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Independent Adviser on the Scottish Ministerial Code

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John Swinney, Deputy First Minister
By email

22 March 2021

Dear Deputy First Minister,

MINISTERIAL CODE REFERRAL- REPORT

In accordance with my role as independent adviser on the Ministerial Code, I have investigated the matters set out in the remit for the investigation into the First Minister's self-referral under the Ministerial Code.

I enclose my final report, which addresses the questions set out in the remit, including whether the Ministerial Code is engaged regarding the meetings and discussions included in the remit; and whether there has been any breach of the Code and the nature of any such breach.

In the course of my investigation, participants have provided statements which raised additional issues that I considered relevant to the remit. Accordingly, the report covers these matters and considers whether there has been any breach of the Code and the nature of any such breach.

I understand that, in order to comply with certain court orders, it will be necessary to make significant redactions to the enclosed report before

publication. I have enclosed a short note setting out my views on this matter. I request that, in order to make my position on these issues clear, this be published alongside the report.

The remit also invited me to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure. I consider that this aspect of the remit would be best delivered alongside the consideration of any updated Procedure, and by both Ministerial Code advisers. Accordingly, I would propose to work with the other Ministerial Code adviser to prepare recommendations on this topic.

I note that the report is to be published on the day it is received.

Yours sincerely,

James Hamilton