



F/T: 0300 244 4000
E: dfmcse@gov.scot

James Hamilton
Independent Adviser on the Scottish Ministerial
Code

By Email

13 January 2021

Dear Mr Hamilton

Thank you for your letter of 11 January about the First Minister's self-referral under the Ministerial Code.

I note your intention to address in your report a number of points that have been raised with you by some MSPs and also by the former First Minister.

As I set out in my letter to you of 4 November, both the First Minister and I have separately advised Parliament that you are free to consider evidence on any aspect of the Ministerial Code as you consider necessary and appropriate. Your intention to include these matters is therefore entirely consistent with the previous commitments we have made to Parliament.

Please let me know if there is anything further the Scottish Government can do to assist you.

JOHN SWINNEY





John Swinney BPA/MSP
F/T: 0300 244 4000
E: dfmcse@gov.scot
James Hamilton
Advisor on the Ministerial Code
By email to **[Redacted]** @gmail.com

04 November 2020

Dear Mr Hamilton

SCOTTISH MINISTERIAL CODE: REFERRAL

I am writing to you in connection with the work you are doing on the First Minister's self-referral under the Minister Code.

As you will be aware, the First Minister made the following remarks at First Ministers Questions on 29 October in response to a question from Oliver Mundell.

Oliver Mundell (Dumfriesshire) (Con):

Will the First Minister agree to expand the ministerial code investigation to include her statements to Parliament and her actions on the legal advice regarding the judicial review into Alex Salmond's alleged behaviour?

The First Minister (Nicola Sturgeon):

My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them. If he considers that that requires any change to his official remit, I am

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



sure that he is perfectly able to say that. However, for the record and to be clear, I do not consider his remit to be limited to just one aspect of the ministerial code.

The Scottish Government has also been asked a number of Parliamentary questions by Alex Cole-Hamilton about the remit of the Code Referral.

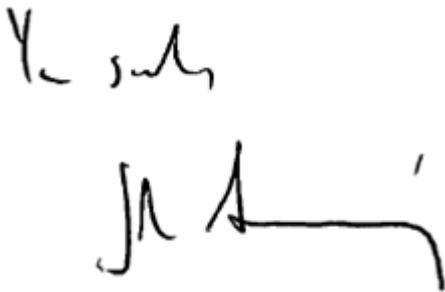
I plan to answer the Parliamentary Questions as follows.

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

This answer makes clear that, in the delivery of your remit, you can consider any relevant evidence on other aspects of the Ministerial Code. I hope you find this information helpful.

Please let me know if it would be helpful to discuss this further

Yours sincerely



JOHN SWINNEY

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



From: [redacted]@gov.scot on behalf of; First Minister <firstminister@gov.scot>
Sent: 16 December 2020 20:08
To: [redacted]@gov.scot
Subject: Ministerial Code investigation- video interview- availability

[redacted],

Just to confirm we have received your email and once we have had the opportunity to discuss with the First Minister I will be able to get back to you.

Kind regards

[redacted]

[redacted] | PS/First Minister | T: 0131 24 [redacted]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [redacted]@gov.scot On Behalf Of First Minister
Sent: 22 December 2020 19:29
To: [redacted]@gov.scot First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

[redacted],

Apologies for the delay in getting back to you.

Can we suggest two dates please – Wednesday the 13th and Wednesday the 20th, both around 1500hrs . I do want to add a caveat (as I have to do with any meetings I currently arrange) that the First Minister may have to react to urgent business and I therefore may ask to reschedule. This would only be in an emergency situation and I will make all attempts to ensure the meeting takes place.

Grateful if you could send me the details of the video interview so I can arrange set up.

Please do not hesitate to contact me if you have any problems or queries.

Best wishes

[redacted]

[redacted]
Private Secretary to the First Minister
5th Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | T: 0131 244 [redacted]



Office of the First Minister of Scotland
FirstMinister.gov.scot
Prìomh Mhinistear na h-Alba

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [redacted]@gov.scot On Behalf Of First Minister
Sent: 11 January 2021 11:20
To: [redacted]@gov.scot ; First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

[redacted],

Apologies for the delay in getting back to you and no worries for cancelling the meeting – I know how busy everyone is just now.

The week commencing the 25th January is when we are expecting the First Minister to be at committee. What dates and times would suit Mr Hamilton for that week? Would you be able to identify some dates for WC 25 January and also WC 01 February so we can give both Mr Hamilton and the First Minister a bit of flexibility?

As always happy to discuss further.

Kind regards

[redacted]

[redacted] | PS/First Minister | T: 0131 24 [redacted]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.