

2003 No. 135

LOCAL GOVERNMENT

ETHICAL STANDARDS

**The Ethical Standards in Public Life etc. (Scotland) Act 2000
(Register of Interests) Regulations 2003**

Made 5th March 2003

Laid before the Scottish Parliament 6th March 2003

Coming into force 1st May 2003

The Scottish Ministers, in exercise of the powers conferred by section 7(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(a), and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003, and shall come into force on 1st May 2003.

Interpretation

2. In these Regulations—

“declaration of acceptance” shall be construed in accordance with section 33A of the Local Government (Scotland) Act 1973(b);

“member” means a member of a devolved public body;

“National Park authority” means a devolved public body that is a National Park authority, within the meaning of section 6(1) of the National Parks (Scotland) Act 2000(c);

“proper officer” means an employee of a council or National Park authority appointed by that council or authority for the purpose of carrying out the duties of that council or authority under section 7(1) of the 2000 Act;

“register of interests” means any register set up in accordance with section 7(1) of the 2000 Act;

“registerable interest” means an interest that a responsible person is required to register under the relevant councillors’ code or members’ code;

“responsible person” means any councillor or member; and

“standards officer” means an employee of a devolved public body other than a National Park authority, appointed by that body for the purpose of carrying out the duties of that body under section 7(1) of the 2000 Act, or where that body has no employees the person approved by the Standards Commission for Scotland for that purpose.

(a) 2000 asp 7.

(b) 1973 c.65; section 33A was inserted by the Local Government and Housing Act 1989 (c.42), section 30(1), and extended by section 31(7) of that Act.

(c) 2000 asp 10.

Appointment of proper officer and standards officer

3.—(1) Every council and National Park authority shall have a proper officer.

(2) Every devolved public body other than a National Park authority shall have a standards officer.

First Notice

4.—(1) Each responsible person shall give to the applicable proper officer or standards officer a first notice of interests.

(2) The responsible person shall give that first notice by the latest of—

- (a) 1st June 2003;
- (b) one month after the date of any declaration of acceptance or date of appointment, as the case may be, of that person; or
- (c) one month after the date on which a members' code has effect in accordance with section 3(10) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

(3) The first notice shall state—

- (a) the name of the responsible person;
- (b) for each category listed in the first column of the Schedule to these Regulations in respect of which the responsible person has a registerable interest, information of the kind described in the councillors' code or members' code as set out in the second column of that Schedule; and
- (c) for each other category so listed, that the responsible person does not have such an interest.

Further notices

5.—(1) Each responsible person shall on any change to the information contained in a notice under regulation 4 or this regulation, give a further notice to the proper officer or standards officer, as the case may be, setting out the details of that change.

(2) The further notice shall—

- (a) be given within one month of the change to the information; and
- (b) provide the details of that change in the manner prescribed by regulation 4(3).

Recording the information

6.—(1) Every proper officer or standards officer shall, subject to paragraph (3), maintain a record in the register of interests of information contained in a notice under regulation 4 or 5.

(2) The record shall consist of—

- (a) the date of receipt of that notice;
- (b) the name of the responsible person who gave that notice; and
- (c) a statement of the information contained in, or a copy of, that notice.

(3) The proper officer or standards officer, as the case may be, shall maintain that record in respect of any person until five years after the date that person ceases to be a responsible person.

Inspecting the register of interests

7. Every proper officer or standards officer shall keep the register of interests open to public inspection at an office of the applicable council, National Park authority, or other devolved public body, at all reasonable hours and without charge.

St Andrew's House,
Edinburgh
5th March 2003

PETER J PEACOCK
Authorised to sign by the Scottish Ministers

SCHEDULE

Table A

COUNCILLORS' INTERESTS

Column 1 <i>Registerable interest</i>	Column 2 <i>Description of interest</i>
Gifts and hospitality	Paragraph 3.13 of the Councillors' Code
Remuneration	Paragraphs 4.3 to 4.11 of the Councillors' Code
Related undertakings	Paragraphs 4.12 to 4.14 of the Councillors' Code
Contracts	Paragraphs 4.15 and 4.16 of the Councillors' Code
Election expenses	Paragraph 4.17 of the Councillors' Code
Houses, Land and Buildings	Paragraphs 4.18 and 4.19 of the Councillors' Code
Shares and securities	Paragraphs 4.20 of the Councillors' Code
Non-financial interests	Paragraphs 4.21 of the Councillors' Code

Table B

MEMBERS' INTERESTS

Column 1 <i>Registerable interest</i>	Column 2 <i>Description of interest</i>
Gifts and hospitality	A description of any gifts or hospitality received.
Remuneration	A description of— <ul style="list-style-type: none"> (a) remuneration received by virtue of being— <ul style="list-style-type: none"> (i) employed or self-employed; (ii) the holder of an office; (iii) a director of an undertaking; (iv) a partner in a firm; and (v) involved in undertaking a trade, profession, vocation or any other work; (b) any allowance received in relation to membership of any organisation; (c) the name, and registered name if different, and nature of any applicable employer, self-employment, business, undertaking or organisation; (d) the nature and regularity of the work that is remunerated; and (e) the name of the directorship and the nature of the applicable business.
Related undertakings	A description of a directorship that is not itself remunerated, but is of a company or undertaking which is a parent or subsidiary of a company or undertaking which pays remuneration.
Contracts	A description of the nature and duration, but not the price of, of a contract which is not fully implemented where— <ul style="list-style-type: none"> (a) goods and services are to be provided to, or works are to be executed for, the devolved public body; and (b) any responsible person has a direct interest, or an indirect interest as a partner, owner or shareholder, director or officer of a business or undertaking, in such goods and services.
Houses, land and buildings	A description of any rights of ownership or other interests that may be significant to, of relevance to, or bear upon, the work or operation of the devolved public body.

Column 1 <i>Registerable interest</i>	Column 2 <i>Description of interest</i>
Shares and securities	A description, but not the value, of shares or securities in a company, undertaking or organisation that may be significant to, of relevance to, or bear upon, the work or operation of the devolved public body.
Non-financial interests	A description of such interests as may be significant to, of relevance to, or bear upon, the work or operation of the devolved public body, including without prejudice to that generality membership of or office in— <ul style="list-style-type: none"> (a) other public bodies; (b) clubs, societies and organisations; (c) trades unions; and (d) voluntary organisations.
Election expenses	A description of, and statement of, any assistance towards election expenses relating to election to the devolved public body.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 7 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the 2000 Act”), which provides that every council and devolved public body shall have a register of interests for councillors or members.

The interests that must be registered are set out in the councillors’ code, or in the members’ code for the body in question. A councillor or member of that body must enter in that register details of such interests that impact on, or may be thought to impact on, their role as councillor or member.

These Regulations make provision for the way in which such councils and devolved public bodies shall carry out their duties under that section.

Regulations 1 and 2 provides for commencement, and for interpretation of expressions used in these Regulations. Expressions used in the 2000 Act are not defined.

Regulation 3 provides that each council and devolved public body shall appoint a proper officer or standards officer to be responsible for that register of interests.

Regulation 4 provides that any councillor or member to whom these Regulations apply shall give a first notice to the appropriate officer after each election or appointment, and that the first notice will contain either information as specified in that regulation and in the Schedule to these Regulations, or an entry to the effect that there is no relevant interest.

These Regulations will apply at first only to those bodies listed in schedule 3 of the 2000 Act which have adopted a members’ code. New bodies may be added in the future, and some bodies listed have not yet adopted a members’ code. A first notice will also be required from the members of such a devolved public body when that body adopts a members’ code for the first time.

The Schedule provides for disclosure under the 2000 Act of registerable interests as detailed in the councillors’ code and the members’ code for each devolved public body. The councillors’ code and a members’ model code (on which all members’ codes are based) were approved by the Scottish Parliament on 19th December 2001.

Regulation 5 provides that any such councillor or member shall give a further notice of interests on a change of circumstances. This may either be a change to the details of an interest that has been registered, or the recording of a new interest where previously there was no entry.

Regulation 6 provides for the nature of the record of information to be kept by the proper officer or standards officer.

Regulation 7 makes provision for public inspection of that register of interests.

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