

LibDem leader accuses First Minister of breaking the ministerial code

The MSP for Edinburgh Western, Alex Cole-Hamilton has written to the First Minister on Thursday asking that he refers himself to the Independent Adviser on the Scottish Ministerial Code.

Cole Hamilton's call comes after a Freedom of Information (FOI) request revealed that The Scottish Government were "discussing options for explaining false claims" made by the First Minister on 22 June 2023 which "potentially undermine" a letter the First Minister sent to Parliament on 29 August 2023 seeking to explain the error.

On 22 June at First Minister's Questions Mr Yousaf answered the Scottish Labour leader, Anas Sarwar who had mentioned the Labour Party's proposal for a publicly owned energy company just announced. Mr Yousaf replied: "Of course a GB energy company would be based in Scotland, because we have the majority of the renewables and natural resources here."

Mr Yousaf then corrected himself in a letter to Scottish Conservative MSP Liam Kerr sent last month, but redacted material released under the FOI legislation suggests that it would have not been possible for the First Minister to know the per capita figure at the time, as the government had not yet published the figures.

Mr Kerr had said after FMQs in June that Scotland had 21% of total UK renewables installed capacity and 26% of renewable energy generated.

Sam Taylor who made the FOI request has [outlined the position on Twitter](#) where he explains that Mr Yousaf sought to correct the position in the letter to Mr Kerr but redacted email correspondence between civil servants shows that they “were” “spent weeks concocting a plan with the sole purpose of allowing the First Minister to save face”.

Earlier on Thursday Liam Kerr MSP raised the matter again with the First Minister at FMQs asking if the civil service is “increasingly politicised”. The First Minister said he will not take lectures about truth and honesty from the party which “gave us Boris Johnson”.

Mr Cole-Hamilton’s letter reads as follows:

Dear First Minister,

I am writing to ask whether you will refer yourself to the Independent Adviser on the Scottish Ministerial Code in relation to your handling of the correction of the record in parliamentary proceedings, and separately order that redactions are removed from documents connected to this.

Information acquired under freedom of information by Sam Taylor has uncovered the discussion that occurred within the Scottish Government following your false claim in the Chamber at FMQs on 22 June 2023 where you stated Scotland has the majority of the UK’s renewables and natural resources.

From the heavily redacted documents released under FOI, it appears that a fact may have subsequently been manufactured after 22 June in order to minimise the impact of your need to correct the parliamentary record. If so, that would make it impossible for you to have had the “intention” of quoting this apparent fact at the time, as you later told Parliament.

The extent to which you were party to or aware of the discussions that occurred within the Scottish Government between 22 June and 21 July is unknown at this time. Similarly, it is important to establish whether this apparent “per capita” fact was known to you or had ever been calculated prior. I would therefore urge you to order the removal of redactions from this FOI response in order to shed more light on these points and the wider handling process that existed within your government around your need to correct the record.

You formally informed Parliament of both your correction and the basis for it on 29 August. The letter was addressed to the Presiding Officer, business managers, Anas Sarwar, Liam Kerr, myself and a copy placed into the parliamentary library SPICe.

I am concerned that these new documents raise the possibility that you knew it was not true to tell Parliament that, in your words, “I had intended to say ‘per capita’” at FMQs on 22 June, if indeed this apparent fact was only reverse engineered afterwards in the course of your Scottish Government deliberating how it could correct the record and save embarrassment.

I am concerned that in the course of correcting the record in relation to the exchange on 22 June that you may have knowingly misled Parliament in your letter of 29 August. I therefore urge you to refer yourself to the Independent Adviser on the Scottish Ministerial Code in relation to your handling of the correction of the record in parliamentary proceedings.

As you know, section 1.3(c) of your ministerial code states that it is “of paramount importance” that accurate and truthful information is given to the Parliament and explains that ministers who knowingly mislead the Parliament will be expected to offer their resignation.

I look forward to your response.

Yours sincerely,

Alex Cole-Hamilton

Leader of the Scottish Liberal Democrats



First Minister Humza Yousaf published a paper setting out the proposed approach to citizenship in New Register House where a roundtable discussion was held PHOTO ©2023 The Edinburgh Reporter