

Proxy Voting Scheme

Purpose of scheme

The scheme has been issued by the Presiding Officer, following the agreement of the Parliament to Temporary Rule 5 – Proxy Voting Pilot.

The scheme has effect from 4 January 2023 and will remain in effect for the period during which Temporary Rule 5 is in place.

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) copied to the Business Team (at business.team@parliament.scot).

Eligibility

A Member may designate another Member as their proxy to vote in a meeting of the Parliament or of a Committee of the Whole Parliament in the following circumstances:

- Illness where the Member is unable to attend the Parliament (when a Member has a severe illness, requires medical intervention or has an illness that prevents them from attending the Parliament for a sustained period of time).
- Parental leave (including mothers and fathers taking leave in relation to the birth or adoption of a child; Members fostering or taking on a kinship role; and Members who experience complications relating to pregnancy).
- Bereavement

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 the Tuesday of the week during which votes will be held for which a Member wishes to designate a proxy. Designations must be made to the

office of the Presiding Officer (at Presidingofficers@parliament.scot) copied to the Business Team (at 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.

For the avoidance of doubt, where a Member casts their own vote, any proxy vote cast on their behalf shall have no effect.

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 10.00am 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 vote in person. This withdrawal must be notified to the office of the Presiding Officer (at Presidingofficers@parliament.scot) copied to the Business Team (at 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 in person on a temporary basis, they must notify the office of the Presiding Officer (at Presidingofficers@parliament.scot) copied to the Business Team (at business.team@parliament.scot) by 10.00am on the day of any meeting of the

Parliament at which that Member wishes to attend or vote in person 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

The Presiding Officer will invite any Member who holds a proxy (or proxies) 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.

Annex: Temporary Rule 5

Temporary Rule 5 – Proxy Voting Pilot

1. This Rule applies to any voting at a meeting of the Parliament or of a Committee of the Whole Parliament. It ceases to have effect on 31 December 2023.
2. A member may arrange for their vote to be cast by another member acting as a proxy (a “proxy vote”), but only where —
 - (a) the Presiding Officer has issued a scheme setting out details of how such a proxy vote may be exercised, including the circumstances in which it can be exercised, the designation process, details of how a proxy may be withdrawn and the manner in which a proxy vote is to be cast;
 - (b) the members concerned (which means both the member and the proxy) have complied with the terms of that scheme; and
 - (c) there is a valid proxy in place at the point of voting.
3. A proxy may vote for one or two members.
4. A proxy vote has the same status as a vote cast by a member in person.
5. A member shall vote only once on any question except where the Presiding Officer asks members to cast their vote again under Rule 11.7.3. For the avoidance of doubt, where a member casts their own vote, any proxy vote cast on their behalf shall have no effect.
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, as appropriate.
7. Where provisions contained in this temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.