



Interests of Members of the Scottish Parliament Act 2006

2006 asp 12

Supplementary

19 Interpretation

(1) In this Act—

“the 1985 Act” means the Companies Act 1985 (c. 6);

“the 1998 Act” means the Scotland Act 1998 (c. 46);

“the 1999 Order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999 (S.I.1999/1350);

“ceased interest” shall be construed in accordance with section 8(1);

“civil partner” in relation to a member does not include a former civil partner or a civil partner who is living separately and apart from the member where the separation is likely to be permanent;

“the Clerk” means the Clerk of the Parliament;

“cohabitant” means either member of a couple consisting of—

(a) a man and a woman who are living together as if they were husband and wife; or

(b) two persons of the same sex who are living together as if they were civil partners;

“company” means a company within the meaning of the 1985 Act;

“declarable interest” shall be construed in accordance with section 12(1);

“declarable financial interest” shall be construed in accordance with section 12(2);

“financial interest” includes benefits in kind;

“heritable property” includes any right or interest in heritable property whether in Scotland or elsewhere;

“member” means a member of the Scottish Parliament and, subject to section 18, includes a Scottish Law Officer where that officer is not a member of the Parliament;

“member’s salary” means the gross annual salary of a member as a member;

“old entries” shall be construed in accordance with section 10(3);

Status: This is the original version (as it was originally enacted).

“parent undertaking” has the same meaning as in section 258 of the 1985 Act;
“parliamentary session” means the period from the date of the first meeting of the Parliament following a general election until the Parliament is dissolved;
“prejudice test” shall be construed in accordance with section 3(2);
“the register” means the Register of Interests of Members of the Scottish Parliament established under section 1(1) and associated words shall be construed accordingly;
“registrable interest” shall be construed in accordance with section 2(1);
“registrable financial interest” shall be construed in accordance with section 2(2) and the schedule;
“remuneration” includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind;
“Scottish Law Officer” means the Lord Advocate or the Solicitor General for Scotland;
“shares” includes stock;
“spouse” in relation to a member does not include a former spouse or a spouse who is living separately and apart from the member where the separation is likely to be permanent;
“subsidiary undertaking” has the same meaning as in section 258 of the 1985 Act; and
“undertaking”, except in paragraph 2(f) of the schedule, has the same meaning as in section 259 of the 1985 Act.

- (2) Any reference in this Act to—
- (a) an interest meeting the prejudice test shall be construed in accordance with section 3(2); or
 - (b) lodging a written statement with the Clerk shall be construed in accordance with section 4.
- (3) For the purposes of this Act, a member has registered an interest in the register if—
- (a) that member has lodged with the Clerk a written statement in accordance with section 3, 5, 6 or 7, irrespective of whether or not the Clerk has registered that statement; and
 - (b) that member has not lodged with the Clerk a written notice under section 8 indicating that the interest is a ceased interest,

and any reference in this Act to an interest being registered shall be construed accordingly.