

# Hamilton report published today – finding no breach by the First Minister

The Irish barrister James Hamilton was charged with investigating whether First Minister Nicola Sturgeon had breached the Ministerial Code.

Specifically he was asked to examine if Ms Sturgeon had misled the parliament “in respect of meetings and discussions with the former First Minister Mr Alex Salmond between 29 March 2018 and 18 July 2018 and related matters”.

Mr Hamilton has concluded in his report issued this afternoon, that Ms Sturgeon **did not** mislead The Scottish Parliament.

Ms Sturgeon had referred herself to the independent adviser as to whether she had breached the Ministerial Code – which would have required her to resign. The Scottish Conservatives said earlier today that they will proceed with a vote of no confidence in the First Minister which may be heard tomorrow.

Mr Hamilton looked at the following:

- the First Minister's meeting with Geoff Aberdein on 29 March 2018, and the meetings / telephone calls with Mr Salmond on 2 and 23 April, 7 June and 14 and 18 July 2018
- whether the First Minister misled Parliament about these meetings
- whether the First Minister attempted to influence the conduct of the investigation
- whether the First Minister broke the code by continuing with the judicial review.

On each point he found the First Minister had not breached the code, saying in his conclusions at para 18.2 of the report: "I am of the opinion that the First Minister did not breach the provisions of the Ministerial Code in respect of any of these matters."

Mr Hamilton has deferred consideration of the changes which might be required to the Ministerial Code and says he will do this part of the work along with the other independent adviser.

Mr Swinney said: "I want to thank Mr Hamilton for his thorough and impartial assessment of the facts.

People can read the report for themselves, but the rigour and independence of his investigation is clear.

"This report is the formal outcome of the self-referral under the Ministerial Code made by the First Minister on 13 January 2019. I hope that everyone will now accept that Mr Hamilton's conclusions are comprehensive and evidence-based."

Mr Hamilton is a former Director of Public Prosecutions in Ireland and has advised The Scottish Government on the terms of the Ministerial Code since 2013 when he was appointed by the former First Minister Alex Salmond.

Scottish Greens co-leader Patrick Harvie MSP said: "Unlike

other political parties we've said all along that we would respect due process, we therefore welcome the publication of James Hamilton's independent report. It retains credibility in this process, unlike the parliamentary committee which has repeatedly sabotaged its own authority and betrayed the trust of original complainers.

"Mr Hamilton has clearly concluded that the First Minister did not breach the ministerial code, so we will not support the vote of no confidence being pushed by the Tories.

"In lodging a vote of no confidence before this report was published, just as they called for the First Minister's resignation before she even gave evidence to the parliamentary committee, the Tories have shown that they have no interest in establishing the truth.

"This entire saga should have been about examining a process that let down women and ensuring that was never repeated. In their ridiculous attempts to pursue a political scalp the Tories have completely ignored that fact. Ruth Davidson and Douglas Ross have shown that they have absolutely nothing positive to offer the people of Scotland.

"Worse still, members of the parliamentary committee have shown utter contempt for the women involved, and for the rules of the Scottish Parliament, by leaking confidential evidence and their own conclusions. If anyone's resignation is still needed, it is these MSPs who should step down now, and who should not be candidates for re-election in May.

"We face an election in just six weeks, at which the people of Scotland will have their say on this and other matters. The Scottish Greens will go into that campaign with a positive vision for Scotland, urging the country to vote like our future depends on it; for bold climate action, to build a green recovery and to put Scotland's future in Scotland's hands."

Anas Sarwar, Scottish Labour leader, said: “Unlike others, we have been clear from the outset that we would not prejudge the outcome of this inquiry.

“We acknowledge the findings of the report and we await the publication of the committee inquiry and whether its members conclude the First Minister misled parliament.

“What is clear is that this entire process has deeply damaged public trust in our politics at a time of national crisis, and there are absolutely no winners today.

“At the heart of this are two women who have been badly let down by the government, and it remains the case that nobody has taken responsibility.

“There are still questions of judgement and an urgent need to restore trust, confidence and transparency in our institutions.”

The report from the Parliamentary Inquiry into the Scottish Government’s Handling of Harassment Complaints (SGHHC) is expected to be published on Tuesday morning.

Scottish Conservative leader Douglas Ross said: “The First Minister has been given a pass because it has been judged her “failure of recollection” was “not deliberate.”

“I respect Mr Hamilton and his judgement but we cannot agree with that assessment. Nicola Sturgeon did not suddenly turn forgetful.

“She is not free and clear. The First Minister promised to ‘respect the decisions’ of both inquiry reports, not to pick and choose which one suits her and try to discredit the other.

“The SNP spin machine will go into hyper-drive to again attack the committee report because they’re running scared of its findings. They have accelerated the Vote of No Confidence in Nicola Sturgeon to avoid MSPs scrutinising that report.

“As James Hamilton says, it is up to the Scottish Parliament to decide if the First Minister has been misleading.

“This report does not change the overwhelming evidence that Nicola Sturgeon misled Parliament, her government badly let women down and wasted more than £500,000 of taxpayers’ money.

“If Nicola Sturgeon won’t accept responsibility, then I urge opposition parties to back our Vote of No Confidence.

“Nationalist or unionist, left or right, none of the usual political divisions matter now. Either we respect the fundamental principles of democratic accountability – or we don’t.”

The leader of the Scottish Liberal Democrats Willie Rennie said: “The judgement from James Hamilton does not make the First Minister’s resignation automatic but no-one can deny that her errors of judgement still make resignation a live consideration.

“James Hamilton does not give the First Minister a clean bill of health. He says it is up to parliament to determine whether it has been misled over the help that the First Minister is said to have offered Alex Salmond in her home.

“Even the most ardent SNP supporter must recognise that the women involved were let down by the government and that half a million pounds was wasted defending the indefensible in court.

“These matters will be addressed by the committee report tomorrow which will need to be considered carefully.

“Let me be clear. No-one will win from this ugly episode, certainly not Alex Salmond who has been exposed for what he really is.”



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