

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT (AMENDMENT) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8 – Reporting and registration of changes to controlled transactions

39. **Section 8** inserts a new section 8A into the Interests Act. New subsections (4) and (5) place a requirement on a member who has registered a controlled transaction to notify the Clerk of any change to it, no later than the last day of the period of 30 days beginning with the date on which the change takes effect. Subsections (1) to (3) provide further definition for the purposes of this section of what amounts to a change to a registered controlled transaction. There is such a change where: another person becomes a party to the transaction; there is a change to anything about the transaction on which the member provided (or should have provided) information (see further definition in subsection (2)) in the written statement when registering it; or where the transaction comes to an end.
40. New subsections (5) to (7) set out the process for members to register any changes to controlled transactions. A member notifies the Clerk by submitting a written notice (within 30 days of the change taking effect). The Clerk will then have 30 days in which to amend the entry in the member's register of interests, to record the change and the date on which it took effect, sending a copy of the amended entry to the member (subsection (7)). Under subsection (6), the written notice must be in such form and contain such information about or relating to the change as the Parliament may determine. Under the Standing Orders similar determinations under the Interests Act are made by a resolution of the Parliament further to a motion of the SPPA Committee (e.g. in relation to the written statement under section 4 of the Interests Act).