

Status: Point in time view as at 23/03/2011.

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

SCHEDULE

(introduced by section 2(2))

REGISTRABLE FINANCIAL INTERESTS

Registrable financial interests

- 1 A member has, or had, a registrable financial interest in the circumstances set out in the following paragraphs.

Commencement Information

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

Remuneration [F1 and related undertaking]

Textual Amendments

- F1 Words in Sch. para. 2 cross-heading inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 1(1)

- 2 [F2(A1) Where the circumstances are as described in sub-paragraph (1) or (1A).]

- (1) Where a member receives, or has received, remuneration by virtue of—

- (a) being employed;
- (b) being self-employed;
- (c) being the holder of an office;
- (d) being a director of an undertaking;
- (e) being a partner in a firm; or
- (f) undertaking a trade, profession or vocation ^{F3}....

- [F4(1A) Where a member is, or was—

- (a) a director in a related undertaking; or
- (b) a partner in a firm,
but does, or did, not receive remuneration by virtue of being such a director or partner.]

- (2) A member does not fall within sub-paragraph (1) solely by virtue of being, or of having been, a member, a member of the Scottish Executive or a junior Scottish Minister or holding or having held the office of Presiding Officer, deputy Presiding Officer or member of the Parliamentary corporation [F5 or of Convener, deputy Convener or member of a Committee of the Parliament].

- [F6(3) Sub-paragraph (1) does not apply where the remuneration received from a person on a single, or on more than one, occasion during the current parliamentary session consists solely of expenses unless those expenses amount, or amount in aggregate, to more than the specified limit.

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(4) The exception in sub-paragraph (3) applies even although the remuneration received from that person on another occasion, or on other occasions, during that session does not consist solely of expenses.

(5) In this paragraph—

“current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned;

“a related undertaking” is a parent or subsidiary undertaking of an undertaking of which the member is a director and receives remuneration as a director as mentioned in sub-paragraph (1)(d); and

“specified limit” means 1% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.]

Textual Amendments

- F2** Sch. para. 2(A1) inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 1(3)
- F3** Words in Sch. para. 2(1)(f) deleted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 1(4)
- F4** Sch. para. 2(1A) inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 1(5)
- F5** Words in Sch. para. 2(2) inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 1(6)
- F6** Sch. para. 2(3)-(5) inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 1(7)

Commencement Information

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

Related undertaking

F73

Textual Amendments

- F7** Sch. para. 3 deleted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 2

Election expenses

F84

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Textual Amendments

- F8** Sch. para. 4 deleted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 2

Sponsorship

F95

Textual Amendments

- F9** Sch. para. 5 deleted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 2

Gifts

- 6 (1) Where a member or a company in which the member has a controlling interest or a partnership of which the member is a partner, receives, or has received, a gift of heritable or moveable property or a gift of a benefit in kind and—
- [^{F10}(a)]** in the case where the gift was received from a person on a single occasion, the value of that gift, at the date on which it was received, exceeds the specified limit; or
 - (b)** in the case where gifts were received from that person on more than one occasion during the current parliamentary session, the aggregate value of those gifts, at the dates on which they were received, exceeds the specified limit and, in either case,
 - (c)** that gift or those gifts meet] the prejudice test.
- (2) Sub-paragraph (1) does not apply to
- [^{F11}(a)]** the costs of travel and subsistence in connection with the member's attendance at a conference or meeting where those costs are borne in whole or in part by—
 - [^{F12}(i)]** the organiser of that conference; or
 - [^{F13}(ii)]** one of the other parties attending that meeting,
- as the case may be^[^{F14}];
- (b)** any support (of any kind) provided by the services of a volunteer which are provided in that volunteer's own time and free of charge; or
 - (c)** a donation (of any kind) which is intended by the donor to be used for the purpose of meeting—
 - (i)** any campaign expenditure incurred in connection with the member's campaign for election to a party office;
 - (ii)** the election expenses of the member in relation to the election at which that member was returned as a member of the Scottish Parliament; or
 - (iii)** the election expenses of the member in relation to any UK parliamentary election at which that member stands as a candidate,]

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but this exemption ceases to apply if the donation is not used for its intended purpose by the expiry of the 35th day after the election result is declared.

(3) For the purposes of ^{F15}this paragraph—

“candidate” has the same meaning as in section 118A, as read with section 90ZA(5) of the Representation of the People Act 1983 (c.1) ;

“campaign expenditure” includes expenditure incurred, whether before or after the member’s candidacy for election to the party office is announced or after the date on which the result of that election is declared, which can reasonably be described as being for the purposes of that campaign;]

“controlling interest” means, in relation to a company, shares carrying in the aggregate more than half of the voting rights exercisable at general meetings of the company^{F16};

“current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned;

“election expenses”, in relation to a member, has the same meaning for the purposes of—

(i) sub-paragraph (2)(c) (ii) as “election expenses” has in relation to a candidate in the order under section 12 of the 1998 Act which is in force for the purposes of the election at which the member was returned; and

(ii) sub-paragraph (2)(c)(iii) as “election expenses” has in section 90ZA of the Representation of the People Act 1983 (c.1) ;

“party office” means an office in a registered political party with which that member is connected;

“registered political party” means a political party registered under Part II of the Political Parties, Elections and Referendums Act 2000 (c.41) and a member is “connected with” a registered political party if the member was returned at the election after contesting it as a candidate (whether for return as a constituency member or as a regional member) of that party; and

“specified limit” means 1% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.]

Textual Amendments

- F10** Words in Sch. para. 6(1) substituted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 3(2)
- F11** Words in Sch. para. 6(2) renumbered as Sch. para. 6(2)(a) (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 3(3)(a)
- F12** Sch. para. 6(2)(a) renumbered as Sch. para. 6(2)(a)(i) (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 3(3)(b)
- F13** Sch. para. 6(2)(b) renumbered as Sch. para. 6(2)(a)(ii) (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 3(3)(c)

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- F14** Sch. para. 6(2)(b)(c) inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 3(3)(d)
- F15** Words in Sch. para. 6(3) substituted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 3(4)(a)
- F16** Words in Sch. para. 6(3) substituted for full stop (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#), Annex para. 3(4)(b)

Commencement Information

- I3** This provision comes into force in accordance with s. 21(4)

Overseas visits

- 7 (1) Where a member makes, or has made, a visit outside the United Kingdom and that visit meets the prejudice test.
- (2) Sub-paragraph (1) does not apply to a visit, the travel and other costs of which—
- (a) are wholly met—
 - (i) by the member;
 - (ii) by the member's spouse, civil partner or cohabitant;
 - (iii) by the member's mother, father, son or daughter;
 - (iv) by the Parliamentary corporation; or
 - (v) out of the Scottish Consolidated Fund; or
 - (b) were approved prior to the visit by the Parliamentary corporation.

Commencement Information

- I4** This provision comes into force in accordance with s. 21(4)

Heritable property

- 8 (1) Where a member owns or holds, or has owned or held, any heritable property and sub-paragraph (2) applies.
- (2) This sub-paragraph applies where either—
- (a) the market value of the heritable property, at the relevant date, exceeds [^{F17}the specified limit]; or
 - [^{F18}(b) any income is received from the heritable property during the twelve months prior to the relevant date.]
- (3) Sub-paragraph (1) applies to heritable property which a member owns or holds, or has owned or held—
- (a) solely in [^{F19}the member's] name;
 - (b) jointly with any other person or body; or
 - (c) as a trustee, whether or not jointly with other trustees, where the member has an interest as a beneficiary of the trust.

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- (4) Sub-paragraph (1) does not apply to heritable property—
- (a) which is used as a residential home by the member or the member's spouse, civil partner or cohabitant;
 - (b) which was used as a residential home by the member or the member's spouse, civil partner or cohabitant but which, for a period of not more than 12 months, is or was unoccupied and for sale; or
 - (c) which forms part of the assets of a partnership and any income from that partnership is, or forms part of, the remuneration registered under paragraph 2 of this schedule.
- (5) Where a member has ceased to own or hold any heritable property before the date on which the member was returned as a member, the relevant date is the date when the heritable property ceased to be so owned or held.
- (6) Where a member owned or held any heritable property at the date on which the member was returned as a member, the relevant date is—
- (a) that date; and
 - (b) the 5th April immediately following that date and in each succeeding year, where the heritable property continues to be so owned or held on that 5th April.
- (7) Where a member becomes the owner of or acquires any heritable property after the date on which that member was returned as a member, the relevant date is—
- (a) the date on which the member became the owner of or acquired that heritable property; and
 - (b) the 5th April immediately following that date and in each succeeding year, where the heritable property continues to be so owned or held on that 5th April.
- [^{F20}(8) In this paragraph—
- “current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned; and
 - “specified limit” means 50% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.]

Textual Amendments

- F17** Words in Sch. para. 8(2)(a) substituted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 4(2)
- F18** Sch. para. 8(2)(b) substituted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 4(3)
- F19** Words in Sch. para. 8(3)(a) substituted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 4(4)
- F20** Sch. para. 8(8) inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 4(5)

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Commencement Information

- I5** Sch. para. 8(2)(b) in force for specified purposes at 14.7.2006, see s. 21(3); Sch. para. 8 otherwise comes into force in accordance with s. 21(4)

Interest in shares

- 9 (1) Where a member has, or had, an interest in shares, whether that interest is, or was, held by the member or by a relevant person, and sub-paragraph (2) applies.
- (2) This sub-paragraph applies where either—
- (a) the nominal value of the shares at the relevant date is, or was, greater than 1% of the total nominal value of the issued share capital of the company or other body; or
 - (b) the market value of the shares at the relevant date exceeds, or exceeded, [^{F21}the specified limit].
- (3) Sub-paragraph (1) applies ^{F22} ... to an interest in shares, whether that interest is, or was, held by a member (or a relevant person)—
- (a) solely in [^{F23}the name of the member (or relevant person)];
 - (b) jointly with any other person or body; or
 - (c) as a trustee, whether or not jointly with other trustees where the member has an interest as a beneficiary of the trust.
- (4) Sub-paragraph (1) does not apply to an interest in shares which forms part of the assets of a partnership and any income from that partnership is, or forms part of, remuneration registered under paragraph 2 of this schedule.
- (5) Where a member has ceased to have an interest in shares before the date on which the member was returned as a member, the relevant date is the date when the interest in such shares ceased to be so held.
- (6) Where a member had an interest in shares at the date on which the member was returned as a member, the relevant date is—
- (a) that date; and
 - (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.
- (7) Where a member acquires an interest in shares after the date on which the member was returned as a member, the relevant date is—
- (a) the date on which the interest in shares was acquired; and
 - (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.
- (8) In this paragraph—
- [^{F24}“current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned;]
- ^{F25} ... an “interest in shares ” means an interest in shares comprised in the share capital of a company or other body; ^{F25} ...
- “relevant person ” is a person who is subject to the control or direction of a member in respect of an interest in shares [^{F26};

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“specified limit” means 50% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.]

Textual Amendments

- F21** Words in Sch. para. 9(2)(b) substituted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 5(2)
- F22** Word in Sch. para. 9(3) deleted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 5(3)
- F23** Words in Sch. para. 9(3)(a) substituted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 5(4)
- F24** Words in Sch. para. 9(8) inserted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 5(5)(a)
- F25** Words in Sch. para. 9(8) deleted (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 5(5)(b)
- F26** Words in Sch. para. 9(8) substituted for full stop (23.3.2011 being the day after the date of the first dissolution of the Scottish Parliament following the making of this S.S.I.) by virtue of [Interests of Members of the Scottish Parliament Act 2006 \(Modifications to the Schedule\) Resolution 2011 \(S.S.I. 2011/40\)](#) , Annex para. 5(5)(c)

Commencement Information

- I6** This provision comes into force in accordance with s. 21(4)

Modification

- 10 (1) The Parliament may, by resolution, make any modifications of this schedule which the Parliament considers necessary or expedient.
- (2) Immediately after any such resolution is passed, the Clerk shall send a copy of it to the Queen's Printer for Scotland; and Articles 5, 7(1), 8 and 9 of the Scotland Act 1998 (Transitional and Transitory Provisions) (Statutory Instruments) Order 1999 (SI 1999/1096) shall apply to it as if it were a Scottish statutory instrument

Commencement Information

- I7** This provision comes into force in accordance with s. 21(4)

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