



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *Other provisions*

#### **39 Members' interests.**

- (1) Provision shall be made for a register of interests of members of the Parliament and for the register to be published and made available for public inspection.
- (2) Provision shall be made—
  - (a) requiring members of the Parliament to register in that register financial interests (including benefits in kind), as defined for the purposes of this paragraph,
  - (b) requiring that any member of the Parliament who has a financial interest (including benefits in kind), as defined for the purposes of this paragraph, in any matter declares that interest before taking part in any proceedings of the Parliament relating to that matter.
- (3) Provision made in pursuance of subsection (2) shall include any provision which the Parliament considers appropriate for preventing or restricting the participation in proceedings of the Parliament of a member with an interest defined for the purposes of subsection (2)(a) or (b) in a matter to which the proceedings relate.
- (4) Provision shall be made prohibiting a member of the Parliament from—
  - (a) advocating or initiating any cause or matter on behalf of any person, by any means specified in the provision, in consideration of any payment or benefit in kind of a description so specified, or
  - (b) urging, in consideration of any such payment or benefit in kind, any other member of the Parliament to advocate or initiate any cause or matter on behalf of any person by any such means.

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*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 39. (See end of Document for details)*

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- [<sup>F1</sup>(4A) Any requirement or prohibition (however expressed) imposed by provision made in pursuance of subsections (2) to (4) may be subject to such exceptions as are specified in the provision.
- (5) Provision may be made for—
- (a) excluding a member from the proceedings of the Parliament,
  - (b) imposing on a member such other sanctions as the Parliament considers appropriate,
- if the member fails to comply with, or contravenes, any provision made in pursuance of subsections (2) to (4) or this subsection.
- (5A) Provision made under subsection (5) may include provision that a sanction is not to be imposed in such circumstances as are specified in the provision.
- (6) Provision made under subsection (5) may include provision that the member is guilty of an offence.
- (7) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]
- (8) In this section—
- (a) “provision” means provision made by or under an Act of the Scottish Parliament,
  - (b) references to members of the Parliament include references to the Lord Advocate and the Solicitor General for Scotland, whether or not they are such members.

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**Textual Amendments**

- F1** S. 39(4A)-(7) substituted (3.7.2012) for s. 39(5)-(7) by [Scotland Act 2012 \(c. 11\)](#), **ss. 7(2), 44(5)** (with [s. 7\(3\)](#)); [S.I. 2012/1710](#), art. 2(c)
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**Modifications etc. (not altering text)**

- C1** S. 39(2)(b) modified (S.) by [Interests of Members of the Scottish Parliament Act 2006 \(asp 12\)](#), **s. 12(3)** (the modification coming into force on the day after the date of the first dissolution of the Parliament following the date of Royal Assent in accordance with s. 21(4) of the modifying Act, which first dissolution began at midnight on 2.4.2007)

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Section 39.