

2014 No. 50

LOCAL GOVERNMENT

ETHICAL STANDARDS

**The Ethical Standards in Public Life etc. (Scotland) Act 2000
(Register of Interests) Amendment Regulations 2014**

Made - - - - - *25th February 2014*
Laid before the Scottish Parliament *27th February 2014*
Coming into force - - - *1st April 2014*

The Scottish Ministers make the following Regulations 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 to do so.

Citation and commencement

1. These Regulations may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2014 and come into force on 1st April 2014.

Interpretation

2. In these Regulations, “the 2003 Regulations” means the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003^(b).

Regulation 4 of the 2003 Regulations

3. In regulation 4 of the 2003 Regulations (first notice)—

(a) in paragraph (3)(b)—

(i) after “first column of”, insert “Table A or Table B in”; and

(ii) for “that Schedule”, substitute “the applicable Table”; and

(b) after paragraph (3), insert—

“(4) Where the date as from which a members’ code (including a revised or re-issued code) has effect falls after 31st March 2014, no member to whom that code applies need on or after the date as from which the code has effect—

(a) give a notice under this regulation; or

(a) 2000 asp 7.

(b) S.S.I. 2003/135, amended by S.S.I. 2003/203 and S.S.I. 2010/392.

- (b) give a notice under regulation 5 in consequence of any change to the information contained in—
 - (i) a notice under this regulation; or
 - (ii) a notice under regulation 5 which was given in consequence of a change to the information contained in a notice under this regulation.”.

Regulation 4A of the 2003 Regulations

4. After regulation 4 of the 2003 Regulations, insert—

“Notices – further provision

4A.—(1) This regulation applies where a members’ code (including a revised or re-issued code) has effect as from a date later than 31st March 2014.

(2) Each member to whom a code referred to in paragraph (1) applies shall give to the standards officer a notice of interests.

(3) A notice under paragraph (2) shall be given by the later of—

- (a) one month after the date of the member’s appointment; or
- (b) one month after the date as from which the members’ code has effect.

(4) A notice under paragraph (2) shall state—

- (a) the name of the member;
- (b) for each category listed in the first column of Table C in the Schedule to these Regulations—
 - (i) where the member has a registerable interest, information of the kind described in the members’ code as set out in the second column of that Table; or
 - (ii) that the member does not have a registerable interest.”.

Regulation 5 of the 2003 Regulations

5. In regulation 5 of the 2003 Regulations (further notices)—

- (a) in paragraph (1), after “regulation 4” insert “, regulation 4A”; and
- (b) in paragraph (2)(b), at the end insert “or regulation 4A(4) (as the case may be)”.

Regulation 6 of the 2003 Regulations

6. In regulation 6 of the 2003 Regulations (recording the information), in paragraph (1) after “4” insert “, 4A”.

Schedule to the 2003 Regulations

7. In the Schedule to the 2003 Regulations, after Table B insert—

“Table C

MEMBERS’ INTERESTS – CODE HAVING EFFECT AFTER 31st MARCH 2014

<i>Column 1</i>	<i>Column 2</i>
<i>Registerable interest</i>	<i>Description of interest</i>
Remuneration	<p>A description of—</p> <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	<p>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.</p>
Contracts	<p>A description of the nature and duration, but not the price of, a contract which is not fully implemented where—</p> <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 or services.
Houses, land and buildings	<p>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.</p>

<i>Column 1</i> <i>Registerable interest</i>	<i>Column 2</i> <i>Description of interest</i>
Interest in shares	<p>A description, but not the value, of shares in a company or other body where—</p> <ul style="list-style-type: none"> (a) the responsible person’s interest in the shares may be significant to, of relevance to, or bear upon, the work or operation of the devolved public body; and (b) the nominal value of the shares is greater than— <ul style="list-style-type: none"> (i) 1% of the issued share capital of the company or other body; or (ii) £25,000.
Gifts and hospitality	<p>A description of any gifts or hospitality received, except—</p> <ul style="list-style-type: none"> (a) isolated gifts of a trivial character, the value of which must not exceed £50; (b) normal hospitality associated with the responsible person’s duties and which would reasonably be regarded as appropriate; or (c) gifts received on behalf of the devolved public body.
Non-financial interests	<p>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—</p> <ul style="list-style-type: none"> (a) other public bodies; (b) clubs, societies and organisations; (c) trade unions; and (d) voluntary organisations.”

St Andrew’s House,
Edinburgh
25th February 2014

JOHN SWINNEY
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 (“the 2003 Regulations”), following upon the approval by the Scottish Parliament on 4th December 2013 of a new model code of conduct for members of public bodies. This model code was laid before the Parliament by the Scottish Ministers under section 2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the 2000 Act”) and was issued on 3rd February 2014. The issuing of the new model code will lead to fresh codes being issued in relation to the conduct of members of each devolved public body listed in schedule 3 to the 2000 Act. These codes will be in line with the terms of the new model code.

The provisions in the new model code dealing with the registration of members’ interests are different in certain respects from the equivalent provisions in the previous model code. These Regulations therefore amend the 2003 Regulations so that, once a revised code applicable to the members of a devolved public body is in effect, the notices required to be given by those members will reflect the relevant new provisions concerning registration of interests.

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Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.

£4.00

S201402263 03/2014 19585

<http://www.legislation.gov.uk/id/ssi/2014/50>

ISBN 978-0-11-102275-7



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