



# Interests of Members of the Scottish Parliament Act 2006

2006 asp 12

## *Sanctions*

### **15 Preventing or restricting participation in proceedings of the Parliament**

(1) If a member—

- (a) has, or had, a registrable interest in any matter and has failed to register it in accordance with section 3, 5 or 6; or
- (b) has a declarable interest in any matter and has failed to declare that interest in accordance with section 13,

the Parliament may, in such manner as it considers appropriate in the particular case, prevent or restrict that member from participating in any proceedings of the Parliament relating to that matter.

(2) For the purposes of subsection (1)(a), a member has failed to register a registrable interest in the register if—

- (a) that member has not lodged with the Clerk a written statement as required by section 3, 5 or 6, as the case may be; or
- (b) after having lodged such a statement with the Clerk, the member has lodged with the Clerk a written notice under section 8 indicating that the interest is a ceased interest when it is not.

#### **Commencement Information**

- II** This provision comes into force in accordance with s. 21(4)

### **16 Exclusion from proceedings of the Parliament**

Where a member fails to comply with, or contravenes, [F1section 3, 5, 6, 8A(4) and (5), 13 or 14 or a measure taken by the Parliament under section 15], the Parliament may, in such manner as it may determine, exclude that member from proceedings in the Parliament for such period as it may consider appropriate.

*Status: Point in time view as at 05/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Cross Heading: Sanctions. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 16 substituted (5.5.2016) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#), ss. 10, 16(3)

#### Commencement Information

- I2** This provision comes into force in accordance with s. 21(4)

### [<sup>F2</sup>17 Offences

- (1) Any member who—
  - (a) takes part in any proceedings of the Parliament without having complied with, or in contravention of, section 3, 5, 6, 8A(4) and (5) or 13 or a measure taken by the Parliament under section 15 or 16; or
  - (b) contravenes section 14,
 is guilty of an offence.
- (2) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

#### Textual Amendments

- F2** S. 17 substituted (5.5.2016) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#), ss. 11, 16(3)

### [<sup>F3</sup>17A Other sanctions

- (1) If a member fails to comply with, or contravenes, section 3, 5, 6, 8A(4) and (5), 13 or 14 or a measure taken by the Parliament under section 15 or 16, the Parliament may, by resolution, do one or more of the following—
  - (a) exclude the member, for such period as the Parliament determines, from the premises of the Parliament or such part of them as it determines;
  - (b) withdraw, for such period as the Parliament determines, the member's right to use the facilities and services provided for members by the Parliamentary corporation or such of them as the Parliament determines;
  - (c) censure the member.
- (2) Where a member is to be excluded from proceedings in the Parliament under section 16 or from the premises of the Parliament (or a part of them) under subsection (1)(a), the Parliament may also, by resolution, disallow payment of—
  - (a) the salary that would otherwise be payable to the member in respect of such period (not exceeding the duration of the exclusion) as it determines;
  - (b) the allowances that would otherwise be payable to the member in respect of such period (not exceeding the duration of the exclusion) as it determines; or
  - (c) both.
- (3) In this section—
  - (a) “premises” includes places to which the public has access;

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- (b) “salary of the member” means the salary payable to the member by virtue of section 81(1) of the 1998 Act (including any salary payable because of section 83(4) of that Act (membership during dissolution));
- (c) the references to a period not exceeding the duration of an exclusion are, where there are two exclusions of different lengths, references to the longer one.]

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**Textual Amendments**

**F3** S. 17A inserted (5.5.2016) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016](#) (asp 4), **ss. 12, 16(3)** (with s. 18)

**Status:**

Point in time view as at 05/05/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Cross Heading: Sanctions.