



Interests of Members of the Scottish Parliament (Amendment) Act 2016

2016 asp 4

Sanctions

9 Prohibition of paid advocacy

In section 14 (prohibition of paid advocacy etc.)—

- (a) in subsection (2)(b), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) which the member receives, agrees to receive or requests and which falls within subsection (2A); or
 - (ii) which the member's spouse, civil partner or cohabitant receives, agrees to receive or requests and which falls within subsection (2B).
- (2A) A payment or benefit in kind falls within this subsection if, after taking account of all the circumstances, it may reasonably be considered that the payment or benefit results (or, if and when made or given, would result) in some benefit to the member, other than a vote for that member in any election to the Parliament.
- (2B) A payment or benefit in kind falls within this subsection if, after taking account of all the circumstances, it may reasonably be considered that the payment or benefit—
- (a) is being provided (or, if and when made or given, would be provided) in connection with the Parliamentary duties of the member; and
 - (b) results (or, if and when made or given, would result) in some benefit to that member.”,
- (b) in subsection (3) after “receiving” there is inserted “, agreeing to receive or requesting”.

Changes to legislation: There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament (Amendment) Act 2016, Cross Heading: Sanctions. (See end of Document for details)

10 Exclusion from Parliamentary proceedings

In section 16 (exclusion from proceedings of the Parliament), for the words from “any” to “15” there is substituted “ section 3, 5, 6, 8A(4) and (5), 13 or 14 or a measure taken by the Parliament under section 15 ”.

11 Offences

For section 17 (offences) there is substituted—

“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.”.

12 Other sanctions

After section 17 there is inserted—

“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.

Changes to legislation: *There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament (Amendment) Act 2016, Cross Heading: Sanctions. (See end of Document for details)*

(3) In this section—

- (a) “premises” includes places to which the public has access;
- (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.”.

Changes to legislation:

There are currently no known outstanding effects for the *Interests of Members of the Scottish Parliament (Amendment) Act 2016*, Cross Heading: Sanctions.