convenors Group highlighted two issues, noting that:

Where a Bill makes relevant provision (or is amended to do so), the Scottish Government must lodge an LCM, regardless of whether it recommend consent. However, Standing Orders only provide for a motion to be lodged where that motion seeks the Parliament's consent. While committees will still scrutinise the LCM, where the Scottish Government is not seeking consent there is no provision in Chapter 9B which requires a debate or vote on the issue.

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<sup>5</sup> Correspondence from the Speaker of the House of Commons to the Chair of the Procedure Committee, 22 January 2024

<sup>6</sup> Correspondence from the Chair of the Procedure Committee to the Chair of the Legislation, Justice and Constitution Committee, Welsh Parliament, 17 January 2024

There have been a number of cases in Session 6 so far and in these circumstances the Scottish Government has lodged a standard motion to allow for a debate and vote on the issue. However, such motions and debates sit outwith the legislative consent process set out in Chapter 9B.

Furthermore, the correspondence stated:

Another issue that has arisen in this context is circumstances where the original LCM did not recommend consent and therefore no consent motion has been lodged. It is unclear whether a supplementary LCM would be required where the Bill is amended to include relevant provision, but the Scottish Government still does not intend to recommend consent.

Rule 9B.3.1(c) provides that an LCM should be lodged where amendments make relevant provision for the first time or beyond the limits of any consent previously given by the Parliament. On a strict reading of this rule, a supplementary LCM is not required because the Bill already made relevant provision (the amendments did not do so for the first time) and the amendments did not go beyond the limits of any consent as no consent had previously been granted.

In these cases, while the amendments are not beyond the scope of consent granted (as no consent has been granted) they are beyond the scope of what the Parliament has previously considered. The spirit of the rules is to ensure that the Parliament is informed of new developments as this may impact on its view on consent. However, the exact drafting of the rules does not explicitly cater for this situation.<sup>7</sup>

The Convenors Group said that it would welcome the committee's consideration of these matters.

The committee is considering the matter and is due to give its views before the end of June 2024.

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<sup>7</sup> [Correspondence from the Chair of the Convenors Group](#) to the Convenor of the Standards, Procedures and Public Appointments Committee, 27 April 2022



## 3.2 Parliamentary privilege

The committee discussed a paper on parliamentary privilege at its meeting on 23 January 2023 which set out the context of privilege in the Scottish Parliament and how it differed from that in the UK Parliament. The committee agreed to write to individual political parties to gauge their views on the operation of privilege in the Scottish Parliament. No further information is available at present.<sup>8</sup>

## 3.3 Scottish Elections (Representation and Reform) Bill

The Scottish Elections (Representation and Reform) Bill “make(s) a number of improvements to the law affecting Scottish Parliament and Scottish local government elections. It will amend Scottish electoral law to confer candidacy rights, set out new rules governing candidates, make improvements for voters, provide for emergency re-scheduling of elections and reform arrangements for several electoral organisations.”<sup>9</sup>

The Standards, Procedures and Public Appointments Committee is the lead committee for this bill and the committee launched its calls for views on the bill on 7 February 2024, with a deadline of 7 March for responses.

## 3.4 Proxy voting

A 2022 report on proxy voting by the committee recommended that a proxy voting pilot be undertaken. This pilot commenced on 4 January 2023 and ended on 31 December 2023, with the committee agreeing to report on the effectiveness of the pilot.

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<sup>8</sup> Scottish Parliament Standards, Procedures and Public Appointments Committee [consideration of Parliamentary Privilege](#)

<sup>9</sup> [Policy Memorandum](#) accompanying the Scottish Elections (Representation and Reform) Bill

After consultation with Members, the political parties, the Presiding Officer and the Parliamentary Bureau, the committee recommended that proxy voting be made permanent.<sup>10</sup> In its evaluation of the pilot, the committee found:

The majority of respondents to the Committee's consultation made a comment indicating support for the provisions of the temporary system. The Parliamentary Bureau indicated that the system was working well and did not have any concerns about its operation. The Bureau was also supportive of the intention to make permanent Standing Orders Rule changes based on the current temporary rule, and for that to be complemented by the Presiding Officer's scheme...

We consider that the proxy voting system has been used appropriately and proportionately since its introduction. We also note the positive statements regarding the scheme being made permanent by those who responded to our consultation.

We consider, therefore that a permanent proxy voting system should be introduced.<sup>11</sup>

Subsequent changes to the Rules (Standing Orders) gave effect to the committee's recommendations. Rule 11.5A sets out the process and eligibility criteria for the scheme and is reproduced at Figure 3 and the proxy voting scheme is at Appendix 2.

#### **Rule 11.5A Proxy Voting**

1. A member may arrange for their vote to be cast by a proxy where—
  - (a) the Presiding Officer has issued to members and made public a scheme setting out details including how such a proxy vote may be exercised, the designation process, how a proxy may be varied and withdrawn;

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<sup>10</sup> Scottish Parliament Standards, Procedures and Public Appointments Committee, [Proxy Voting Pilot Review](#)

<sup>11</sup> Standards, Procedures and Public Appointments Committee, [Standing Order Rule changes – Proxy Voting](#), December 2023

- (b) the member is eligible under paragraph 2; and
- (c) the members concerned (which means both the member and the proxy) have complied with the terms of that scheme.
2. A member is eligible to vote by proxy for any of the following reasons —
- (a) maternity leave, paternity leave, parental leave, adoption leave, or shared parental leave;
- (b) complications arising from pregnancy;
- (c) serious long-term illness or injury;
- (d) bereavement; or
- (e) attending to a person who is near the end of their life.
3. Except in the case of a vote at an election process under Rule 11.9, this Rule applies to any voting at a meeting of the Parliament or of a Committee of the Whole Parliament.
4. A proxy may vote for a maximum of 2 members.
5. A proxy vote has the same status as a vote cast by a member in person.
6. A proxy vote must be clearly indicated as such in the minutes of the meeting of the Parliament or of the Committee of the Whole Parliament.

**Figure 3: Rule governing proxy voting in the Scottish Parliament**

### 3.5 'Report on inquiry into Future Parliamentary procedures and practices'

In July 2022 the committee published its 'Report on inquiry into Future Parliamentary procedures and practices'. This report examined in detail how the Scottish Parliament had adapted to carrying out business during the Covid-19 pandemic and how some of the innovations and practices could carry over into the post-pandemic era. Key to its consideration was the type of institution the

Scottish Parliament would be in 10 years time, rather than what it had been prior to Covid-19. The report stated that:

The Committee believes that the Parliament should commit to a culture of iterative change to allow it to be more representative, more open and more accessible in ten years' time...

While emphasising that in-person participation in parliamentary business should be the normal expectation, the Committee has concluded that hybrid meetings should continue in order to provide Members the opportunity to participate remotely in certain circumstances.

Furthermore, the Committee believes that committing to continuing hybrid arrangements is consistent with the Parliament's founding principles of accessibility and equal opportunities as it will allow the Parliament to be more inclusive in the future. The Parliament will be able to engage with people in the same ways as they engage using new forms of technology.<sup>12</sup>

## 4 Senedd

The Business Committee in the Senedd also performs the functions of the procedure committee.

### 4.1 Reforming the Senedd

On 30 May 2022, the Special Purpose Committee on Senedd Reform published its report, *Reforming our Senedd: A stronger voice for the people of Wales*.<sup>13</sup>

The Business Committee then published a report in response to four particular areas that concerned the role of the Business Committee. The committee made recommendations in relation to the four areas:

- Size of the Welsh Government

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<sup>12</sup> Standards, Procedures and Public Appointments Committee, [Report on inquiry into Future Parliamentary procedures and practices](#), July 2022

<sup>13</sup> Special Purpose Committee on Senedd Reform webpage, [Reforming our Senedd: A stronger voice for the people of Wales](#)

- Number of Deputy Presiding Officers;
- Number of Senedd Commissioners; and
- Consequences of a Member changing their political party.

**Table 1: Areas of potential reform in the Senedd**

Size of the Welsh Government.	We believe that it would be reasonable for an increase in the Senedd's membership, from 60 to 96 Members, to be accompanied by an increase in the maximum number of Welsh Ministers which may be appointed, from 12 to 17. We also consider that it would be reasonable for the legislation to include a mechanism which would enable the Welsh Government to propose further increasing this limit to a maximum of 19 by way of secondary legislation, in order to future proof the legislation for the devolution of further powers, or other circumstances where an increase is considered to be merited. Such an increase should be subject to an affirmative (majority) vote of the Senedd.
The number of Deputy Presiding Officers.	We consider that it would be reasonable for an increase in the Senedd's membership to be accompanied by an increase in the maximum permissible number of Deputy Presiding Officers, should be increased from 1 to 2.
The number of Senedd Commissioners.	No provision should be included in the reform legislation which alters the current size or composition of the Senedd Commission.  <i>(This issue relates to a possible increase in the size of Senedd membership)</i>
Consequences of a Member	The Business Committee did not believe that Senedd reform legislation should set out consequences for a Member of the Senedd who changes their political party

changing their political party.	or group, or becomes independent, between Senedd elections. We have agreed to give further consideration to Standing Orders relating to group membership when reviewing Standing Orders ahead of the next Senedd.
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The Senedd Cymru (Members and Elections) Bill, currently before the Senedd, implements the recommendations of the Special Purpose Committee.<sup>14</sup>

## 4.2 Proxy voting

In March 2020 the National Assembly for Wales (as it was then known) implemented a trial of proxy voting for parental leave. The provisions were extended twice before being due to expire in April 2023.

The Business Committee reviewed the operation of proxy voting and considered:

- The possibility of making the existing provisions (for parental leave) permanent, with or without amendment;
- Extending the scope of the scheme to cover Members who are absent from the Senedd due to long-term illness or injury and other caring responsibilities.<sup>15</sup>

The committee's review proposed that:

- Proxy voting provisions for parental leave should be made permanent.
- The maximum durations for proxy voting for parental leave should be revised to seven months for the mother or father of a baby, the partner of a person giving birth, an adoptive parent, or carer in a surrogacy arrangement. Of this, a maximum of one month shall be taken before, and a maximum of six months after, the due date, adoption date or surrogacy date.

<sup>14</sup> [Senedd Cymru \(Members and Elections\) Bill](#)

<sup>15</sup> Senedd Business Committee, [Amending Standing Orders: Proxy voting](#), March 2023

- The Presiding Officer's discretion should only be used to determine the duration of a proxy voting arrangement when a Member or their partner suffer a miscarriage or stillbirth, and not the Member's eligibility to be granted a proxy vote.
- Proxy voting provisions should be extended to include periods in which a Member is absent due to long-term illness or injury, caring responsibilities and bereavement.
- Should a Member be absent due to long-term illness or injury or for reasons of caring responsibilities, the initial duration of a proxy voting arrangement should be between four weeks and six months, with the potential for this to be extended at the discretion of the Presiding Officer.
- Should a Member be absent due to bereavement, the duration of a proxy voting arrangement is to be agreed between the Member and the Presiding Officer, and may be extended at the Presiding Officer's discretion.
- Proxy voting should be permitted in all types of voting in Plenary and a Committee of the Whole Senedd, including those that require a resolution or motion to be passed on a vote in which the number of Members voting in favour is not less than two-thirds of the total number of Senedd seats, or when the proxy vote would count toward the number required for quorum.
- The Presiding Officer should continue to be able to use their discretion in determining matters around eligibility for a proxy vote and the duration of arrangements.
- Pairing arrangements could continue to be used for shorter term absences, or for longer absences if that was the preference of the Member concerned.
- The Business Committee should review provisions in relation to proxy voting prior to the end of the Sixth Senedd.

The Senedd agreed the changes on 29 March 2023. Standing Orders 12.41A to 12.41G set out the process to be followed in relation to proxy voting and these

are reproduced at figure 3. The guidance on the proxy voting scheme is at Appendix 3.

12.41A. A Member may, by reason of absence from all Senedd proceedings for parental leave, long-term illness or injury, caring responsibilities or bereavement leave, arrange for their vote to be cast by another Member acting as a proxy (a proxy vote).

12.41B. A proxy vote may be cast on all business in Plenary (including secret ballots under Standing Order 6 and Standing Order 17) and a Committee of the Whole Senedd.

12.41C. [This Standing Order was removed by resolution in Plenary on 29 March 2023]

12.41D. [This Standing Order was removed by resolution in Plenary on 29 March 2023]

12.41E. A proxy vote may be cast only if the Presiding Officer has certified that the Member for whom the vote is to be cast is eligible under the terms of Standing Order 12.41A.

12.41F. A vote cast by a proxy must be clearly indicated as such in the report of plenary proceedings or minutes of the Committee of the Whole Senedd.

12.41G. The Presiding Officer, having consulted the Business Committee, must issue written guidance to Members under Standing Order 6.17 on the operation of voting by proxy.

**Figure 4: Standing Orders 12.41A-G of the Senedd**

## 5 Dáil Éireann

The Committee on Standing Orders and Dáil Reform “considers matters of procedure generally, including procedure in standing, select or special



Committees, and may make recommendations on amendments to Standing Orders".<sup>16</sup>

Some of the committee's recent work includes reports on the rota for Leaders' Questions and a report on the addition of two minutes for non-aligned members to fixed time debates and private members' business.<sup>17</sup>

Much of the committee's work in the current mandate has been focused on technical issues such as rotas for questions, although in May 2021 it proposed an amendment to Standing Orders to allow remote participation in committee meetings in circumstances where the member is present within the parliamentary precincts. It also precluded members from participating in divisions where they are participating remotely.<sup>18</sup> Standing Order 106(4) subsequently provided for this change.

The Thirty-ninth Amendment of the Constitution (Remote Parliamentary Voting) Bill 2020, which passed its second stage in February 2022, will:

enable enhanced flexibility for the working of the Houses of the Oireachtas in times of emergency. It will also serve that by enabling remote or proxy voting, the Houses of the Oireachtas will be better able to accommodate members who cannot be physically present, either through temporary but enduring incapacitation or by virtue of maternity or paternity provision.<sup>19</sup>

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<sup>16</sup> Dáil Éireann [Committee on Standing Orders and Dáil Reform – Our Role](#) webpage

<sup>17</sup> As cited immediately above

<sup>18</sup> Committee on Standing Orders and Dáil Reform, [Amendments to Standing Orders relating to remote participation in Committee meetings](#), May 2021

<sup>19</sup> Explanatory Memorandum accompanying the Thirty-ninth Amendment of the Constitution (Remote Parliamentary Voting) Bill 2020

## Appendix 1 – House of Commons proxy voting scheme

### **Proxy voting scheme**

This scheme will take effect from 11 September 2023.

#### A. Eligibility

1. Proxy voting is only available:

(a) to new mothers, new fathers and adoptive parents or in circumstances where there have been complications relating to childbirth, miscarriage or baby loss, and

(b) for the remainder of the Parliament, in cases of serious long-term illness or injury.

2. A Member should demonstrate eligibility for the scheme:

(a) under paragraph 1(a) by self-certifying that they meet the eligibility requirements;

(b) under paragraph 1(b) by providing a written statement from a hospital consultant that the Member is, for reasons of serious long-term illness or injury, unable to attend divisions or elections in the House in person for a specified period of not less than one month. The statement must specify an end date which should not be more than seven months from the proposed start date. The Parliamentary Health and Wellbeing Service will make an assessment, and on that basis provide a proforma to the Speaker. The proforma will translate the medical information into relevant points for the Speaker to consider.

3. It is not compulsory to take up eligibility for a proxy vote.

#### B. Duration

4. The existence of proxy voting in the House of Commons is based on a general expectation of absence from the Estate, by virtue either of parental responsibilities or the severity and duration

of an illness or injury. Members should not apply for or retain a proxy vote if they intend to or become able to attend the Estate on a regular basis except in circumstances as set out in paragraph 9. Short term absences should be dealt with by other means.

5. The duration of the dispensation to vote by proxy under paragraph 1(a) is as follows:

(a) for the mother or father of a baby, the partner of a person giving birth, or an adoptive parent, a maximum of one month may be taken before the due date or adoption date and a maximum of six months after the due date or adoption date;

(b) in circumstances where there have been complications relating to childbirth, miscarriage or baby loss, a period determined by the Speaker in consultation with the Member concerned.

6. The duration of the dispensation to vote by proxy under paragraph 1(b) will be a minimum of one month and a maximum of seven months from the date specified by the Speaker in the proxy voting certificate. At the end of the seven-month period, the Speaker, following an assessment by the Parliamentary Health and Wellbeing Service, may grant an extension for a further, time-limited period, only if the Member provides a further statement from a hospital consultant:

(a) stating that continuing to hold a proxy vote is necessary for the Member's continued recovery; and

(b) providing a final date by which the proxy voting period should end.

7. The proxy voting period includes periods when the House is adjourned, prorogued or dissolved.

A Member can suspend a proxy vote with notice (see paragraph 16) but doing so will not result in any extension to the proxy voting period.

C. Application process

8. Members eligible for a parental proxy vote under paragraph 1(a) should email the Public Bill Office (pbohoc@parliament.uk) specifying the dates on which the proxy vote shall begin and end, subject to the maximum durations set out in the scheme.

9. Members eligible for a serious long-term illness or injury proxy vote under paragraph 1(b) should email the Parliamentary Health and Wellbeing Service (phws@parliament.uk (cc-ing the Speaker's office for information speakersoffice@parliament.uk)), providing the written statement from a hospital consultant (see paragraph 2(b)). Members should specify the dates on which they wish the proxy vote to begin and end, subject to i) the minimum and maximum durations set out in the scheme, and ii) the period specified in the medical statement. On application, Members should state whether, for exceptional reasons, they intend both to hold a proxy vote and to be present on the Estate, including to take part in some proceedings. The Parliamentary Health and Wellbeing Service will complete a standard proforma that includes an assessment of whether it may be appropriate for a Member to attend the Estate whilst holding a proxy vote for a limited period, as part of their recovery. The Parliamentary Health and Wellbeing Service may ask to speak to the Member concerned if further information is required.

The Parliamentary Health and Wellbeing Service will provide the Speaker's Office with this completed proforma.

10. A Member may apply for a proxy vote under paragraph 1(a) on any working day before the specified start day. Applications may be taken until the rise of the House on any sitting day and 3pm on any other working day.

11. A Member may apply for a proxy vote under paragraph 1(b) on any working day. Processing times may be subject to any additional information required by Parliamentary Health and Wellbeing Service, which will be on a case-by-case basis. In most cases it will take no longer than three working days for the service to complete their assessment.

D. Designation of proxy

12. When applying for a proxy vote, the Member eligible for proxy voting must name the Member who has agreed to exercise their proxy vote, and in doing so confirms that an agreement has been entered into.

13. A Member is free to choose any Member of the House who is eligible to vote in divisions to act as a proxy.

14. A Member may nominate no more than one proxy at a time.

#### E. Publishing the arrangement

15. When the Speaker has issued a certificate, he will cause it to be published in the Votes and Proceedings either on the day that it is issued or on the first sitting day after issue if the day of issue is a non-sitting day.

#### F. Varying the arrangement

16. A Member who wishes to change the Member who is their proxy or to suspend, end or, in the case of proxy votes held under paragraph 1(a), extend their period of proxy voting, should give written notice as early as possible. Such applications can be received on any working day before the change takes effect: the deadline for any such an application is the rise of the House on a sitting day or 3pm on a non-sitting day. If, in the Speaker's opinion, the circumstances are urgent and exceptional, the Speaker may accept such an application on the day the change takes effect, provided it is received before the start of the sitting. An application to change proxy may be made by the existing proxy on behalf of the Member whose proxy they hold, provided that the proxy has obtained the Member's permission.

17. For proxy votes under paragraph 1(b), at the end of the initial seven-month period, if a Member wishes to extend their proxy voting arrangement, they should email the Parliamentary Health and Wellbeing Service ([phws@parliament.uk](mailto:phws@parliament.uk) (cc-ing the Speaker's office for information [speakersoffice@parliament.uk](mailto:speakersoffice@parliament.uk))), providing the required information (see paragraph 9).

18. The Speaker will issue a new certificate, and cause it to be published as set out in paragraph 15.

### G. Exercising the proxy vote

19. No Member may vote in person, or act as a teller, if they have a proxy vote in operation.

20. A Member eligible to vote by proxy must agree with the Member nominated as their proxy when the proxy vote will be cast and how it will be exercised.

21. A Member designated as a proxy will be expected to act in strict accordance with the instruction given by the absent Member.

22. A Member designated as a proxy may cast their own vote one way and the proxy vote the other, and may cast a proxy vote without casting their own vote at all.

23. A Member designated as a proxy may not act as a teller.

24. A Member registered as voting by proxy who wishes to suspend their arrangement for a specified period so as to be able to vote in person shall be entitled to do so only if the Speaker has been notified by the previous working day that the proxy arrangement is to be suspended: the deadline for such a notification is the rise of the House on a sitting day and 3pm on a non-sitting day.

### H. Recording a proxy vote in a division in the House or Committee of the whole House

25. A Member casting a proxy vote in a division must inform the tellers.

26. At the same time, the Member casting the proxy vote must make it clear whether that Member is also casting his or her own vote.

27. When listing the result of divisions, both online and in its printed edition, the Official Report (Hansard) shall note votes cast by proxy, including the Member who cast the proxy vote.

28. The record of a proxy vote shall be treated as part of the record of the Commons.

2 August, 2023

## Appendix 2 – Scottish Parliament proxy voting scheme

### **Purpose of scheme**

The scheme has been issued by the Presiding Officer under Standing Orders Rule 11.5A – Proxy Voting.

The scheme may be varied by the Presiding Officer at any time, in consultation with the Parliamentary Bureau and the Standards, Procedures and Public Appointments Committee.

### **Arrangements for a proxy and further information**

A Member must send all emails relating to the arrangement of a proxy vote from their own email account. Please note that another person emailing on the Member's behalf will not be accepted for any of the arrangements relating to the designation, variation, withdrawal or temporary withdrawal of a proxy.

Any queries about the scheme should be directed, in the first instance, to the office of the Presiding Officer (at [Presidingofficers@parliament.scot](mailto:Presidingofficers@parliament.scot)) copied to the Business Team (at [business.team@parliament.scot](mailto:business.team@parliament.scot)).

### **Designation of a proxy**

A Member can designate any other Member as their proxy. A Member can only designate one proxy at a time.

A Member can be designated as a proxy by a maximum of two other Members.

Designation of a proxy must be made by the Member from their Parliamentary email account by 10.00am on any day there is a meeting of the Parliament during which votes will be held for which a Member wishes to designate a proxy. Designations should set out the anticipated duration of a proxy.

Designations must be made to the office of the Presiding Officer (at [Presidingofficers@parliament.scot](mailto:Presidingofficers@parliament.scot)) copied to the Business Team (at [business.team@parliament.scot](mailto:business.team@parliament.scot)).

Following receipt of any designations, Presiding Officer will direct Parliamentary officials to verify that—

- Member A wishes to designate Member B as their proxy
- Member B agrees to be designated as proxy for Member A and does not hold more than one other proxy
- both Member A and Member B have read and agree to the terms of the scheme.

The responses from Members to Parliamentary officials seeking to verify the arrangement must be sent from Members' Parliamentary email account. This verification procedure will ensure that there can be no dubiety about the agreement of the Members concerned to act in accordance with the terms of this scheme.

### **Variation or withdrawal of proxies**

A Member cannot vote if they have an arrangement for a proxy vote in place. In the event that a Member varies or withdraws their proxy, it is the responsibility of the Member to inform their proxy of this.

A proxy cannot be varied or withdrawn once a vote has commenced.

### **Variation of a proxy**

Where it becomes apparent that a designated proxy will no longer be able to participate in a meeting of the Parliament, a Member can designate another proxy up to 10am on the day of any meeting of the Parliament for which the proxy would apply. To do this, Members must follow the procedure set out above for the designation of a proxy and indicate the duration of the alternative arrangement.



The designation of an alternative proxy would be subject to the verification process set out above.

### **Withdrawal of a proxy**

A Member who has designated a proxy may withdraw that designation at any point up to 10.00am on the day of any meeting of the Parliament at which the Member wishes to participate and cast their own vote. This withdrawal must be notified to the office of the Presiding Officer (at [Presidingofficers@parliament.scot](mailto:Presidingofficers@parliament.scot)) copied to the Business Team (at [business.team@parliament.scot](mailto:business.team@parliament.scot)).

### **Temporary withdrawal of a proxy**

In the event that a Member who has designated a proxy wishes to participate and vote cast their own vote on a temporary basis, they must notify the office of the Presiding Officer (at [Presidingofficers@parliament.scot](mailto:Presidingofficers@parliament.scot)) copied to the Business Team (at [business.team@parliament.scot](mailto:business.team@parliament.scot)) by 10.00am on the day of any meeting of the Parliament at which that Member wishes to attend or cast their own vote and indicate the period of time for which they would like to temporarily withdraw the proxy.

### **Confirmation of proxies**

To ensure transparency, where a proxy has been exercised in a vote, this will be recorded in the minute of the relevant meeting of the Parliament or of the Committee of the Whole Parliament.

### **Casting of votes**

Proxy votes will be cast using the digital voting system. In the event the Member who holds a proxy (or proxies) is unable to use the digital voting system the Presiding Officer will invite the Member to indicate how it is being exercised following the conclusion of a vote and will direct the Clerk to record the vote before any other Points of Order on voting are taken.

### **Exercising the proxy vote and conduct**

A Member who designates another Member as their proxy, places in that Member the highest degree of trust in carrying out one of the most fundamental rights granted to those who hold elected office.

It is the responsibility of the Member who has designated a proxy to make sure that their proxy is fully aware of when and how they wish their vote to be cast. A Member designated as a proxy will be expected to act in strict accordance with the request of the Member whose vote they are casting.

A Member designated as a proxy might cast their own vote one way and the proxy vote the other or may cast a proxy vote without casting their own vote at all.

Members are reminded of the requirements to treat other Members with courtesy and respect under the relevant provisions of the Members' Code of Conduct and the Standing Orders, and any intentional misuse of a proxy vote could result in a breach of these requirements.

### **Application of the scheme**

The scheme will apply in relation to any meeting of the Parliament or a Committee of the Whole Parliament.

## Appendix 3 – Senedd guidance on proxy voting scheme (taken from Guidance on the proper conduct of Senedd business)

### **Proxy voting**

#### **Introduction**

207. The procedures for exercising a Proxy Vote are set out under Standing Orders 12.41A-G.

#### **Parental leave**

##### Eligibility

208. Proxy voting is available to Members who are absent from all Senedd proceedings for reasons of childbirth, care of an infant or child as a result of a

new adoption or surrogacy arrangement, or who have suffered a miscarriage or stillbirth.

209. A Member must demonstrate eligibility for the scheme by notifying the Presiding Officer of their intention to take parental leave, and providing any additional documentation or forms of notification that the Presiding Officer deems appropriate.

210. The scheme is not compulsory and Members are free to vote in person or use any other informal pairings available to them.

211. In the event of any ambiguity, the Presiding Officer will use their discretion to determine compliance with the proxy voting scheme.

### **Duration**

212. Subject to the Presiding Officer's discretion, the maximum duration of the dispensation to vote by proxy is:

- seven months for the biological mother of a baby; the primary or single adopter of a baby or child; or the primary or single carer of a baby or child in a surrogacy arrangement; and
- seven months for the biological father or the partner of the person giving birth who has parental responsibility for the child; the second adopter of a baby or child; or the secondary carer of a baby or child in a surrogacy arrangement.

213. Of this, a maximum of four weeks shall be taken before the due date, adoption date or surrogacy date and a maximum of six months after the due date, adoption date or surrogacy date.

214. The duration will include periods when the Senedd is in recess or dissolved. In exceptional circumstances the Presiding Officer can use their discretion to vary the duration.

215. A Member must specify in writing to the Presiding Officer the dates the absence will begin and end, subject to the maximum durations permitted. The Member is entitled to cast a vote by proxy for the period specified in the

certificate issued by the Presiding Officer under Standing Order 12.41E (paragraph 232).

216. The Presiding Officer's discretion will be used to determine eligibility and maximum durations for proxy voting when Members or their partners have suffered a miscarriage or stillbirth. In determining such factors, the Presiding Officer will be mindful of statutory entitlements.

### **Long-term illness or injury and caring responsibilities**

#### **Eligibility**

217. Proxy voting is available to Members who are absent from all Senedd proceedings for reasons of long-term personal illness or injury, or due to their caring responsibilities.

218. A Member must notify the Presiding Officer of their intention to take leave, and provide any additional documentation or forms of notification that the Presiding Officer deems appropriate.

219. The scheme is not compulsory and Members are free to vote in person or use any other informal pairings available to them.

220. In the event of any ambiguity, the Presiding Officer will use their discretion to determine compliance with the proxy voting scheme.

#### **Duration**

221. The usual duration of the dispensation to vote by proxy is for a minimum of four weeks and a maximum of six months, including periods when the Senedd is in recess or dissolved. In exceptional circumstances the Presiding Officer can use their discretion to extend the duration of a proxy voting arrangement.

222. A Member must specify in writing to the Presiding Officer the dates on which the absence will begin and end, subject to the maximum durations permitted. The Member is entitled to cast a vote by proxy for the period specified in the certificate issued by the Presiding Officer under Standing Order 12.41E (paragraph 232).

#### **Bereavement**

## Eligibility

223. Proxy voting is available to Members who are absent from all Senedd proceedings for reasons of bereavement.

224. A Member must notify the Presiding Officer of their intention to take leave, and provide any additional documentation or forms of notification that the Presiding Officer deems appropriate.

225. The scheme is not compulsory and Members are free to vote in person or use any other informal pairings available to them.

226. In the event of any ambiguity, the Presiding Officer will use their discretion to determine compliance with the proxy voting scheme.

## Duration

227. The duration of a proxy vote for bereavement is to be agreed between the Member and the Presiding Officer, and may be extended at the Presiding Officer's discretion. The agreed duration will include periods when the Senedd is in recess or dissolved.

228. A Member must specify in writing to the Presiding Officer the dates on which the absence will begin and end. The Member is entitled to cast a vote by proxy for the period specified in the certificate issued by the Presiding Officer under Standing Order 12.41E (paragraph 232).

## General provisions

229. The following provisions are applicable in all circumstances.

## Designation of a proxy

230. When specifying the dates of absence, the Member eligible for proxy voting must name the Member who has agreed to carry out their proxy vote, thereby vouching that an agreement has been entered into.

231. A Member is free to choose any other Member to carry out their proxy vote, subject to the agreement of the other Member and notification to the Presiding Officer.

### **Publishing the arrangement**

232. On receipt of this information, and once the Presiding Officer has determined compliance, the Presiding Officer will lay a certificate setting out the name of the Member nominated as proxy and the start and end dates. The certificate will note the proxy has been granted for reasons related to parental leave, long-term illness or injury, caring responsibilities or for bereavement but will not specify any further detail in relation to the circumstances.

233. The votes summary for each Plenary or Committee of the Whole Senedd meeting will note that a proxy vote has been cast by listing the Member and how they voted in the usual way, in accordance with Standing Orders 12.48 and 17.35, and by noting which Member cast a proxy vote on their behalf.

### **Varying the arrangement**

234. A Member who wishes to change their proxy, to end their period of proxy voting earlier than originally notified, or to cast a vote in person on (a) specific item(s) of business, or suspend the arrangement for a period of time, must give written notice to the Presiding Officer as soon as is reasonably practicable after the circumstances that have led to the request become known (for example, publication of a Plenary Agenda, tabling of a motion). A Member may also request to participate in Senedd proceedings whilst in possession of a proxy vote. The Presiding Officer will use their discretion to determine compliance in these circumstances.

235. The Presiding Officer will issue and lay a new certificate under paragraph 233 if required.

236. Changes of proxy made for a specified period will take effect from the start (or end) of the day(s) specified.

### **Exercising the proxy vote**

237. A Member eligible to vote by proxy must agree with the Member nominated as their proxy when the proxy vote will be cast and how it will be exercised on each vote.

238. A Member designated as a proxy must act in strict accordance with the instruction given by the absent Member.

239. A Member designated as a proxy may cast their own vote one way and the proxy vote in the other, and may cast a proxy vote without casting their own vote at all.

240. A Member registered as voting by proxy who wishes to vote in person will be entitled to do so, provided that the Presiding Officer has been notified as soon as is reasonably practicable after the circumstances that have led to the request became known. The Presiding Officer's discretion will be used to determine compliance in these circumstances.

241. A Member eligible to vote by proxy must inform the Member nominated as their proxy of any relevant interest which prohibits them from voting under Standing Order 2.9.

#### **Practical arrangements for voting by proxy**

242. The Clerk will make practical arrangements with the Member nominated as proxy to exercise the proxy vote.