

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 15: Preventing or restricting participation in proceedings of the Parliament

62. [Section 15](#) sets out the sanctions that may be imposed on a member by the Parliament who fails to register or declare interests when required to do so. Subsection (1) allows the Parliament to prevent or restrict a member from participating in proceedings relating to a registrable interest which they failed to register or declare.
63. The manner of the prevention or restriction of a member from participating in Parliamentary proceedings relating to that matter will be determined by the Parliament itself. It is envisaged that the Parliamentary Standards Commissioner (established by the [Scottish Parliamentary Standards Commissioner Act 2002 \(asp 16\)](#)) (the Commissioner) will investigate such matters and report to the Standards and Public Appointments Committee who in turn will report to Parliament with a recommendation as to sanctions.
64. Section 39(3) of the 1998 Act requires this Act to make provision for these sanctions on failure to register or declare certain financial interests.
65. Subsection (2) sets out the circumstances which constitute a failure to register a registrable interest. A member will have failed to register an interest if they have not included that interest in the written statement lodged under sections 3 (initial registration), 5 (registration of registrable interests acquired after the date of return) or 6 (late registration) of the Act. In addition there will be a failure triggering this section where the member lodges a written statement under section 8 claiming the interest to be a ceased interest (that is an interest which no longer requires to be registered) when it is not. Where the interest requires to meet the prejudice test in order to be registered, this would include the case where the member claims that the interest no longer meets that test when it still does.