
STATUTORY INSTRUMENTS

1999 No. 1745

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scottish Parliament (Assistance for
Registered Political Parties) Order 1999**

Made - - - - 22nd June 1999
Coming into force - - 1st July 1999

Whereas a draft of this Order has been laid before and approved by resolution of each House of Parliament⁽¹⁾

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 97 and 113 of the Scotland Act⁽²⁾ and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scottish Parliament (Assistance for Registered Political Parties) Order 1999 and shall come into force on 1st July 1999.

(2) In this Order—

“the Act” means the Scotland Act 1998;

“general election” means an ordinary or extraordinary general election for membership of the Parliament held under section 2 or section 3 of the Act; and

“qualifying party” means a registered political party with which any member of the Parliament is connected.

(3) For the purposes of this Order and section 97 of the Act, a registered political party and a member of the Parliament are to be regarded at any time as connected if the member of the Parliament—

(a) was returned at the previous general election after contesting it as a candidate (whether for return as a constituency member or as a regional member) of that party;

(1) Article 6 of the Scotland Act 1998 (Transitional and Transitory Provisions)(Subordinate Legislation under the Act) Order 1998 (S.I.1998/3216) modified the procedure to which this Order is subject.

(2) 1998 c. 46

- (b) was returned since that general election at an election held under section 9 of the Act (constituency vacancies) after contesting it as a candidate of that party; or
- (c) was included in the regional list for any region submitted by that party for that general election and as such became a member of the Parliament since that general election by virtue of a notification under section 10 of the Act (regional vacancies).

(4) In this Order, unless the context requires otherwise, references to a period are to any of the periods mentioned in paragraphs (3) to (5) of article 2 as read with article 5.

(5) Unless the context requires otherwise, any reference in this Order to a numbered article is to the article bearing that number in this Order and any reference in an article of this Order to a numbered paragraph is to the paragraph bearing that number in that article.

Financial assistance for qualifying parties

2.—(1) The Parliamentary corporation shall make payments, in accordance with this Order, to a qualifying party in respect of any expenses incurred by that party, on or after 1st July 1999, for the purpose of assisting any of the members of the Parliament who are connected with that party to perform their Parliamentary duties.

(2) Subject to article 3(3), the total amount of payments that may be made under this Order to any qualifying party in any period shall not exceed the relevant amount for that period multiplied by the number of members of the Parliament who are connected with that party at the beginning of that period.

(3) For the period beginning with 1st July 1999 and ending with 31st March 2000 the relevant amount shall be the sum of £5,000.

(4) For the period of one year beginning with 1st April 2000 the relevant amount shall be the sum of £5,000 but increased by the appropriate percentage for that period and if the resulting amount is not a whole number of pounds and pence it shall be rounded to the nearest penny.

(5) For any subsequent period of one year beginning with 1st April the relevant amount shall be the relevant amount for the previous period increased by the appropriate percentage for that subsequent period and if the resulting amount is not a whole number of pounds and pence it shall be rounded to the nearest penny.

(6) The appropriate percentage for any period is the percentage by which the retail prices index for the month of March immediately preceding that period has increased compared with the retail prices index for the previous March.

(7) The references in paragraph (6) to the retail prices index are references to the general index of retail prices (for all items) published by the Office for National Statistics; and if that index is not published for a month which is relevant for the purposes of this article the references in that paragraph shall be construed as references to any substituted index or index figure published by that Office.

Parties connected with members of the Scottish Executive etc.

3.—(1) For the purposes of section 97(2) of the Act (which provides that no payment may be made in pursuance of this Order to a party if any of the members of the Parliament who are connected with it are also members of the Scottish Executive or junior Scottish Ministers), the fact that any members of the Parliament who are connected with a registered political party are also members of the Scottish Executive or junior Scottish Ministers shall, in the case of that party, be disregarded in the circumstances specified in paragraph (2).

(2) Those circumstances are that the total number of members of the Parliament connected with that party who are also members of the Scottish Executive or junior Scottish Ministers does not exceed one fifth of the total number of members of the Scottish Executive and junior Scottish Ministers.

(3) For the purposes of determining under article 2(2) the total amount of payments that may be made to a qualifying party in any period, the number of members of the Parliament who are connected with that party at the beginning of that period shall be reduced by the number of such members who are also at that time members of the Scottish Executive or junior Scottish Ministers.

Claims and payment of financial assistance

4.—(1) A payment shall be made by the Parliamentary corporation under this Order to a qualifying party only where a claim for payment under this Order has been made by that party to the Clerk of the Parliament.

(2) At the beginning of each period, the Parliamentary corporation shall determine, in accordance with article 2(2) as read with article 3(3), what is the total amount of payments that may be made to a qualifying party in that period and shall not make any payment in that period which would result in that total being exceeded.

(3) A claim for payment under this Order shall include—

- (a) a statement of the facts on which the claim is based;
- (b) a certificate that the expenses in respect of which the payment is claimed have been incurred by the party exclusively for the purpose of assisting members of the Parliament who are connected with the party to perform their Parliamentary duties.

(4) As soon as practicable after each 31st March following the coming into force of this Order, a registered political party to whom payments are made under this Order shall furnish the Clerk of the Parliament with the certificate of an independent professional auditor to the effect that all expenses in respect of which the party claimed payments under this Order during the period ending with that day were incurred as mentioned in paragraph (3)(b).

Supplementary provision

5.—(1) In the case of any year in which there is a general election (other than the first ordinary general election) for membership of the Parliament—

- (a) the part of that year ending immediately before the completion of the appointment of the members of the Scottish Executive and junior Scottish Ministers following that election; and
- (b) the part of that year beginning with that date,

shall be treated for the purposes of article 2 of this Order as separate periods.

(2) In relation to any such separate period, the relevant amount for that period shall be a proportionate part (rounded to the nearest penny) of the relevant amount for the year in question.

(3) In relation to any such separate period ending as mentioned in paragraph (1)(a), article 4(4) shall have effect as if the reference to 31st March were a reference to the day immediately before the day on which the period ends.

(4) In the event of a general election before 1st April 2000, the period mentioned in article 2(3) shall be treated as a year for the purposes of this article.

(5) In this article “year” means a year beginning with 1st April.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the Scottish Parliamentary Corporate Body (SPCB), established by section 21 of the Scotland Act 1998 (“the Act”), to make payments (“financial assistance”) in accordance with the Order to qualifying parties for the purpose of assisting members of the Scottish Parliament (MSPs) connected with those parties to perform their Parliamentary duties. Qualifying parties are registered political parties with whom an MSP is connected (article 1(2)).

The Order provides that, for the purposes of section 97 of the Act (under which the Order is made) and of the Order an MSP and a registered political party are to be regarded as connected if the MSP was returned at the previous general election, or at a subsequent election to fill a constituency vacancy, after contesting it as a candidate for that party or was included in the party’s regional list for that general election and as such was returned to fill a subsequent regional vacancy (article 1(3)).

The Order fixes the maximum amount that may be paid to any qualifying party in any period by reference to the number of MSPs connected with that party multiplied by a fixed amount and provides for that amount to be increased annually in line with increases in the retail prices index (article 2).

The Order also provides that the fact that any MSPs who are connected with a qualifying party are also members of the Scottish Executive (MSEs) or junior Scottish Ministers (JSMs) is to be disregarded for the purposes of section 97(2) of the Act (which would otherwise prevent payments being made in such cases) if the number of such MSPs connected with that party who are also MSEs or JSMs is not more than one fifth of the total number of MSEs and JSMs. The Order also provides that in calculating the total amount payable to such parties under the Order any MSPs connected with that party who are also MSEs or JSMs are to be disregarded (article 3).

The remaining provisions of the order are supplementary.