

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

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 9 – Prohibition of paid advocacy***

41. Section 14 of the Interests Act prohibits paid advocacy (i.e. advocating or initiating any cause or matter on behalf of any person or urging any other member to do so) in consideration of any payment or benefit in kind. This includes any payment or benefit in kind which the member's spouse, civil partner or cohabitant receives in connection with the Parliamentary duties of the member and which results in some benefit to the member. Paid advocacy is a criminal offence.
42. **Section 9** of the Act extends the offence of paid advocacy so that it applies not just where the member (or their spouse, civil partner or cohabitant) receives a payment or benefit in kind, but also where they agree to receive a payment or benefit in kind (regardless of whether payment is ultimately received). The Act was amended at Stage 2 to extend the offence further to ensure that it covers a member or their spouse, civil partner or cohabitant requesting an inducement for the member to carry out advocacy.