

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT (AMENDMENT) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 12 – Other sanctions

48. **Section 12** of the Act inserts a new section 17A into the Interests Act. This section sets out other sanctions available to the Parliament to impose on members who fail to comply with or contravene the provisions of the Interests Act mentioned at new section 17A(1) (section 3, 5, 6, 8A(4) and (5), 13 or 14 or a measure taken by the Parliament under section 15 or 16 of the Interests Act). Where there is such a contravention or failure to comply, section 17A(1) enables the Parliament, by resolution, to: exclude a member from the premises of the Parliament or such part of them as it determines and for such period as it determines; withdraw the member's right to use parliamentary facilities and services or such of them as the Parliament determines; censure a member.
49. Section 17A(2) makes additional sanctions available to the Parliament where a member is to be excluded from proceedings in the Parliament under section 16 of the Interests Act or excluded from some or all of the premises under section 17A(1). In such cases, the Parliament may also, by resolution, disallow payment of salary or allowances (or both) to a member in respect of such period (not exceeding the duration of the exclusion) as the Parliament determines.
50. The sanctions set out at section 17A draw on some of the measures currently available to the Parliament (e.g. exclusion from the proceedings and the wider premises of the Parliament, withdrawal of salary and allowances, withdrawal of access to parliamentary facilities) where it withdraws a member's rights and privileges under Rule 1.7 of the Standing Orders, e.g. in relation to Code of Conduct breaches. Specifying these sanctions at section 17A for the purposes of Interests Act breaches is consistent with section 39(8) of the Scotland Act 1998 which envisages legislative provision being made by or under an Act of the Scottish Parliament.